

**DOCUMENT ROUTING FORM**

① ✓ 10/16/12 ②

NAME OF DOCUMENT: EXTENSION OF AND FIRST AMENDMENT TO AGREEMENT TO SUPPLY CEMETERY MANAGEMENT SERVICES

Approved Comm. Mtg. on October 2, 2012 CAR# 12-2068

ITEM:  M -  PH -  O -  CR -  PUR - 2

Routing Origin:  CAO  ENG.  COMM. DEV.  OTHER \_\_\_\_\_

Also attached:  copy of CAR  copy of document  ACM Form  # \_\_\_\_\_ originals

By: KSA forwarded to: Carrie Keohane, Admin. Assistant I  
Initials

1.) Approved as to Content: [Signature] 10/3/12  
Department Director

Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.

Please Check the proper box: CIP FUNDED  YES  NO  
Capital Improvement Projects

2.) Approved as to Funds Available: by [Signature] Date: 10/9/12  
Finance Director

Amount Required by Contract/Agreement \$ 776,911 (Revenue) Dept./Div. Parks + Rec.

FUNDING SOURCE: Index/Sub-object PKR062201-N251 Project # \_\_\_\_\_

3.) City Attorney's Office: Approved as to Form # ONE Originals to City Mgr. By: ksa

Harry A. Stewart \_\_\_\_\_ Cole Copertino \_\_\_\_\_ Robert B. Dunckel \_\_\_\_\_  
Ginger Wald \_\_\_\_\_ D'Wayne Spence [Signature] Paul G. Bangel \_\_\_\_\_  
Carrie Sarver \_\_\_\_\_ DJ Williams-Persad \_\_\_\_\_

4.) Approved as to content: Assistant City Manager:

By: \_\_\_\_\_ By: \_\_\_\_\_  
Stanley Hawthorne, Assistant City Manager Susanne Torriente, Assistant City Manager

5.) City Manager: Please sign as indicated and forward # \_\_\_\_\_ originals to Mayor.

6.) Mayor: Please sign as indicated and forward # \_\_\_\_\_ originals to Clerk.

7.) To City Clerk for attestation and City seal.

**INSTRUCTIONS TO CLERK'S OFFICE**

8.) City Clerk: retains one original document and forwards TWO COPY original documents to Carrie Keohane (5141)  
Julius Delisio

Copy of document to Carrie Keohane  Original Route form to \_\_\_\_\_ D'Wayne Spence

Attach \_\_\_\_\_ certified copies of Reso. # \_\_\_\_\_  Fill-in date

12 OCT 8 PM 1:27

EXTENSION OF AND FIRST AMENDMENT TO AGREEMENT  
TO SUPPLY CEMETERY MANAGEMENT SERVICES

THIS EXTENSION OF AND FIRST AMENDMENT TO AGREEMENT TO  
SUPPLY CEMETERY MANAGEMENT SERVICES is made and entered into this  
15<sup>th</sup> day of October, 2012, by and between:

CITY OF FORT LAUDERDALE, a municipal corporation of  
the State of Florida, hereinafter referred to as "City",

and

CFS FUNERAL SERVICES, INC., a Foreign Profit  
Corporation operating under the laws of the State of Florida,  
hereinafter referred to as "CFS".

RECITALS

WHEREAS, pursuant to Motion at its February 5, 2008 City Commission meeting, the City and CFS entered into that certain Agreement to supply Cemetery Management Services during the period October 1, 2008 through September 30, 2013 hereinafter referred to as "Agreement"; and

WHEREAS, pursuant to Part III – Special Conditions, Paragraph 09 of the Request for Proposals attached to and incorporated into the Agreement, the City and CFS wish to extend the term of the Agreement for five (5) years ending September 30, 2018; and

WHEREAS, pursuant to Motion at its October 2, 2012 City Commission meeting, the City approved this Extension of and First Amendment to Agreement to Supply Cemetery Management Services to reflect certain modifications herein provided; and

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties mutually agree as follows:

1. Recitals; Capitalized Terms. The above-referenced recitals are incorporated herein as though fully set forth and restated and are made hereof. Capitalized terms used but not defined in this First Amendment which are defined in the Agreement shall have the meanings given such terms in the Agreement.

2. Extension of Term. Pursuant to Part III – Special Conditions, Paragraph 09 of the Request for Proposals attached to and incorporated into the Agreement, the term of the Agreement is hereby extended to September 30, 2018.

3. Compensation and Capital Improvement Plans. The City and CFS hereby agree to the Compensation and Capital Improvement Plan attached as Exhibit "A" hereto for the five (5) year period ending September 30, 2018 and the Amended Capital Improvement Plan attached as Exhibit "B" hereto for the five-year period ending September 30, 2013. CFS shall carry out such capital improvement plan as described in Exhibit "A" and, to the extent not inconsistent therewith, in accordance with the standards applicable to previous capital improvement plans for the Cemetery System under the Agreement.

4. Effective Date. The effective date of this First Amendment shall be the date this First Amendment is executed by both parties.

5. Miscellaneous provisions.

- (a) This First Amendment may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.
- (b) As amended hereby, the Agreement, as modified herein, shall remain in full force and effect. In the event of any conflict between the provisions of this First Amendment and the provisions of the Agreement, the provisions of this First Amendment shall prevail.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

WITNESSES:

Jeanette A. Johnson  
Quik [Signature]

(CORPORATE SEAL)

CITY OF FORT LAUDERDALE

By [Signature]  
Mayor

By [Signature] FOR L. FELDMAN  
City Manager

ATTEST:

Jonda K. Joseph  
City Clerk

Approved as to form:

[Signature]  
City Attorney

WITNESSES:

[Signature]  
[Signature]  
(CORPORATE SEAL)

CFS FUNERAL SERVICES, INC.

By [Signature]

ATTEST:

[Signature]

STATE OF Texas :  
COUNTY OF Harris :

The foregoing instrument was acknowledged, before me this Sept. 12th, 2012, by L. William Heiligbrodt, of CFS FUNERAL SERVICES, INC. a foreign profit corporation operating under the laws of the State of Florida, on behalf of the corporation. They are personally known to me or have produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public, State of Florida  
(Signature of Notary taking Acknowledgment)

MARILYN LORINA BROWN  
Name of Notary Typed, Printed Or Stamped

My Commission Expires: 8-16-2015

169993  
Commission Number

**EXHIBIT A**

**Five-Year Compensation and Capital Plan for 2013-2018 Contract Term**

<b>Payment to City</b>	<b>Payable</b>	<b>Fiscal Year</b>	<b>Fiscal Year</b>	<b>Fiscal Year</b>	<b>Fiscal Year</b>	<b>Fiscal Year</b>	<b>Total</b>	<b>Notes</b>
		<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>		
<b>Management Fee</b>	<b>October</b>	\$670,407	\$703,550	\$738,727	\$775,664	\$814,447	\$3,702,795	(1)
<b>Admin Fee</b>	<b>Quarterly</b>	\$63,814	\$67,004	\$70,355	\$73,872	\$77,566	\$352,611	(1)
<b>5% &gt; \$3.5 Cash</b>	<b>November</b>	\$42,690	\$42,690	\$42,690	\$42,690	\$42,690	\$213,450	(2)
<b>Total</b>		<b>\$776,911</b>	<b>\$813,244</b>	<b>\$851,772</b>	<b>\$892,226</b>	<b>\$934,703</b>	<b>\$4,268,856</b>	
<hr/>								
<b>Capital Expense</b>		\$200,000	\$200,000	\$200,000	\$10,000	\$10,000	\$620,000	(3)(4)
<b>Grand Total</b>		<b>\$976,911</b>	<b>\$1,013,244</b>	<b>\$1,051,772</b>	<b>\$902,226</b>	<b>\$944,703</b>	<b>\$4,888,856</b>	

**Notes:**

- (1) These fees are fixed and increase annually by 5%.
- (2) This number estimated since cash receipts would be audited and 5% paid in November for the prior fiscal year.
- (3) Capital improvements proposed :
  - A. \$120,000, discretionary capital projects with approval of the Department and Cemetery Board of Trustees.
  - B. \$350,000, Phase III Mausoleum Construction at Sunset Memorial Gardens.
  - C. \$150,000, Garden Development at Lauderdale Memorial Gardens.

EXHIBIT B

Amended Five-Year Capital Improvement Plan for 2008-2013 Contract Term

Contract Capital	Description	2008/2009 Year 1	2010 Year 2	2011 Year 3	2012 Year 4	2013 Year 5	Total
Evergreen	Irrigation	\$ 15,600	\$ 11,411	\$ -	\$ -	\$ -	\$ 27,011
	Decorative Trash Units	\$ -	\$ 3,000	\$ -	\$ -	\$ -	\$ 3,000
	Fence Replace/Paint	\$ -	\$ -	\$ -	\$ 11,780	\$ -	\$ 11,780
	Vacate/Survey Roads	\$ 18,600	\$ -	\$ -	\$ -	\$ -	\$ 18,600
<b>Total</b>		<b>\$ 34,200</b>	<b>\$ 14,411</b>	<b>\$ -</b>	<b>\$ 11,780</b>	<b>\$ -</b>	<b>\$ 60,391</b>
Lauderdale	Mausoleum Complex	\$ 968,402	\$ -	\$ -	\$ -	\$ -	\$ 968,402
	Decorative Trash Units	\$ -	\$ -	\$ 5,805	\$ -	\$ -	\$ 5,805
	Office Lot Paving	\$ -	\$ 9,149	\$ -	\$ -	\$ -	\$ 9,149
	Pvt Hedge Estates	\$ -	\$ -	\$ 53,322	\$ -	\$ -	\$ 53,322
	New Entrance/Gates	\$ 92,000	\$ -	\$ 14,030	\$ -	\$ -	\$ 106,030
	Irrigation Upgrade Auto	\$ 11,974	\$ 7,179	\$ 31,126	\$ 4,471	\$ -	\$ 54,750
	Pin Develop Gardens	\$ 2,400	\$ -	\$ 2,000	\$ -	\$ -	\$ 4,400
	Cremation Garden	\$ 42,730	\$ 80,444	\$ -	\$ -	\$ -	\$ 123,174
	Office Renovations	\$ -	\$ -	\$ 53,594	\$ -	\$ -	\$ 53,594
	Fence Maint Area	\$ 10,226	\$ -	\$ -	\$ -	\$ -	\$ 10,226
<b>Total</b>		<b>\$ 1,127,732</b>	<b>\$ 96,772</b>	<b>\$ 159,877</b>	<b>\$ 4,471</b>	<b>\$ -</b>	<b>\$ 1,388,852</b>
Sunset	Mausoleum Complex	\$ -	\$ -	\$ -	\$ 566,321	\$ -	\$ 566,321
	New Entrances	\$ -	\$ 33,705	\$ -	\$ -	\$ -	\$ 33,705
	Survey and Pin	\$ -	\$ 9,000	\$ 4,500	\$ -	\$ -	\$ 13,500
	Develop New Garden	\$ -	\$ -	\$ 33,647	\$ -	\$ -	\$ 33,647
	Decorative Trash Units	\$ -	\$ 11,171	\$ -	\$ -	\$ -	\$ 11,171
	Irrigation Upgrade	\$ 4,978	\$ -	\$ 16,701	\$ 40,701	\$ -	\$ 62,380
	New Maint/Office Demo	\$ -	\$ 132,360	\$ 15,758	\$ -	\$ -	\$ 148,118
<b>Total</b>		<b>\$ 4,978</b>	<b>\$ 186,236</b>	<b>\$ 70,606</b>	<b>\$ 607,022</b>	<b>\$ -</b>	<b>\$ 868,842</b>
<b>Grand Total</b>		<b>\$ 1,166,910</b>	<b>\$ 297,419</b>	<b>\$ 230,483</b>	<b>\$ 623,273</b>	<b>\$ -</b>	<b>\$ 2,318,085</b>