

APPROVED

**BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY COMMITTEE
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
MONDAY, JUNE 8, 2009 – 3:30 P.M.**

<u>BID COMMITTEE MEMBERS</u>	<u>ATTENDANCE</u>	10/08 – 9/09	
		<u>PRESENT</u>	<u>ABSENT</u>
Amaury Piedra, Chair	P	7	2
Carlos Molinet, Vice Chair	P	7	2
Ina Lee	P	9	0
Andreas Ioannou	P	8	1
Ramola Motwani	P	4	5
Gabriel Rodriguez	P	7	2
Joseph Geluso	P	7	2
Jim Oliver	P	9	0
Jon McGaunn	A	4	1

At this time, there are 9 appointed members to the Board, which means 5 would constitute a quorum.

Staff

Stephen Scott, Economic Development Director
Don Morris, Beach CRA Director
Earl Prizlee, Engineering Design Manager, CRA
Eileen Furedi, Economic Development Representative
Jennifer Picinich, Recording Secretary, Prototype, Inc.

Communications to City Commission

None at this time.

I. Call to Order / Roll Call

Chair Piedra called the meeting to order at 3:33 p.m. Roll was called and it was determined a quorum was present.

II. Approval of Minutes: May 11, 2009

Ms. Lee noted the following corrections to the May 11, 2009 minutes:

- Page 3, paragraph 2: remove “regarding price” from the end of the first sentence;

- Page 4, paragraph 3: remove “fill rates” from first sentence; also change “room” to “rooms.”

Motion made by Vice Chair Molinet, seconded by Mr. Oliver, to approve the minutes of the June 8, 2009 meeting as corrected. In a voice vote, the **motion** carried unanimously.

The following Item was taken out of order on the Agenda.

IV. Turtle Light Update

Mr. Prizlee provided an update for the Committee regarding the turtle lighting issue. He recalled that the lights currently in use are non-compliant, and stated that the project addresses the City-owned lights on the east side of A1A from Sunrise Boulevard/9th Street to the South Beach Project. Lighting in the Beach CRA District, he pointed out, may use CRA funds; the rest of the funding must come from elsewhere.

The cost of the program’s first phase is estimated at \$4.8 million, which includes the cost of full replacement of conduits; if existing conduits may be used, this would lower the price. The City also has a \$3.2 million grant from the Department of Transportation to assist the project.

Currently, the lighting consists of cast-iron poles, installed roughly 15 years ago. Due to environmental stresses, these fixtures have reached “the end of [their] design life.” Bags are placed over these lights during turtle season, and light must not be visible anywhere on the beach.

Mr. Prizlee showed a picture of the light fixtures in front of the South Beach Project, which are on concrete poles. While these are in better condition than the fixtures on cast-iron poles, he pointed out that they are also non-compliant.

After working with Fish and Wildlife, a light fixture was developed that prevents light from being visible on the beach or on the sand, and uses internal optics and louvers. The light is thrown toward the sidewalk or roadway. These lights could be placed in the same locations as the existing foundations and wiring, which would prevent further “tearing up” of the beach. Mr. Prizlee confirmed that these fixtures are “custom-made.”

Mr. Morris pointed out that Mr. Prizlee is the designer of this prototype, which has also been approved for use in Delray Beach and Riviera Beach.

Mr. Ioannou asked if lighting may be turned toward the beach when it is not turtle season. Mr. Prizlee explained that the idea behind this fixture was to have a system that could be on year-round, rather than only during turtle season.

Turning the lights toward the beach during the off-season would require a separate design, which Mr. Prizlee felt could be "talked about," although it had not been previously considered. He noted that the louvers would have to be manually changed, and there are over 110 poles involved in the project.

He stated that the two criteria for turtle lighting are that the light must not show on the sand, and the light source must not be visible from the beach itself. This is to prevent turtles from being confused and moving toward the roadway, as they can mistake artificial lights for moonlight.

He showed a rendering of the proposed system, which will be mounted on concrete poles, as they can resist the salt environment and can re-use the existing foundations. The electricity is currently at 480 volts; however, a change in Code now allows a maximum voltage of 277 volts. The wiring must be changed in order to handle this lower voltage.

In addition, a receptacle for holiday lights is provided as part of the new poles. The existing poles have not been used for this purpose, as they are too tall and "past their design life." He pointed out that the iron poles were in need of replacement regardless of the new turtle lighting design, as they have rusted.

Chair Piedra stated that Mr. Prizlee has done a "great job" with the prototype, and asked if he could look into a design that might illuminate the sand outside the turtle season.

Mr. Prizlee advised that completion of the design will probably take another three to four months, after which point he must go to the DOT for further permitting. He will then ask for the project to be added to the City Commission's Agenda. He estimated that it would take six to eight months before the City could begin advertising bids.

Ms. Lee recalled that the City Commission regularly honors a member of Staff at the beginning of each meeting, and felt the Committee should nominate Mr. Prizlee for the contribution of this design. Mr. Scott and Mr. Morris agreed with this proposal.

Ms. Lee asked for the status of the fiber optics, including their warranty and a plan to replace them. Mr. Prizlee replied that while he did not have all the information at hand, the City is evaluating what can be salvaged and what must be replaced. He added that much of the replacement is underway, and most of the lights now work.

Ms. Lee asked when the warranty expires on these lights. Mr. Prizlee believed the warranty expires in 2009, and reiterated that the City is seeking replacement parts.

V. Discussion of Beach Event RFP

Mr. Scott stated that this Item “didn’t go well” when it was brought before the City Commission. Several questions were raised regarding different aspects of the project, such as the nature of the events and how they would operate. The marketing component of the event was “not fully explained” to the City Commission, which also led to more questions. Mr. Scott felt these varied according to each City Commissioner.

When it became clear that the Item would not pass, the Mayor advised that Economic Development representatives discuss the issue with individual City Commissioners and bring the Item back once this was achieved. Mr. Scott asserted that they are trying to better explain the events and the marketing concept, and the relationship between the BID and the overall event.

The Commission Agenda Report that was attached to the Item when it came before the City Commission was “a rather simple statement” of what the events would be, and a mention of the marketing concept; however, it did not provide a great deal of detail. Mr. Scott advised that in addition to meeting with individual City Commissioners, they have also decided to provide “more backup” about the concept, such as the PowerPoint presentation that was presented to the Selection Committee by Wizard Entertainment. As different City Commissioners had different issues with the proposed event, Mr. Scott stated that they are dealing with these issues as they arise.

He felt it is very important, when the Item comes before the City Commission a second time, for as many members of the Committee as possible to be present to support the proposed event. He suggested it would be helpful for the City Commission to understand that this is a “new direction” for the BID, and that the hotels would “like very much” to see it happen. At that point, Mr. Scott felt many of the City Commissioners’ individual questions will have been answered, and they could take comments from the public.

Chair Piedra requested clarification of the City Commission’s specific objections. Mr. Scott explained that they needed more information. He added that if any of his actions contributed in any way to the delay, he was truly sorry.

Mr. Rodriguez asked if any questions referred to Wizard Entertainment’s involvement. Mr. Scott recalled that there were some questions about the scoring process, but none about the company itself.

Mr. Rodriguez also asked if the company’s references were checked, and requested a copy of these. He added for the record that he was uncomfortable with the scoring process, as he did not feel the Selection Committee should

consist of so few people, with only one representative of the BID. He felt the entire Committee should all be involved in the vetting and scoring processes, as they all have a financial interest in the success of the prospective event. He noted that a member of the Parks & Recreation Department had also been represented on the Selection Committee, although they had no “financial stake” in the project; he felt that their input might be needed at some point, but “the scoring should come from this [Committee].”

He concluded by stating that he strongly disagreed with how the scoring process was done.

Chair Piedra commented that the BID must trust its members who participate in Selection Committees to have sufficient expertise to make good recommendations. In addition, he pointed out that he saw presentations from all companies that responded to the RFP, and felt the Selection Committee had “made the right decision.” He noted, however, that he had also expected more than three individuals to make up the Selection Committee.

He asserted that, as more Items appeared on the Agenda, the BID should make sure they “mix it up” and provide all interested Committee members the chance to participate in the selection process for future RFPs.

Chair Piedra continued that the Committee’s goal was to have an impact in the summer of 2009, and he felt they should move forward and “support the selection.” He emphasized that as many BID members as possible should attend the next City Commission meeting, and perhaps draft a statement to show their support of the event.

Mr. Rodriguez asserted he felt the scoring process was unfair because only one of the three individuals on the Selection Committee “has a financial stake” in the event, and he would be “part of the opposition” before the City Commission. He stated he would recommend going through the vetting process again; in addition, it was his understanding that there was a conflict of interest in one of the references provided by the vendor.

Ms. Lee affirmed that there is no conflict of interest, and she had “already checked that out legally.”

Mr. Rodriguez stressed again that he did not feel the scoring system was fair if only one of the three individuals on the Selection Committee had a financial stake in the event.

Mr. Ioannou felt these were valid points, but pointed out that it would be very important for the Committee as a group to present a “unified approach” before the City Commission. He noted that no Committee members were represented in

the selection processes until recently, when they had been represented in selecting the vendor for the event, followed by the beach cleaning vendor.

Mr. Rodriguez felt the scoring system itself made sense, but wished that in the future the Selection Committee did not limit the BID's involvement to "two or three members," but rather any members who wished to participate in the process.

Chair Piedra remarked that the RFP selection process had been entirely new to him, and asked Mr. Scott how the process worked "from a City perspective," and if perhaps more people could be included in future Selection Committees.

Mr. Scott explained that an open invitation to any interested Committee members would not work. He recalled that the Committee had been asked which members they would like to represent them on the Selection Committee, and Chair Piedra and Ms. Lee had been selected; in this case, the BID had received a 2/3 representation on this Committee, which is greater than many other boards received.

Mr. Rodriguez responded that other advisory bodies do not "have as much at stake," as the BID's budget is comprised of funds contributed by business owners. He asked again if there could be "open invitation" to any interested Committee members.

Mr. Scott advised he would need an agreement from the BID that they would like to see a certain number of people on the Selection Committee, although he pointed out that it can be difficult to schedule meetings that can accommodate everyone's schedule. He reiterated that he did not feel an "open invitation" was possible, but perhaps an invitation could be offered to several members, as long as it could be determined that this set number of people would definitely be in attendance.

Mr. Rodriguez agreed that if a member did not show up, it would then be that member's "negligence"; however, Ms. Lee explained that if an individual does not show up, it stops the work of the Selection Committee altogether.

Mr. Rodriguez asserted that he personally would like to be involved, and would like to see a process in which everyone who wishes to be involved may do so.

Vice Chair Molinet pointed out that the Board had done this by asking for volunteers who were interested in participating in the Selection Committee. He added that to "reset the process" and prevent any possible event from taking place in summer 2009 would be a mistake.

He added that both the BID and Beach Redevelopment Board (BRB) Chairs were on the Selection Committee.

Chair Piedra felt that when the opportunity arose again for the Committee to participate in the selection process, they would ask for volunteers, and it is important for all members to have the chance to participate. Mr. Scott added that if at any time Mr. Rodriguez had asked to sit on the Selection Committee, they would have ensured he had that opportunity.

Mr. Rodriguez recalled that one of the City Commission's concerns is that the event would have less of an impact, as performances would be held inside hotels as opposed to outside. Mr. Scott stated that this is being clarified, since the proposed event has street performers that would "activate the street from one end to the other" and connect the different venues with both indoor and outdoor activities. What the event proposes to do is not rely solely on programming provided by the promoter, but ask the hotels to add their own programming to draw people in from the street to hotels, restaurants, and bars they might not have experienced before. The map that would be provided would help move them from place to place.

He concluded that this is the sort of detail he felt the City Commission did not have, and the BID should ensure that they have this knowledge when the Item goes before them again.

Mr. Rodriguez pointed out that he is hearing similar resistance from owners in the Beach Business Improvement District, who are questioning where their money is going in these economic times. He noted that it can be difficult to explain marketing to individuals who are used to dealing with "a tangible item," and suggested that perhaps the City Commission was experiencing a similar problem.

Chair Piedra felt that "business improvement" is the goal of putting on a signature event. In the beginning, when the District was formed, he noted that most of the funds had gone into facilities maintenance; however, now the BID had the responsibility of improving the revenue stream for businesses and ensuring that they saw a return on their money. He felt the BID should strike a "balance between maintenance and marketing," and attempt to increase revenue in the District.

Ms. Motwani expressed concern that perhaps the Mayor and City Commissioners did not receive sufficient backup material. In addition, they had raised the issue of \$20,000 being spent for marketing purposes, and she felt they might need more information on how that money would be used.

Mr. Scott agreed this is a concern, and added that he has prepared a line item budget page, so the City Commissioners can “see where every dollar is proposed to go.”

Ms. Lee stated she is now concerned with timing, as the event “should have been launched a long time ago.” Should it pass the City Commission on Tuesday, she asked how long it might take to go through the contract process. Mr. Scott replied that this process would be rushed as much as possible, and would hopefully take place within “a couple of weeks.”

Ms. Lee asked for a “best-case scenario” regarding when the event could begin: for example, if it is delayed until August, this could create a problem for the Committee, and if it does not take place until September it would make very little difference for the District. If the event’s timing is considerably delayed, this would have an effect on whether or not it will be successful.

She clarified as well that “not one dime” has passed between her and any of the presenters who came before the Selection Committee, and no conflict of interest was involved. Ms. Lee reiterated that she had checked this with the Legal and Procurement Departments beforehand to ensure there would be no appearance of impropriety. In addition, she would always wish to do “what is best for the beach.”

Chair Piedra felt at this point the BID should support the event with a show of solidarity before the City Commission at the upcoming meeting, and proposed that the hoteliers could state who they were, what hotels they represented, the number of rooms, the employee base, and any other pertinent information. He also felt the Committee should draft a statement by the time of that meeting.

Mr. Rodriguez asked how decisions would be made “on a micro level,” such as choosing entertainment, should the event be approved. Chair Piedra explained that Wizard Entertainment would work closely with the Committee; he felt this would necessitate “at least a meeting once a week,” and felt other businesspersons in the District could be involved in this process as well.

Regarding timing, Chair Piedra recalled that there had been discussion of holding an event every other week, and as the timing becomes “condensed,” they might wish to consider holding a weekly event over a four- or five-week period, as he shared Ms. Lee’s concern about moving “deeper into the season.” He felt this would allow the event to have a more significant impact during the summer.

Mr. Oliver recalled that one reason they had wished to open the event on the Fourth of July Weekend was that a crowd would already be present. This would provide a “base” to whom the event would be introduced, and who would hopefully return for future installments of the event. Should it be postponed to a

later date in July, he asked what event might draw the individuals in, noting that the money available for marketing is not a large amount.

Chair Piedra felt this would influence the Committee to become "more creative" with potential sponsorships and media partners, to get the word out to the community about the event. He added that they would need to be "more aggressive" with the opening event as well, but admitted that even if the proposed event was approved by the City Commission, there would be "no way to pull it off" by July 4.

Mr. Rodriguez suggested that this might be something the City Commission is looking for, such as a clearer idea of the partnerships that might help bring the event about. Mr. Scott noted that the PowerPoint presentation to which he had referred earlier suggests potential partners of this sort.

Mr. Scott continued that they are prepared to give a "much clearer" presentation the second time before the City Commission; in addition, he has already talked to more than one City Commissioner, as have members of the Committee, with the intent of educating them about the nature of the proposed event and how it would work. He emphasized again the importance of having the BID, who is proposing the event, present at the upcoming meeting, and they must be prepared to answer any forthcoming questions from the City Commissioners.

Ms. Lee noted the promoter has always made it clear that once the event has been approved, they would meet with the Directors of Marketing for all the major properties in the District to get their input.

Mr. Scott stated that the event Item is part of the City Commission's Consent Agenda, so he recommended that the "safest" time to arrive would be no later than 6:00 p.m. This Item will be "called out" of the Consent Agenda for special discussion. He estimated that it would be addressed within the first hour of the meeting.

Mr. Rodriguez asked if the City Commission knows "where the funding is coming from." Chair Piedra requested that they revisit this discussion before the close of the meeting and discuss the funding aspect at that time.

VI. Discussion of Beach Maintenance RFP

Ms. Motwani explained that since the last meeting, when she had informed the Committee that Labelle had been selected, Prism Cleaning had done some further investigation and provided Mr. Prizlee with information that Labelle "had some issues" with the City of Palm Beach. Apparently they had held the contract for lake cleaning in this city, and had lost this contract for nonperformance; they also had issues with the contract itself. As of May 20, Labelle had addressed

these difficulties with Palm Beach and stated that it has been resolved. This concerned the Selection Committee, however, so their decision was reversed and they selected Prism, having worked with that vendor before.

Mr. Morris added that, depending upon the outcome of today's BID meeting, the contract would become an Agenda Item for the City Commission's June 16, 2009 meeting, at which Committee members would be present. He reminded the members that at the May 11, 2009 meeting, they formally recommended funding the Labelle contract at \$351,714, and would now need to make another recommendation to fund Prism's contract at \$413,000.

Mr. Rodriguez stated that he appreciated being made aware of this information, as it helps the Committee arrive at a decision; however, he felt the Selection Committee should return to the vetting process for a new start. He felt that might be financially wiser than electing to go with the second choice.

Ms. Motwani explained that the existing contract with Prism extends through July 31, 2009, and the City Commission does not meet in the month of August. Returning to the vetting process altogether would set the process back another three to four months, she noted. Should they elect to go through the entire process again, the existing contract would expire, as they have already used the option of extending that contract over one Quarter.

Mr. Rodriguez countered that the beach maintenance contract is not for "essential services," and felt a delay would be appropriate in order to get the issue done correctly.

Mr. Ioannou felt while Prism has done a good job with the contract over the past two years, the District was spending too much money on beach maintenance services. Chair Piedra agreed that in this case, perhaps an RFP should be put forth with a "not to exceed" amount. He also felt Prism has done a good job, but felt the BID's funds should be balanced between augmenting City services, through contracts such as this one, and marketing to generate more revenue.

Mr. Rodriguez pointed out that funds saved from the beach maintenance contract were also potential funds the BID could use for marketing.

Ms. Motwani proposed that they consider reducing the service cycle in order to cut costs. This would allow them to retain a cleaning contract but move forward with some, although less, service.

Mr. Morris cautioned that the BID must be sure that they do not reduce or otherwise change the scope of the RFP in such a way that the Procurement Department feels it should go out for bid again. If this happened, he was not sure they could extend the existing contract any further.

Mr. Scott explained that the procurement process is governed by State law, and the contract itself controls the situation: it ensures that service is for a certain amount of time, providing for the possible necessity of extensions. In this case, the extension option has already been used.

He felt the only way this could happen was if under "certain emergency circumstances," the City Commission could waive the procurement process. He was not sure the present situation amounted to an emergency.

Mr. Morris reiterated Ms. Motwani's assertion that July 30, 2009 is the final day of Prism's contract, and it would take a three-month process to put forth another RFP. As well as being recessed for the month of August, the City Commission will spend the month of September working primarily on the City's budget.

Vice Chair Molinet recognized that representatives of Prism were present at the meeting, and asked if it would be appropriate to discuss the issue.

Grant Smith, the attorney representing Prism, advised that returning to the bidding process would not necessarily give the City a different result: they would most likely receive the same bids by the same bidders. He added that his client "really wants to keep the business" and put a great deal of research into their bid package, which was "factually based." He described Labelle's bid as "artificially low," pointing out that they had not conducted an independent review of conditions on the beach in order to come up with a reasonable bid; Mr. Smith asserted that Labelle "took [Prism's] bid" from 2007 and copied it.

He continued that Prism's current bid is "less than you're paying now" for the same services, and was ranked very closely below Labelle's bid, only based upon the difference in price. Of the valid bids that resulted from the original RFP process, Prism's was the top-ranked bid by a responsible vendor.

Regarding the extension, Mr. Smith pointed out that the City would have to appear before the City Commission to get another extension on the present contract. In addition, he stated that "if you extend, you are paying more."

Chair Piedra asked how the City and Prism, "in the spirit of partnership," could work together to find any additional savings, which could then be used for marketing purposes to generate more revenue.

Mr. Rodriguez asked if any vendor could bid on the RFP if it is posted again. Mr. Morris replied that anyone may bid, as long as they are qualified. Mr. Rodriguez also asked if the City "is permitted a lapse in service" should it become necessary, as he felt they should pursue the best possible service at the best price. He offered his own experience from the private sector as an example,

stating that he had called all his vendors and providers and requested 15% off all services.

Vice Chair Molinet explained that the City has already done this, which has led to Prism's bid coming in at a lower amount than their previous contract.

Chair Piedra asked again how the City and Prism might work together in partnership, perhaps by Prism providing, for example, a certain number of fewer hours of service each day at a specific reduction of cost.

Mr. Morris recalled that a reduction in power washing had resulted in an adjustment to the current contract, giving the City back approximately \$80,000. This option, he noted, is always open at a later time, provided it does not cross any thresholds that would change the scope of work in the original RFP.

Chair Piedra requested that the BID move forward on this issue, with an agreement in place that, within a specified number of days of the contract's approval, would allow them to "look at potential savings." Mr. Scott pointed out, however, that if the City wished for "some variation" on the bid, they would need to discuss the issue with an attorney, as well as with Procurement Services.

Michael Davis, CEO of Prism Cleaning, advised that power washing has already been reduced from six to four times annually, and the impact of this is already visible. If these services are reduced still further, he felt it would "negate the purpose" of having a power washing contract at all.

Mr. Scott noted that once a contract is signed, the parties may only "adjust." As both parties are entering into the agreement during a time of economic crisis, he did not feel it would be appropriate to approach Prism only and ask them to reduce their contract by a specific percentage; if they were asking all bidders across the board to do this, the situation would be different. He concluded that the Committee "should not move forward" under the assumption that this would be possible.

Ms. Motwani felt that in the interest of time, the contract could be awarded to a "best and final" bid offered by all three vendors. She asserted that this had been done before, although Mr. Morris was not sure it could be repeated.

Mr. Rodriguez stated again he was in favor of going through another RFP process, and did not feel it was in the City's best interest to extend the contract.

Vice Chair Molinet commented that he understood Prism to be "amenable to work with us on the pricing" if the City was willing to enter into an agreement for more than one year. He asked if the City is then able to "go back and do

something with that information.” Mr. Morris reiterated that the City must “work within the confines of the current RFP.”

Ms. Lee recalled that at one time, power washing equipment had been donated for beach use, and asked if this equipment was still available, as perhaps the City could take over part of the power washing responsibilities to reduce what they are asking of Prism.

Mr. Morris explained that Parks & Recreation is responsible for power washing the sidewalk next to the beach, which is adjacent to City property. The City does not clean the sidewalks in front of private property, which is one reason BID funds are used for this service contract.

Vice Chair Molinet proposed that the BID ask the City Commission for a 90-day extension, based on the circumstances, as the stakeholders in the District did not want to be without services while they go through the process. He felt they could “strongly urge the Commission” to allow this; then they would re-bid the RFP for multiple years, as this would allow at least one preferred vendor to “work on the price.”

Mr. Rodriguez cautioned that with a multiple-year contract, the City “can’t get out of the contract” if they are unhappy. Vice Chair Molinet agreed that this was true, but felt there must be “some middle ground” to be reached in the discussion.

Mr. Smith pointed out that a clause in the bid document allows for modification, such as reducing the number of power washings. It also states the City reserves the right to delete any portion of this contract at any time without cause. He noted that the City could unilaterally lower the amount of services due to the inclusion of this phrase.

He continued that an additional difficulty of going through the RFP process is its expense, as advertising and hours add “another layer of cost,” especially, in this case, as the RFP process has already been concluded.

Vice Chair Molinet felt it would be best for Prism to go through the bid process again for multiple years, as they would not have to worry about returning to the process annually.

Mr. Morris was not sure that these concerns could be placed on the Agenda of the upcoming City Commission meeting. He stated that he did not disagree with going through the RFP process again; however, the two parties could most likely come to an agreement through modification, and the following year the issue could go out to bid again. He added that he also did not know if the Committee could count on an extension, should the issue be placed on the City Commission’s Agenda.

Chair Piedra noted that there are other “menu items” besides power washing that could be studied for potential modification and savings. Mr. Morris agreed, and commented that this was “the most logical way” to come to an agreement rather than requesting an extension that is not guaranteed.

Mr. Rodriguez felt the Committee “shouldn’t take the easy route” and should at least plan to go before the City Commission and make a request.

Vice Chair Molinet pointed out that an extension would mean the Committee is willing to pay Prism their current rate for the next three months; he felt the easier way to deal with the issue is to negotiate with Prism, as the City has that right, and arrive at a “win-win” situation for both parties. Mr. Rodriguez stated again that he felt they should make the request for an extension to the City Commission, and then return to the RFP process.

Mr. Scott reported that he had left the meeting briefly to contact Kirk Buffington, Director of Procurement Services, to discuss the issue. Mr. Buffington believed the City Commission can “do whatever they want,” but cautioned that the issue would need to go through legal counsel regarding whether another extension is possible. He did not, at this point, have an answer that would tell the Committee or Prism that the City has that legal right.

Mr. Morris did not feel this issue could be added to the City Commission’s Agenda by the following Tuesday, as “there are issues that need to be resolved”; in addition, the Agenda may have already been prepared in advance of that meeting.

Ms. Motwani stated that “we asked for an extension and we were told no.”

Chair Piedra felt the group was in agreement to go before the City Commission and request an extension at the current rate, which allows time for further negotiations or another RFP process.

Motion made by Vice Chair Molinet, seconded by Mr. Rodriguez, to recommend to the City Commission that they agree to waive purchasing requirements to allow an extension of an additional 90 days for the current vendor, so the Committee may re-evaluate based on the findings of the vendor.

Mr. Smith felt the easiest step the City could take would be to accept the recommendation of the Selection Committee, ask the City Commission to approve the contract, and then, when the contract is signed, renegotiate, with the understanding that the City reserves the right to unilaterally change the contract.

Ms. Motwani reminded the Committee that the contract allows for a 90-day trial period.

Mr. Rodriguez felt Mr. Smith's suggestion was "the easiest thing for the service provider," and the Committee should make a decision on what is best for the BID. Chair Piedra added while renegotiating the services of the contract might allow the Committee to save money by removing less valuable services, the other option would be that they did not wish to reduce the scope, but did wish to save money.

Mr. Davis stated that from his perspective, there is a certain rhythm to working with the City and its baseline schedules regarding beach maintenance, including when they should be there; there is a "learning curve" that would have to take place if a new vendor is selected. He asserted that Prism is willing to work with the Committee on this issue.

Chair Piedra suggested that the members go around the table and state their preference for "which direction to go" – letting the contract go through and then amending it, or "stick to the motion," requesting a 90-day extension and possibly allowing the price to be lowered in exchange for a longer contract period. The amendment would result in a lower price through reduction of services.

In a show of hands, the **motion** carried unanimously.

Mr. Morris informed the Committee that the earliest City Commission Agenda on which this issue could be placed would be July 7, 2009, the day after the July BID meeting. Mr. Scott reminded the Committee that they needed an answer from the legal department before they could proceed in any case; should the answer be negative, he suggested that the BID could "call an emergency meeting."

Ms. Lee felt the BID should pressure the City to look at the amount of work they are currently providing and "raise the base level on the beach." She felt the issue of power washing a public or private sidewalk should also be revisited, as she felt the beach belonged to the City, and it should not remain incumbent upon the BID alone to keep it clean. She concluded that she would like to "have a conversation" with whoever provides this service for the City, and ask that they consider how they might help.

Chair Piedra felt this issue was "challenging," as the service in question is being funded privately, yet going through a governmental process, with the BID functioning as "an extension of City government." He recommended that in the long term, they should re-examine the Bylaws of the Committee, recognizing that they should be able to expedite the decision-making process.

Mr. Scott suggested that perhaps by the next meeting, the Committee could have a member of the City Attorney's Office examine whether changes in By-laws could address this issue, although he pointed out that he was not sure if procurement processes are "always binding" in relation to an advisory body.

III. Beach Mural Discussion

Ms. Lee explained that the Beach Redevelopment Board had discussed what could be done about the large white wall surrounding the Trump Las Olas property; she had approached the owner of the property to discuss the possibility of painting a mural on this wall, along with representatives of ArtServe and the Art Institute. Maureen Kohler, President and CEO of ArtServe, was introduced at this time.

Ms. Kohler stated she had met with Mimi Botscheller, who oversees the mural program at the Art Institute. She commented that this program has "a really good track record" regarding murals, and had painted one on Las Olas Boulevard eight years ago. She explained that the class lasts for 11 weeks.

The mural program has requested that the BID come up with a "direction" or theme for the students; there will be 10-15 members of the class, each of whom would arrive at his or her own concept for this theme and present it to the Committee. The BID would be asked to pick up the cost of materials, which would be roughly \$500-600. They also requested an artists' honorarium, with which Ms. Kohler felt ArtServe could assist with a membership. The students would also need a place to store the paints, so they would not need to be transported every week, and would need access to water.

Ms. Kohler stated that ArtServe could help the project in a liaison role, providing staff and marketing support, as well as memberships for the participating students. She provided the BID members with a timeline for the project, advising that ArtServe has a "great partnership" with the Art Institute. She thanked Ms. Lee for pioneering this project.

She added that ArtServe posts "all cultural events" in Broward and Miami-Dade Counties; posting is free, although there is a fee for the "spotlight" section. The site was launched in October 2008 and contains approximately 1000 events.

Mr. Morris asked what materials would be needed for the project. Ms. Kohler stated that "general costs" would include paint, brushes, and tarps; the artists' honorarium would not need to be cash, but could be publicity or marketing.

Ms. Motwani asked if the surface of the wall would need any repairs or special paint to withstand peeling in a salt environment. Ms. Kohler offered to double-

check with Ms. Botscheller, although she pointed out that the class has done in- and outdoor murals, including the one on Las Olas Boulevard, for some time.

Ms. Lee asked if the funding for materials would come out of the CRA. Mr. Morris explained that the difficulty here is that the project is located on private property, and the CRA would not be a possibility. Ms. Kohler advised that if anyone wished to make a donation to ArtServe, it could provide the materials or pay the Art Institute for them. Some Committee members donated or planned to donate funds to ArtServe for this purpose at this time.

Mr. Morris continued that the CRA could provide storage, parking, and water. He added that some of the wall's panels need to be replaced, and they needed to ensure it is "structurally sound."

IX. Old / New Business

Mr. Scott advised that the representatives for Prism had informed him they would "take the next week" to decide if they would agree to an extension on their contract. Should they decide against this possibility, there would be no reason to go before the City Commission with a request for an extension, and the Committee might wish to hold an "emergency meeting" to choose their next course of action.

There being no further business to come before the Committee at this time, the meeting was adjourned at 5:15 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]