

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

CITIZENS FOR SUNSHINE, INC., a
Florida not-for-profit corporation, and
ANTHONY LORENZO,

Plaintiffs,

v.

CASE NO.: 2008 CA 8108 SC

CITY OF VENICE, et al.,

Defendants.

EMERGENCY MOTION FOR TEMPORARY INJUNCTION

Plaintiffs, CITIZENS FOR SUNSHINE, INC., and ANTHONY LORENZO, by and through undersigned counsel, and pursuant to Rule 1.610, Fla. R. Civ. P. (2008), move for the entry of a temporary injunction enjoining defendants, their agents, and all others acting in concert who are responsible for carrying out the actions of the City, from implementing the recommendations of a committee, including, but not limited to executing, ratifying, or otherwise continuing to negotiate a final contract with DY Consultants.

Introduction

In August 2008, a City committee composed of Interim City Manager Nancy Woodley, Airport Manager Fred Watts and Public Works Director Len Bramble ranked and short-listed a list of airport consultant candidates over Woodley's dining room table. The meeting, required by law to be in the Sunshine, was not noticed to the public. The Venice City Council subsequently adopted those recommendations and the City is currently negotiating a final contract with the lead finalist, DY Consultants. A temporary injunction is needed on an emergency basis to protect the public from irreparable injury.

1. In March 2005, the City began an update to the Airport's Master Plan ("MPU") as well as an Airport Layout Plan ("ALP"). The City hired a consultant, MEA Group, Inc., to assist in the MPU and ALP process. The MPU and ALP are submitted to the Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) for approval and must reflect all future development for which federal/state funding is requested. Otherwise, any proposed development is ineligible for federal/state funding.

2. The Airport Advisory Board (AAB) was established to advise the Mayor and City Council on public issues pertaining to the airport.

3. In 2007, two years into the update of the MPU and ALP, the AAB began a series of meetings to finalize its recommendations to the Venice City Council (VNC) on the MPU and ALP.

4. At the same time, significant public interest in the City focused on the development of the Airport and the City's obligation to update the MPU and ALP.

5. In late May 2007, the AAB recommended that the Airport keep its C-II designation as part of the MPU and ALP process and that substantial improvements be made to Airport property.

6. At an AAB meeting on May 30, 2007, substantial citizen opposition was expressed to the C-II classification. Defendants MARTIN and LANG, then private citizens, along with Jim Marble, Randall Greene, and Walter Hake, appeared at that meeting and expressed their opposition to the continued C-II classification.

7. In June 2007, the VNC requested that the AAB revisit and reconsider various options relating to development of the Airport.

8. Since their election as members of the VNC in early November 2007, Defendants MARTIN and LANG have sought to develop an alternate ALP for submission to the FAA and FDOT.

9. In 2007 and 2008, the City Council had extensive discussion of matters relating to the Airport.

10. As early as November 19, 2007, four days after Defendants MARTIN, LANG were sworn in, Defendant LANG had electronic communications with Jim Marble at jimbythesea@yahoo.com, in which Mr. Marble was used as a liaison between Defendant LANG and MARTIN to discuss matters then pending before, or reasonably foreseeable to come before, the VNC, specifically, the submission of an alternate ALP to the FAA that would slow development of the Airport. Mr. Marble wrote to Defendant LANG indicating that he had met with Defendant MARTIN about such matters, stating:

Hi Sue,

My mail program would not allow all the GB's addresses at once, so I had to split it into 4 groups.....and the word processor made mild hash out of some text....but, otherwise life is GREAT tee hee. I may re-send the text.

For your info only -- Mike [Rafferty] is chomping at the bit to DO something. I told him I prefer to cool it to give everyone a chance to re-think the airport "next steps" -- he and Tom want to go ahead anyway. I really don't want to get too much "out in the open" right now. So, just thot [sic] I would let you know what The Marble is up to. I spoke with Ed [Martin] and we -- just two of us -- are going to get together for a couple of hours in probably early Dec. -- I plan to tell him everything I know -- give him copies of all documents -- offer a couple of "slow it down" solutions. I thought about talking with Marty, but don't think that is a good idea -- better that the Council "strategize" this problem..... Is that good with you ??? Jim

See Exhibit A, attached hereto.

11. On that same date, Defendant LANG wrote back to Mr. Marble and requested that he act as a liaison to Defendant MARTIN regarding the development of the alternate ALP, stating:

that's a good idea to meet with Ed; keep in mind that i can't talk to Ed about anything that Council may vote on.... so you have to convince Ed to convince Marty that instead of sending 50 questions to FAA that it would be better to send FAA a draft alternate plan such as the one you prepared and really lobby for it; if Venice is really behind it, FAA will only make them change what is absolutely necessary from their perspective.... maybe Ed should bring this up at Council meeting so we can vote to direct Marty and Fred to do this.... i have already suggested this before i was sworn in, to Ed, Ernie, John Moore, and just put it in a response to marty that was part of a whole list that he asked us to give him some direction on... so now is the time to get Ed to push for this...

See Exhibit B, attached hereto.

12. The very same day, Mr. Marble emailed Defendant MARTIN and specifically discussed an alternative plan. Defendant MARTIN then emailed Defendant MOORE stating that Mr. Marble had things to offer on airport issues. Defendant MARTIN forwarded a copy of the email he received from Mr. Marble to Defendant MOORE. See Exhibit C, attached hereto.

13. On December 27, 2007, Defendant LANG communicated via email with other members of the VNC, making reference to a specific issue relating to the Airport MPU and ALP which was anticipated to come before the VNC for future consideration. In that email, Defendant LANG announced how she would vote on that matter, stating:

Response to Council Member Simmonds: To my knowledge, no one is suggesting that Venice ban certain aircraft. What is being proposed is an alternate Airport Layout Plan that is more compatible with our community and which is more conducive to our airfield given the constraints we presently have surrounding the airfield. It is very clear that the implication of a CII layout/classification is that two dozen homes would be in the

Runway Protection Zone and that the FAA's ultimate resolution for this condition is to fund the acquisition and demolition of these homes. (MEA is currently facilitating just such a project on the East coast, I understand, for which they are being paid quite handsomely).

I, for one, will not vote for a Master Plan/layout plan with that implication and I do not believe it is necessary or in the interest of our community. All the aircraft coming into this airport would still be able to come in here with a BII classification/plan. As you know we have utilized a declared distance at the northeast end of runway 4-22 due to the bridge and this has not prevented any aircraft from using that runway. In fact, the City was proposing to greatly increase the declared distance at that end. The BII plan proposed by Mr. Rafferty and Mr. Marble keeps the runways at 5000 ft. with declared distances at each of the other ends, similar to the one we have now. All reports are that private jet aircraft are getting smaller and more fuel efficient, so they will not need longer take off or approach distances. Unless there is a hidden agenda to expand into commercial or quasi commercial/charter service at this airport, there is no reason for this airport to have a CII classification. Note that the previous Council and Mayor Hammett stated on the record that there were no such plans for expansion of this airport.

If the FAA can fund the re-construction of 13-31 with an incorrect layout plan, erroneous counts, and knowing full well there are 24 homes in a CII RPZone, they should have no problem funding re-construction of our noise abatement runway regardless of whether the MPU is completed or whether the layout is BII vs. CII. The Airport Advisory Board and Airport Manager should be spending their time procuring this grant and making sure that the airport is compatible with the surrounding community. If they are not able to do that, they need to step aside and let others take over who are capable.

See Exhibit D, attached hereto.

14. Between November 2007 and continuing until March 2008, in furtherance of the plan to develop an alternate ALP, an ad hoc committee consisting of Mr. Marble, Kit McKeon, Mike Rafferty, Chuck Schmieler and others (Citizens' Ad Hoc Committee) met and discussed issues relating to development of an alternate ALP.

15. On January 8, 2008, the VNC discussed several matters relating to the Airport, including, but not limited to, the Airport MPU and ALP, the AAB, hiring a consultant to draft a plan to map the ALP plan within existing parameters, and citizen involvement in the planning process.

16. On January 14, 2008, in furtherance of the plan to develop an alternate ALP Defendant MARTIN attempted to use the alternate ALP developed by the Citizens' Ad Hoc Committee in a meeting with FAA officials in Washington D.C. in January 2008.

17. In March 2008, Defendant MARTIN briefed the VNC on his intent to utilize the alternate ALP created by the Citizens' Ad Hoc Committee in meetings scheduled with FAA officials in Orlando, FL.

18. In May 2008, the City initiated formal plans for the development of a Request for Qualifications (RFQ) seeking to contract with an airport consultant to develop an alternate ALP.

19. On May 29, 2008, former City Manager Martin Black set forth the formal plans for the RFQ in a memo to the Mayor and VNC. In that memo, Mr. Black stated:

Typically, a staff review committee evaluates the responses, ranks firms and presents the ranking for your approval. This process is required to be publically noticed and generally requires 30-45 days to complete. City Council will be asked to confirm this approach or whether an alternative evaluation committee is desired.

See Exhibit E, attached hereto.

20. On June 3, 2008, Airport Manager Fred Watts presented a draft RFQ to the City Clerk and requested that the VNC approve it.

21. The invitation notice of the draft RFQ stated that "[a]n evaluation committee that has been appointed by the City will evaluate proposals." See Exhibit F, attached hereto. That document further stated that:

The evaluation committee has been selected by the City to ensure that all proposals are fairly considered. The evaluation committee will perform a review of proposals received from Proposers to determine completeness and responsiveness to the principal components of the technical, financial and legal requirements of the RFQ.... The evaluation committee will make a recommendation to the City Council following the evaluation committee's review of all proposals and consideration of any additional evidence or data desired by the evaluation committee.

Invitation Notice RFQ-2880 at 1-2. Additionally, Section IV of the RFQ provided that:

An EVALUATION COMMITTEE composed of representatives of the City of Venice will evaluate all proposals received. Upon completion of the evaluations, recommendations for selection will be prepared and forwarded to the City Manager for award and contracting purposes.

See Exhibit G, attached hereto.

22. On June 10, 2008, the VNC deferred consideration of the draft RFQ until the June 24, 2008, Council Meeting with the understanding that it would be considered by the AAB at their June 12, 2008 meeting, and with the understanding that the AAB would seriously take into consideration the comments and suggestions contained in Mike Rafferty's June 5, 2008 e-mail. On June 24, 2008, the VNC voted to move forward with RFQ-2880.

23. On June 12, 2008, the AAB recommended that the VNC not proceed with the RFQ process, and that the VNC transmit the draft plan prepared by the previous consultant, MEA Group, Inc., to the FAA and FDOT, but permit MEA Group to make any changes required by the FAA or FDOT. See Exhibit H, attached hereto.

24. On or about July 28, 2008, Interim City Manager Nancy Woodley sent an email outlining a time schedule for selecting an airport consultant. In that email, Woodley stated that:

A Technical Review Committee comprised of [city staff] will review and pick the three finalists between 8/15 and 8/22/08.

See Exhibit I, attached hereto.

25. On August 15, 2008, the City Clerk advised the VNC that a Selection Committee composed of city staff would be developing a short list ranking of the consulting firms based on a selection matrix and qualifications submitted. See Exhibit J, attached hereto.

26. On or about August 21, 2008, Woodley, Airport Manager Fred Watts and Public Works Director Len Bramble, operating as the Evaluation Committee, Selection Committee or Technical Review Committee (Ad Hoc Evaluation Committee) met in secret, without any notice whatsoever to the public, at the home of City Manager Woodley. The purpose of this meeting was to rank the submissions of those firms which responded to RFQ-2880 and short-list an airport consultant for the VNC's consideration.

27. The Ad Hoc Evaluation Committee recommended the following firms as the three finalists for RFQ-2880: DY Consultants, URS Corporation, and Wilbur Smith Associates. See Exhibit K, attached hereto.

28. In making the decision to rank the responding firms and short-list an airport consultant for the VNC, the Ad Hoc Evaluation Committee made structured recommendations to the VNC and exercised decision-making authority by eliminating from the VNC's consideration any other alternative choices. As such, the Ad Hoc Evaluation Committee was subject to the provisions of chapter 286, requiring notice of its meetings to the public.

29. On September 9, 2008, the VNC adopted the recommendations of the Ad Hoc Evaluation Committee and selected DY Consultants as the finalist for RFQ-2880.

30. Plaintiff and the public have been irreparably harmed by the failure of the Ad Hoc Evaluation Committee to provide notice of its meetings and discussions. The mere showing that the Sunshine Law has been violated constitutes irreparable injury.

31. The City is currently negotiating a substantial contract with DY Consultants to provide services as an airport consultant. Substantial public funds will soon be expended as a result of these contract negotiations with DY Consultants. It is anticipated that the VNC will enter into a contract with DY Consultants within the next few weeks. Unless the Court enjoins the City from entering into a final contract with DY Consultants, irreparable harm will occur to the plaintiffs and the public because the ranking of the proposals and short-listing of the firms were conducted outside of the Sunshine and without any notice to the public. Additionally, the expenditure of public funds will be at risk.

32. By failing to provide the public with notice of the meeting on August 21, 2008, the actions of the Ad Hoc Evaluation Committee and the VNC relating to those matters discussed was taken outside of the Sunshine and renders that action void *ab initio*.

33. The public interest is served by the granting of a temporary injunction. The purpose behind the statutory requirement that all committees must give reasonable notice of its meetings is to protect the public from closed door politics. Action taken outside of the statutory procedure for noticing the public do not serve the public interest.

34. Plaintiff has a substantial likelihood of success on the merits. The instant motion establishes a prima facie violation of the Sunshine Law based on the Ad Hoc Evaluation Committee's failure to give notice of the August 21, 2008 meeting.

35. Plaintiffs have no other adequate remedy at law. The Sunshine Law violations are ongoing, in that the City Council continues to implement the recommendations of the Ad Hoc Evaluation Committee and address substantial matters relating to the airport consultant, including negotiating an imminent contract with DY Consultants at this time.

36. Based on information and belief, the City has previously utilized ad hoc committees for the purpose of ranking and short-listing candidates or consultants and making recommendations to the VNC in violation of the Sunshine Law.

WHEREFORE, Plaintiff requests that the Court grant the following relief:

A. Enjoining the City, its agents, and all other persons acting in concert who are responsible for carrying out the actions of the Venice City Council, from implementing the action of the Ad Hoc Evaluation Committee held on August 21, 2008, including the ranking and short-listing of the three finalists for airport consultant, and negotiating a contract with DY Consultants for airport consultant;

B. Enjoining future violations of chapter 286 by the Ad Hoc Evaluation Committee, including, but not limited to, holding secret meetings without notice to the public;

C. Entering an Order requiring the City to pay a reasonable attorneys fee and costs;
and

D. Any other relief the Court deems just and proper.

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR TEMPORARY INJUNCTION**

The Florida Government-In-The-Sunshine law was enacted “to protect the public from ‘closed door’ politics.” *Pinellas County School Board v. Suncam, Inc.*, 829 So.2d 989, 990 (Fla. 2d DCA 2002). Consequently, “the law must be broadly construed to effect its remedial and protective purpose. The breadth of such right is virtually unfettered.” *Id.* (citation and internal

quotation marks omitted). The statute should be construed “to frustrate all evasive devices.” *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So.2d 857, 860 (Fla. 3d DCA 1994).

The key provision of chapter 286, section 286.011(1), Fla. Stat., provides that:

[a]ll meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

I. Issuance of Injunction

Section 286.011(2), Fla. Stat., expressly provides that “[t]he circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.” Under Rule 1.610, Fla. R. Civ. P. (2008), a temporary injunction may be granted only if the movant establishes: (1) a likelihood of irreparable harm; (2) unavailability of an adequate legal remedy; (3) a substantial likelihood of succeeding on the merits; and (4) considerations of the public interest which support the entry of the injunction. *Masters Freight, Inc. v. Servco, Inc.*, 915 So.2d 666 (Fla. 2d DCA 2005). As will be demonstrated below, Plaintiff has met the requirements for entry of the requested injunction.

A. Irreparable Injury

Violation of the statute itself constitutes irreparable injury. In *Times Publishing Co. v. Williams*, 222 So.2d 470 (Fla. 2d DCA 1969), *disapproved on other grounds by Neu v. Miami Herald Publishing Co.*, 462 So.2d 821 (Fla. 1985), the Second District Court of Appeal construed chapter 286 and stated that the statute “is the equivalent of a legislative declaration

that a violation of the statutory mandate constitutes an irreparable public injury.” *Id.* at 476. “[A] mere showing that the statute has been or is clearly about to be violated fully satisfies” the requirement of showing irreparable injury. *Id.* See also *Hobbs v. Weinkauf*, 940 So.2d 1151, 1153 (Fla. 2d DCA 2006) (statute which provides remedy of injunction upon violation “requires no additional showing of harm.”). Likewise, the Florida Supreme Court expressly approved of the relevant portion of the Second District’s decision in *Williams in Town of Palm Beach v. Gradison*, 296 So.2d 473 (Fla. 1974), and stated that the “[m]ere showing that the government in the sunshine law has been violated constitutes an irreparable public injury so that the ordinance is void *Ab initio*.” *Id.* at 477.

Plaintiffs and the public are suffering irreparable injury in at least two distinct ways. First, the secret meeting itself constitutes irreparable injury. Second, the City is presently negotiating a contract with DY Consultants which will require the expenditure of significant public funds. Absent the requested injunction, the City will enter into a final contract with DY Consultants. Accordingly, plaintiffs have clearly established irreparable injury.

B. No Legal Remedy

The Second District, in *Williams*, determined long ago that there is no legal remedy for violations of chapter 286 other than an injunction. 222 So.2d at 477 (“there obviously is no adequate remedy at law” for meetings that do not comply with the Sunshine Law). Because the actions of the Ad Hoc Evaluation Committee are being implemented and carried out at this writing, and because negotiations for a final contract are ongoing, plaintiffs have no other adequate remedy at law than the entry of the requested injunction to prevent governmental action taken in violation of the Sunshine Law.

C. Likelihood of Success

Plaintiffs have demonstrated a substantial likelihood of success on the merits. There is little question that the Ad Hoc Evaluation Committee violated the Sunshine Law. Two cases illustrate this point rather clearly.

First, in *Silver Express Co. v. District Board of Lower Tribunal Trustees*, 691 So.2d 1099 (Fla. 3d DCA 1997), a board of a Miami-Dade Community College (College) initiated a request for proposals for flight training services at Kendall-Tamiami Airport. The Board's Purchasing Director appointed a committee composed of College staff, as well as one outside individual, to advise and assist in evaluating the various proposals. The committee met to conduct its evaluation of the responses, doing so without notice to the public, and ranked three finalists it recommended for a two-year contract to be awarded. *Id.* at 1100.

The third-ranked finalist, Silver Express, subsequently brought an action alleging that the committee's conduct violated the Sunshine Law. Silver Express sought to enjoin the College from entering into a final contract with the first-ranked finalist. In determining whether the ad hoc committee's actions in ranking the finalists was subject to the Sunshine Law, the Third District stated that:

The answer lies in what effect the committee's actions had on the College's selection process. The record reflects that the committee's function was to weed through the various proposals, to determine which were acceptable and to rank them accordingly. In other words, the committee's action helped to crystalize the decision to be made by the College. This crystallization precluded Silver Express (because of its third-place ranking) from its administrative challenge to Husta's first-ranked proposal, and resulted in the College's selection of Husta's proposal on a "temporary" basis. It appears plainly from the record that Husta would not have received the temporary contract in the absence of the evaluation committee's high ranking of Husta's two-year proposal. Governmental advisory committees which have offered up structured recommendations such as here involved—at least those recommendations which eliminate opportunities for alternative

choices by the final authority, or which rank applications for the final authority-have been determined to be agencies governed by the Sunshine Law.

Id. at 1100-01.

Quoting from its previous decision in *Spillis Candela & Partners, Inc. v. Centrust Savings Bank*, 535 So.2d 694, 695 (Fla. 3d DCA 1988), the Third District held that:

The law is quite clear. An ad hoc advisory board, even if its power is limited to making recommendations to a public agency and even if it possesses no authority to bind the agency in any way, is subject to the Sunshine Law. The committee here, made a ruling affecting the decision-making process and it was of significance. As a result, it was improper for the committee to reach its recommendation in private since that constituted a violation of the Sunshine Law. The purchasing director's committee is governed by the Sunshine Law. Its closed selection meeting violated that law, thus its actions taken at the meeting are void ab initio.

691 So.2d at 1101 (internal quotation marks and citation omitted).

Similarly, in *Leach-Wells v. City of Bradenton*, 734 So.2d 1168 (Fla. 2d DCA 1999), the City of Bradenton issued a request for proposals relating to a public works project. A selection committee was appointed to review the proposals. Identical to the process employed by the City here:

The committee was given the responsibility of reviewing the proposals and ranking or short-listing the top three firms. Those three firms would then make presentations to the City Council which would then select one firm with which to negotiate a contract for construction of the project.

Id. at 1169. In *Leach-Wells*, the committee consisted of the city clerk, a local engineer, the public works director and a city councilman. It was not disputed that the committee was subject to the Sunshine Law. *Id.*

The Second District concluded that the “short-listing was formal action that was required to be taken at a public meeting.” *Id.* at 1171. Of particular significance is the court’s statement that:

Had [plaintiff] appealed the trial court's denial of her motion for temporary injunction, this court would have had the opportunity to review this matter before the project was completed and to direct that the City be enjoined from entering into a final contract with the developer until after such time as the ranking of the proposals could be accomplished in compliance with the Sunshine Law.

Id. at 1170 n.1 (citing *Silver Express Co. v. District Bd. of Lower Tribunal Trustees*, 691 So.2d 1099 (Fla. 3rd DCA 1997)). Quite obviously, the Second District would have approved of an injunction to prevent the City from entering into a final contract until such time as the ranking of the proposals “could be accomplished in compliance with the Sunshine Law.” *Id.* From this statement it is apparent that both irreparable injury occurs when a committee ranks and short-lists proposals and that plaintiffs have established a substantial likelihood of success on the merits.

D. Public Interest

If ever there were a case which compels the conclusion that the granting of the requested injunction serves the public interest, violations of chapter 286 clearly present the issue. The statute was specifically enacted to protect the public interest in requiring that the Government operate in the Sunshine. *Zorc v. City of Vero Beach*, 722 So.2d 891, 897 (Fla. 4th DCA 1998) (the Sunshine Law was “enacted for the public benefit”). A 1992 amendment to the Florida Constitution “elevated the public’s right to government in the sunshine to constitutional proportions.” *Id.* at 896. As stated in *Pinecrest Lakes, Inc. v. Shidel*, 795 So.2d 191 (Fla. 4th DCA 2001):

when the Legislature provides for an injunction in these circumstances, it has deliberately made the new public duty and its

corresponding right of enforcement an integrated statutory prescription. By specifying that the public interest requires that a certain duty be vindicated in the courts and not primarily within other branches of government, the Legislature is well within its powers.

Id. at 205.

Based on the foregoing, granting the requested injunction serves a public interest of the highest order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Mogensen', written over a horizontal line.

ANDREA FLYNN MOGENSEN, Esquire
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Florida Bar No. 0549681
Andrea@SarasotaCriminalLawyer.com

VERIFICATION

Under penalties of perjury, I, ANTHONY LORENZO, declare that I have read the foregoing Emergency Motion for Temporary Injunction and that the facts stated in it are true.



ANTHONY LORENZO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail and by Regular U.S. Mail on September ~~30~~TH, 2008, to: DALE SCOTT, Bell, Roper & Kohlmyer, P.A., 2707 E. Jefferson Street, Orlando, FL 32803; ROBERT ANDERSON, Hall & Anderson, 1314 E. Venice Ave., Ste E, Venice, Florida 34285; A. LAMAR MATTHEWS, 1777 Main St Ste 500, Sarasota, Florida 34236-5841; and DAN BOONE, 1001 Avenida Del Circo, Venice, FL 34285.

A handwritten signature in black ink, appearing to read 'A. Mogensen', written over a horizontal line.

ANDREA FLYNN MOGENSEN, Esquire

From: suelang99@hotmail.com

To: mckeon628@verizon.net

Subject: RE: Point Paper

Date: Thu, 6 Dec 2007 12:30:34 -0500

Confidentially i think your chances of getting on Plan Com are very good as only 3 including yourself have applied for the 3 seats. I was thinking that in the event Mike didn't apply for AABd, maybe you could do both and help to get the airport classed as BII, etc. then disband the AABd...

> Date: Thu, 6 Dec 2007 11:16:04 -0600

> From: mckeon628@verizon.net

> Subject: Re: RE: Point Paper

> To: suelang99@hotmail.com

>

> Sue: I am up in DC and it snowed - bad news bears! I will be back home Saturday early afternoon. As you and I discussed, I have submitted already for the Planning Commission but would be willing to serve in which ever area provide us the best bets on moving forward. I think Ed still favors me for Planning vs Airport.

>

> Jim & Mike have gotten good info this week from the previous airport consultants - I assume you have heard of that. I can talk if you want to - today or over the weekend.

>

> Kit

Exhibit A

From: suelang99@hotmail.com
To: jimbythesea@yahoo.com
Subject: RE: ho ho
Date: Mon, 19 Nov 2007 15:00:27 -0500

that's a good idea to meet with Ed; keep in mind that i can't talk to Ed about anything that Council may vote on.... so you have to convince Ed to convince Marty that instead of sending 50 questions to FAA that it would be better to send FAA a draft alternate plan such as the one you prepared and really lobby for it; if Venice is really behind it, FAA will only make them change what is absolutely necessary from their perspective.... maybe Ed should bring this up at Council meeting so we can vote to direct Marty and Fred to do this.... i have already suggested this before i was sworn in, to Ed, Ernie, John Moore, and just put it in a response to marty that was part of a whole list that he asked us to give him some direction on... so now is the time to get Ed to push for this...

Date: Mon, 19 Nov 2007 09:44:27 -0800
From: jimbythesea@yahoo.com
Subject: ho ho
To: suelang99@hotmail.com

Hi Sue,

My mail program would not allow all the GB's addresses at once, so I had to split it into 4 groups.....and the word processor made mild hash out of some text....but, otherwise life is GREAT tee hee. I may re-send the text.

For your info only -- Mike is chomping at the bit to DO something. I told him I prefer to cool it to give everyone a chance to re-think the airport "next steps" -- he and Tom want to go ahead anyway. I really don't want to get too much "out in the open" right now.

So, just that I would let you know what The Marble is up to. I spoke with Ed and we -- just two of us -- are going to get together for a couple of hours in probably early Dec. -- I plan to tell him everything I know -- give him copies of all documents -- offer a couple of "slow it down" solutions. I thought about talking with Marty, but don't think that is a good idea -- better that the Council "strategize" this problem.....

Is that good with you ???

Jim

Exhibit B

From: John Moore <j.k.moore@comcast.net>
To: tiltingatwindmills@comcast.net
Cc:
Bcc:
Subject: Re: Jim Marble, fyi
Date: 11/22/2007 3:06:52 PM

Hello Mayor,

That has a nice ring to it. Thanks for sending me Jim's email. I'm a little behind in my email because I've had some problems connecting to the internet the past few days. I really don't know Jim personally myself, but I have met with him on a couple of occasions this past year about the Airport Layout Plan Protection Zones and he has met with Marty on the subject several times as well.

Have a great Thanksgiving

John

----- Original Message -----
From: tiltingatwindmills@comcast.net
To: j.k.moore@comcast.net
Sent: Tuesday, November 20, 2007 9:37 PM
Subject: FW: Jim Marble, fyi

----- Forwarded Message: -----
From: Jim Marble jimbythesea@yahoo.com
John, I don't know if you know Jim Marble, but he is a thoughtful fellow, as I determine from his emails. I have met him and we have mutual friends, but I do not know him personally at this point. I think he may have some things to offer on airport issues, so thought I would send this along.

Best, Ed

: Mon, 19 Nov 2007 18:05:30 +0000

Dear Golden Beach Associates Member,

I am Jim Marble, candidate for GBAI Vice-President. I never thought I would do this, but I now believe it is important that I do.

Plain and simple, my pledge to you is ?Do my best to maintain and enhance the life we enjoy at Golden Beach. ?

But there is a lot more at the moment than my asking for your vote.

Exhibit C

We need to be more aware of and more involved in actions that have the potential to truly alter our ?paradise.? There are times when it really matters to ?stand up.?

Anonymity wears well. Go to school, work, retire, move and enter a ?new life? where you mow your lawn and play some golf. Golfers don?t ask ?what you did,? only ?what?s your problem? when you miss putts.

--- Education & Prior Experience ---

History ? -- born and lived in Washington state for 60 or so years. BA, MA, PhD in English from Univ. of Wash. Taught at several colleges, then was one of four hired to start a new community college. Became Dean, hired everyone and even picked out the furniture.

After four years went to a larger college (15,000 students) and was Dean for R&D, Budget, Planning and Info Systems. Took a year off and traveled around the world. Retired early. Learned computer programming, started a nationwide educational software business. Got obsolete (over the age of 16) and started a toy business. Chose not to learn the secrets of Asian importing. Retired final time.

While at the colleges I conducted community workshops and management seminars. Directed the planning that involved the entire community of approx. 100,000 residents. Planning ?starts? with the people. It has been curious to me that many Venice city plans are ?done? before they are presented ?for your comment.? Expedient unless things go wrong.< BR> Moved to San Juan Island Wash. where Pam and I built a house -- did it all except foundation -- moved to New Hampshire and build another house (except pouring the basement). Moved to Golden Beach nine years ago. Mowed the lawn. Played golf. Smiled.

While on San Juan Island I was President of the

homeowners assn. for
the five years we lived there. I was also on the GBAI
Board for a year.

--- Local Involvement ---

No matter how much you covet being ?laid back? there
often comes a
time to become involved. ?'Twas the Airport Plan what
bit me.?

Everyone living at Golden Beach and its surrounds should
tune in on what
was/is being planned for the airport. I simply
overheard a conversation
about a change to the golf course and then about a
Marriott offer (since
withdrawn) to build a golf resort.

A friend told me the airport had a plan to expand and
because I did not
know what that meant, I attended a MP (master plan)
presentation at
City Hall, then went to the archive and read the 1975,
1986 and 2000
plans. Some curiosities there led me to search the FAA
web site and
read master plans for airports all over the country. I
e-mailed some
?involved citizens? who were having their local troubles
with airport
planning....finally, I spoke up at meetings and ?drew
up? some questions
and alternatives for the City and Council to see.

I have proposed a plan for the airport to remain within
its present
?footprint?; where the airport and its neighbors -
residences, beaches,
golf course - have co-existed for about 50 years.

I am a member of the Venice Neighborhood Coalition
airport committee.
Some of the airport issues reach beyond Golden Beach --
but should
not be overlooked. Community involvement is IMPORTANT
now, so I am
involved. But I am NOT suggesting the GBAI Board take
any ?action? --
what is needed is a ?wary eye ? and vigilance.

--- Looking Forward ---

An upcoming airport issue will be the ?planned? 2008
noise study.
We need to make sure it is conducted in accord with FAA

airport planning

guidelines which specify several citizen committees and a survey of ALL airport proximity residents. Such a study should include flight patterns.

We would do well to give our support to the Venice Pilots Assn. ?fly

friendly? program -- before the noise study is begun.

There are also certain to be some growth, comprehensive plan (village), continued short-term-rental and other issues that might impact

Golden Beach. The GBAI Board has developed positions and priorities

on several issues. Next there needs to be on-going program, perhaps with some ?issue investigation? committees.

My planning background reminds me that what ?I think? is not as

important as what ?you think? -- thus it is somewhat difficult to

identify issues that most concern you. The GBAI Board

might well

undertake a simple survey to get some sense of direction and ?listen?

to the GB heartbeat. The Board should serve the people.

I will fully support and will assist with the social and civic activities as

expressed in the GBAI Charter.

Thank you for listening.....each vote for Jim Marble is appreciated.

..... Jim

Be a better pen pal. Text or chat with friends inside Yahoo! Mail. See how.
<http://us.rd.yahoo.com/evt=51732/*http://overview.mail.yahoo.com/>

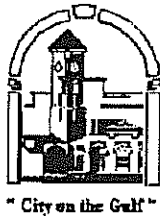
From: Sue Lang
To: ljfr@aol.com, Ed Martin, Ernie Zavodnyik, John Simmonds, Lori Stelzer, Rick T...
CC: mblack@ci.venice.fl.us, Fwatts@ci.venice.fl.us
Date: 12/27/2007 11:58 AM
Subject: Re: Venice Airport Issue 10

Response to Council Member Simmonds: To my knowledge, no one is suggesting that Venice ban certain aircraft. What is being proposed is an alternate Airport Layout Plan that is more compatible with our community and which is more conducive to our airfield given the constraints we presently have surrounding the airfield. It is very clear that the implication of a CII layout/classification is that two dozen homes would be in the Runway Protection Zone and that the FAA's ultimate resolution for this condition is to fund the acquisition and demolition of these homes. (MEA is currently facilitating just such a project on the East coast, I understand, for which they are being paid quite handsomely).

I, for one, will not vote for a Master Plan/layout plan with that implication and I do not believe it is necessary or in the interest of our community. All the aircraft presently coming into this airport would still be able to come in here with a BII classification/plan. As you know we have utilized a declared distance at the northeast end of runway 4-22 due to the bridge and this has not prevented any aircraft from using that runway. In fact, the City was proposing to greatly increase the declared distance at that end. The BII plan proposed by Mr. Rafferty and Mr. Marble keeps the runways at 5000 ft. with declared distances at each of the other ends, similar to the one we have now. All reports are that private jet aircraft are getting smaller and more fuel efficient, so they will not need longer take off or approach distances. Unless there is a hidden agenda to expand into commercial or quasi commercial/charter service at this airport, there is no reason for this airport to have a CII classification. Note that the previous Council and Mayor Hammett stated on the record that there were no such plans for expansion of this airport.

If the FAA can fund the re-construction of 13-31 with an incorrect layout plan, erroneous counts, and knowing full well there are 24 homes in a CII RPZone, they should have no problem funding re-construction of our noise abatement runway regardless of whether the MPU is completed or whether the layout is BII vs. CII. The Airport Advisory Board and Airport Manager should be spending their time procuring this grant and making sure that the airport is compatible with the surrounding community. If they are not able to do that, they need to step aside and let others take over who are capable...

Exhibit D



City of Venice
Office of the City Manager

MEMORANDUM

To: Mayor and City Council
From: Martin Black, AICP, ICMA-CM
Date: May 29, 2008
Re: Airport Engineering Consultant

Since the repercussions of my comments and those of the City Attorney may not have been clear to all members and to ensure that each of you have the same understanding of the timing and other implications of moving forward with releasing MEA/Hanson and proceeding to advertise a request for qualifications (RFQ). I offer the following:

- 1) The Airport Manager, City Attorney and Finance Director will review our existing contracts to complete the close-out of work underway by MEA/Hanson, including the Master Plan, ALP, storm water and any related work assignments and determine outstanding amount owed.
- 2) The June 10 City Council Meeting will include your review of the draft RFQ, prior to releasing the request to interested firms.
- 3) Upon your approval of the RFQ, it will be advertised for a period of two (2) days for opening within thirty (30) days.
- 4) Typically, a staff review committee evaluates the responses, ranks firms and presents the *ranking for your approval*. This process is required to be publically noticed and generally requires 30-45 days to complete. City Council will be asked to confirm this approach or whether an alternative evaluation committee composition is desired.
- 5) Contract negotiations and task pricing is expected to require approximately 45 days to bring it forward for your formal approval.
- 6) Upon completion of contracting steps in accordance with the State Consultants Competitive Negotiations Act, we will then be in a position to issue notices to proceed on the various tasks contemplated by City Council.
- 7) With these requirements, the earliest that we should anticipate that a consultant can be on board to commence work is on or about September/October 2008.

Exhibit E

Mayor and City Council / Airport Engineering Consultant)

Page (2)

May 29, 2008

- 8) This timeline will require that we explore extensions of deadlines for work products required under grant agreements with the Federal Aviation Administration and Florida Department of Transportation. I have requested that Mr. Watts and Mr. Anderson complete a review of these existing agreements to confirm our options.

Please do not hesitate to contact me with your questions.

MB/rek

Cc: Charter Officers

Fred Watts

Jeffrey Snyder

Nancy Woodley

CMO Staff

**CITY OF VENICE, FLORIDA
INVITATION
REQUEST FOR QUALIFICATIONS**

NOTICE IS HEREBY GIVEN that the City of Venice invites and will receive sealed proposals from qualified vendors to perform the following work which is described in detail in the Request for Qualifications (RFQ) specifications.

RFQ NUMBER: 2880

RFQ TITLE: ENGINEERING AND PROFESSIONAL CONSULTING SERVICES FOR AIRPORT PLANNING AND RELATED SERVICES TO VENICE MUNICIPAL AIRPORT.

PROJECT DESCRIPTION: The City of Venice requests submission of statements of qualifications and experience from interested Consulting Firms. Consulting firms must be prepared to make modifications or changes to an existing draft Airport Master Plan Update (AMPU) and Airport Layout Plan (ALP) or, if necessary, to completely rewrite an AMPU and ALP for the Venice Municipal Airport to be submitted to the Federal Aviation Administration and the Florida Department of Transportation Aviation Office. This may also include an Airport Operations count/estimate acceptable to the FAA, FDOT Aviation and City Council.

RFQ OPENING LOCATION: Conference Room 106
Venice City Hall
401 West Venice Avenue
Venice, Florida 34285

RFQ SUBMITTAL DEADLINE DATE & TIME: June xx, 2008, at 2:00 p.m.

PRE-PROPOSAL CONFERENCE: N/A DATE & TIME: N/A

LOCATION: N/A

The City is using a Request for Qualifications for this project and will award a contract to the Proposer the City finds, in its sole discretion, best meets the long term needs of the City.

Specifications and Bid/RFQ documents are available by calling Onvia DemandStar at (800) 711-1712 or by their Internet address at www.demandstar.com. Proposers may also pick up Bid/RFQ documents at the City of Venice Purchasing Department, Room 204, 401 West Venice Ave., Venice Florida 34285, (941) 486-2626 x. 26016 at no charge.

All proposers should ensure that the proposal is both complete and accurate. The City may require additional information or data from any of the Proposers. An evaluation committee that has been appointed by the City will evaluate proposals.

The evaluation committee has been selected by the City to ensure that all proposals are fairly considered. The evaluation committee will perform a review of proposals received from Proposers to determine completeness and responsiveness to the principal components of the technical, financial and legal requirements of the RFQ. Request for clarification letters may include, but not limited to, the following: commitment of project team members; performance guarantees and standards; project guarantor commitments; interpretation of proposed equipment systems, building layout, etc.; repair and

Exhibit F

replacement approaches; operation and maintenance approaches; project schedules, phasing methods and payment schedules; and letters of credit, performance bonds and insurance requirements. The evaluation committee will make a recommendation to the City Council following the evaluation committee's review of all proposals and consideration of any additional evidence or data desired by the evaluation committee.

Qualified firms are invited to deliver seven (7) copies of their proposals including their Standard Form SF254, in a sealed envelope marked **"SEALED REQUEST FOR QUALIFICATIONS, RFQ # 2880, ENGINEERING AND PROFESSIONAL CONSULTING SERVICES FOR AIRPORT PLANNING AND RELATED SERVICES TO VENICE MUNICIPAL AIRPORT"** and delivered to the City of Venice Purchasing Department, Room 204, City Hall, 401 West Venice Avenue, Venice, Florida 34285. The City assumes no responsibility for proposals received after 2:00 p.m., on June xx, 2008, or at any office or location other than that specified herein, whether due to mail delay, courier mistake, mishandling or any other reason. Late proposals will be held unopened and will not be considered for award.

All questions, comments, or concerns about this RFQ must be submitted in writing to Mr. Jon Mayes, Purchasing Department, for the City of Venice, Room 204, 401 West Venice Avenue, Venice, FL 34285. Mr. Jon Mayes is the only designated representative of the City authorized to respond to comments, questions, and concerns. The City will not respond to comments, questions or concerns addressed to any person other than Mr. Jon Mayes. If the City determines that a particular comment, question or concern necessitates a global response to all Proposers, the City will issue a clarifying memorandum or addendum. The final day that the City will accept questions will be **June xx, 2008 by 4:00 p.m.**

The City reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request re-submission. Any sole response received by the submission date may or may not be rejected by the City, depending on available competition and timely needs of the City.

The City reserves the right to select a firm with or without interviews, and may decide to select any of the firms submitting qualification packages. The City reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the City.

The City shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the City reserves the right to make such investigation, as it deems necessary to determine the ability of any proposer to perform the work or service requested.

Proposers, their agents and associates shall not contact or solicit any City Council member, City employee, or official regarding this RFQ during any phase of this RFQ. Failure to comply with this provision may result in disqualification of the Proposer, at the option of the City. Only that individual listed, as the contact person in this Notice shall be contacted. The City of Venice is an Equal Opportunity Employer.

CITY OF VENICE, FLORIDA

RFQ # 2880

ENGINEERING AND PROFESSIONAL CONSULTING SERVICES FOR AIRPORT PLANNING AND RELATED SERVICES TO VENICE MUNICIPAL AIRPORT

SECTION IV - CRITERIA FOR PROPOSAL EVALUATIONS:

An EVALUATION COMMITTEE composed of representatives from the City of Venice will evaluate all proposals received. Upon completion of the evaluations, recommendations for selection will be prepared and forwarded to the City Manager for award and contracting purposes. The following criteria will be used in the proposal evaluation process:

EVALUATION AND AWARD PROCEDURES

General

The City's selection committee will evaluate letters of interest and qualifications. All selection negotiations will be done in accordance with Florida Statutes, Chapter 287.055, also known as the Consultants Competitive Negotiations Act (CCNA).

As its discretion, the City may require any Respondent to make an oral presentation of its credentials and qualifications to perform the proposed Scope of Work for the purpose of clarification. Oral presentations should include personnel who will be directly responsible for the day to day supervision of the City project.

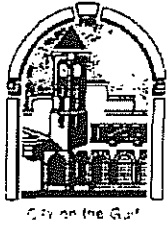
Final Selection

The City anticipates selecting one firm only. The City will negotiate a contract with the respondent receiving the highest evaluations. If the City is unable to negotiate a satisfactory contract with the firm having the highest evaluation, negotiations that firm will be terminated and the City will undertake negotiations with the firm having the next highest evaluation.

Fields of service to include

1. Airport:

Airport Planning and study designs involving Master Plans and Airport Layout Plans.




City of Venice
Venice Municipal Airport

Interoffice Memorandum

DATE: June 17, 2008

TO: Mayor Martin and City Council

CC: Charter Officers

FROM: Fred Watts, CM, Airport Director 

SUBJECT: Airport Advisory Board Action Report Regarding Airport Master Plan Update
Consultant Request For Proposals (RFQ) June 11, 2008

On May 27, 2008, the Venice City Council directed that the RFQ to select a consultant to complete the work on the Venice Municipal Airport Master Plan Update, be reviewed by the Airport Advisory Board (AAB) and Council prior to advertising, and conduct a broad based search for a consultant. On June 10, 2008 the City Council deferred consideration of the RFQ until the June 24, 2008 Council meeting with the understanding that the AAB would consider the RFQ during the June 11, 2008 AAB meeting. This with the understanding that the AAB seriously take into consideration the comments and suggestions contained in Mr. Rafferty's e-mail of June 5, 2008 (copy attached).

The Airport Advisory Board determined to forego consideration of Mr. Rafferty's comments and suggestions and offered the recommendation that City Council not proceed with the RFQ process. The AAB request is that Council transmit the MEA Group, Inc. draft plan to FAA and FDOT and permit MEA to make any changes required by FAA or FDOT.

The Airport staff is prepared to proceed as directed by Council and ask that Mayor and City Council identify any changes or modifications to the RFQ prior to our advertising.

Attachments: RFQ 2880
Hollowell Memo
Rafferty Comments
Black Memo dated May 29, 2008

Exhibit H

From: Ed Martin
To: Nancy Woodley
CC: Jeffery Snyder, Frederick Watts, lenbramble@sprint.blackberry.net
Date: Tuesday - July 29, 2008 2:53 PM
Subject: Re: Good Morning

Nancy, thanks for this good plan. I appreciate your approach. Ed

>>> Nancy Woodley 07/28/08 11:26 AM >>>

Fred Watts and I met Friday afternoon to scope out a suggested time schedule in selecting an airport consultant. I have confirmed that the RFQ was posted on DemandStar on July 16, 2008 with an advertised mandatory pre-submittal meeting on July 31 and final submittals to be in on August 15. Below is a suggested schedule for council and staff to move this priority forward. Please let me know if ok to distribute to parties involved and/or with any changes you desire. It's hot and humid, so I hope you are enjoying the cooler northern climate!

Airport Consultant Selection Proposed Schedule

1. RFQ: advertised 7/16/08, mandatory presubmittal meeting between staff & applicants 7/31/08, Proposals opened 8/15/08
2. Pam distributed e-mail notice that the MEA draft is available on our URL site on city's web site for interested parties to access.
3. Council will be asked to mark up their copies of the MEA draft airport plan from now until September 8 to use when they interview 3 finalist applicants.
4. A Technical Review Committee comprised of Fred, Len Bramble, Jeff Snyder and myself will review and pick the 3 finalists between 8/15 and 8/22/08.
5. The 3 finalists will make a public presentation to City Council on Monday, Sept 8, 2008 at a public meeting and at that time hear council's concerns for use in their approach to revising the draft.
6. If Council wishes, they could vote at the Sept. 9 council meeting on which consultant they would like us to engage to start work.
7. Based on my review of the plan's documents this week-end, I believe that the selected consultant will be at 60% revisions by early November, say Nov. 3, 2008. If AAB is operative by then, these revisions can go to that board and subsequently to council in November, 2008.
8. Assuming all "concerns" have been resolved on what "exceptions" city would like requested with plan submittal, consultant should be at 90% revised plan by early December, 2008. Again, consultant should go to AAB and then Council for final action. Optimistically, we could be at that decision making point in January, 2009. City Council's first meeting is January 13.

Exhibit I

As we discussed earlier, council's input at the September 8 meeting should provide the consultant with guidance on what unique tasks are to be included in their scope of work.

I read the scope of work outlined in the RFQ and feel it has already indicated a review of projected activity at the airport and that certain non-compliance issues will need to be addressed.

If you are comfortable with the above schedule/activities, please let me know so I can start coordination. I have tentatively reserved council chambers for the 8th of Sept. but realize we'll need to "busy" search council's calendars. I hope by doing this the day before a council meeting, we'll have a good chance of folks being in town.

From: Lori Stelzer
To: City Council
CC: Frederick Watts; Judy Gamel; Mary Holcombe; Nancy Woodley; Pam Johnson; randerson@hall-anderson.com; Susan Schult
Date: Friday - August 15, 2008 10:32 AM
Subject: Airport RFQ Selection Meeting

The Selection Committee (Fred Watts, Nancy Woodley, Len Bramble, and Jeff Snyder) will be developing a short list ranking of the consulting firms based on a selection matrix and qualifications submitted.

A City Council workshop has been scheduled for Monday, September 8 for the top 3 rated consulting firms chosen for the Airport Master Plan Update. The meeting will be in council chambers. The planned schedule developed by staff, with the concurrence of the mayor, is as follows:

9:30 a.m. - Company A

10:30 a.m. - Company B

11:30 a.m. - Company C

Each hour slot includes a 20 min. presentation by the company, followed by 40 minutes Q&A from council and the selection committee.

Lunch Break

2:30 p.m. Public Input

Under the best case scenario, the selection of the consulting firm will occur at the 9/9 regular council meeting. The firms will have to be ranked by council in the event the city is unable to negotiate an acceptable scope and fee with the top ranked firm. In that case they would have to go to the second ranked firm, etc.

If you have any questions, please see Nancy or Fred.

Exhibit J

City of Venice
Purchasing Department
401 W. Venice Avenue Venice, FL. 34285
(941) 486-2626 (941) 486-2790

August 26, 2008

Re: RFQ# 2880- Engineering and Professional Consulting Services for Airport Planning and Related Services to Venice Municipal Airport

A City Council workshop has been scheduled for Monday, September 8, 2008 for the top three rated consulting firms chosen for the Airport Master Plan Update at the City's Council Chambers.

The City of Venice Selection Committee for this RFQ has short listed the following three firms which will be interviewed starting at 9:30 a.m.: DY Consultants, Wilbur Smith Associates and URS Corporation.

The planned schedule developed by staff, with the concurrence of the mayor, is as follows:

9:30 a.m- URS Corporation
10:30 a.m- Wilbur Smith Associates
11:30 a.m- DY Consultants

Each hour slot includes a 20 minute presentation by the firm, followed by a 40 minute Question & Answer session from City Council and the Selection Committee. Any audio visual or other presentation aids are acceptable, but must be furnished by the presenter.

At about 12:30 p.m. there will be a lunch break and at 2:30 p.m. will begin the Public Input session. Chosen firms may stay for this session to hear of Citizens questions and concerns.

Enclosed is a ranking chart, showing all eight submitting firms and their final score. We appreciate the time and effort that all the firms have expended in preparing and submitting your proposals.

FIRM NAME	TOTAL SCORE
DY Consultants	380

Exhibit K

URS Corporation	365
Wilbur Smith Associates	360
Stantec	250
PBS & J	250
Montgomery Consulting	225
HDR Engineering	225
Mactec	215

Jon Mayes
Procurement Specialist