

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
UTILITY SPECIAL DISTRICT BOARD MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MAY 6, 2015 AT 5:00 P.M.**

(The following may contain inaudible or misunderstood words due to the recording quality.)

CALL TO ORDER

CHAIRPERSON PARDO: Meeting. Um, Madam Clerk, roll call please.

DISTRICT CLERK ANTHONY: Chairperson, Dawn Pardo.

CHAIRPERSON PARDO: Present.

DISTRICT CLERK ANTHONY: Chair Pro Tem Terence Davis.

PRO TEM DAVIS: Here.

DISTRICT CLERK ANTHONY: Board Member, Bruce Guyton. Board Member, Kashamba Miller. Board Member, Cedrick Thomas.

BOARD MEMBER THOMAS: Here.

DISTRICT CLERK ANTHONY: City Manager, Ruth Jones.

CITY MANAGER JONES: Present.

DISTRICT CLERK ANTHONY: Executive Director, Luis Aurigemma.

EXECUTIVE DIRECTOR AURIGEMMA: Here.

DISTRICT CLERK ANTHONY: District Clerk, Claudene Anthony is present. District Attorney, Pamala Ryan.

DISTRICT ATTORNEY RYAN: Present.

DISTRICT CLERK ANTHONY: District Finance Director, Randy Sherman.

FINANCE DIRECTOR SHERMAN: Here.

CHAIRPERSON PARDO: Okay. Thank you. We have a quorum; I'd like to invite everyone to stand for a moment of silence followed by the Pledge.

(Everyone stood for a moment of silence and the Pledge of Allegiance.)

CHAIRPERSON PARDO: If anyone would like to speak on an Item, please, um, fill out an orange comment card and hand it to Staff prior to the Item being discussed by the Council. Okay. Um, Ms. Jones do you have additions or deletions to the Agenda?

EXECUTIVE DIRECTOR AURIGEMMA: No, Madam Chair.

CHAIR PERSON DAWN PARDO: Okay. Thank you. Do we have a Motion to Accept, con..., um...

BOARD MEMBER THOMAS: So move.

CHAIRPERSON DAWN PARDO: Agenda.

PRO TEM DAVIS: Second.

CHAIRPERSON DAWN PARDO: Madam Clerk.

DISTRICT CLERK ANTHONY : Board Member Thomas?

BOARD MEMBER THOMAS: Yes.

DISTRICT CLERK ANTHONY : Vice Chair Davis?

PRO TEM DAVIS: Yes.

DISTRICT CLERK ANTHONY : Chair Pardo?

CHAIRPERSON DAWN PARDO: Yes.

DISTRICT CLERK ANTHONY : Unanimous vote.

CONSENT AGENDA

CHAIRPERSON DAWN PARDO: Okay. Thank you. Um, could the Consent Agenda, all matters listed under this item are considered to be routine and action will be taken by one motion. There will be no separate discussion of these Items unless a Council Member so request. In which event the Item will be removed from the general order of business and considered in its normal sequence on the Agenda. Do we have a Motion to Accept Consent?

BOARD MEMBER THOMAS: So move.

PRO TEM DAVIS: Second.

CHAIRPERSON DAWN PARDO: Alright. Madam Clerk.

DISTRICT CLERK ANTHONY: Board Member Thomas?

BOARD MEMBER THOMAS: Yes.

DISTRICT CLERK ANTHONY: Vice Chair Davis?

PRO TEM DAVIS: Yes.

DISTRICT CLERK ANTHONY: Chair Pardo?

CHAIRPERSON DAWN PARDO: Yes.

DISTRICT CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAWN PARDO: Thank you. That's the end of the Consent Agenda, resolutions, non-presentations, we don't have any. We'll go to the regular Agenda, Item 3.

DISTRICT CLERK ANTHONY: A resolution of the Board of Directors of the City or Riviera Beach, Utility Special District.

BOARD MEMBER THOMAS: Uh, point of order please.

_____: Yes, sir.

BOARD MEMBER THOMAS: Um, I just want to make sure just so we don't have any clerical glitches here, the minutes were not added under consent, which probably should've been, um, do we wanna make sure that we do that or was that just in the as out of order.

CITY MANAGER JONES: Yeah.

CHAIRPERSON DAWN PARDO: Yeah.

CITY MANAGER JONES: It should've, should've fell on consent.

BOARD MEMBER THOMAS: Okay. Okay. Just wanna make sure so, um...

CHAIRPERSON DAWN PARDO: So, um, Item 1 and 2, are under the Consent Agenda?

CITY MANAGER JONES: Yes.

BOARD MEMBER THOMAS: Just wanna make sure.

CHAIRPERSON DAWN PARDO: Okay.

BOARD MEMBER THOMAS: Okay.

CHAIRPERSON DAWN PARDO: Alright. Thank you.

BOARD MEMBER THOMAS: Mhmm.

REGULAR AGENDA

CHAIRPERSON DAWN PARDO: Um Item 3.

DISTRICT CLERK ANTHONY: A resolution of the Board of Directors of the City of Riviera Beach, Utility Special District, Palm Beach County, Florida authorizing the District to approve the inter local agreement between the Utility Special District and Riviera Beach Community Redevelopment Agency for the design, construction, and construction management of the sewer project for the Li, Linear Park area of Riviera Beach Heights between 6th Street and Martin Luther King, Junior Boulevard and authorizing the Utility District Board Chairperson and District Clerk to execute the Agreement and provide an effective date.

BOARD MEMBER THOMAS: So move.

PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Okay. Mr. Aurigemma.

EXECUTIVE DIRECTOR AURIGEMMA: Okay. Thank you, Chair. Uh, this is, uh, at the CRA meeting in February, you approved an Interlocal Agreement between the CRA and the Utility District with an upper limit of \$125,000 for this, sew, sew, sewer project. Um, subsequent to that meeting, uh, I met with WILLIE THOMAS and Tony Brown, the Executive Director of the CRA, to discuss that and we decided that it was more beneficial, uh, more cost effective to realign the pipe. The pipe within a pipe as we discussed. Willie Thomas was okay with that, so, this is bringing it back on the Utility District side for a limit of up to \$55,000 which is about half the cost and still will provide a, a solid, uh, infrastructure and, uh, we're asking for you approval.

CHAIRPERSON PARDO: Okay. We have one comment card, Mami Kisner.

MAMI KISNER: Good evening.

CHAIRPERSON PARDO: Good evening, ma'am.

MAMI KISNER: Madam Chair and, um, City Manager, and Council Member. Mami Kisner, I've been before you many times telling you that I speak for many of our residence, at least thirty of them, I have on a list, that if you need it I can supply it to you. These are land owners. Um, I've been before you talking about the issues at the Water Utility District. Water as you know impact all of our citizens on a daily basis. Quite frankly it's the goal for the city and therefor it is managed properly and that they citi, citizen are informed when they have issues. Walking in her tonight, I was stopped by two lan, one lan, land owner, telling me that their water is yellow and their coming to see what happens in the Utility District meetings. In 2010, as I told you before, there was a procurement bid that was put out to the public for a local bid. That bid, the ranking in that bid was given to BFA. BFA is an engineering firm and the second

person that was, uh, second firm that was ranked was Chen and Associates. Now I have no issues with either one of those companies. The issues that we, that I'm speaking about is the work that is being given only to one company. There was a selection process and since that time when the, was first, the bid was first won, almost less than half of the work that has been done, given outside of the Utility District, under the leadership of the current director, Lou Aurigemma, it has been, not even half, 1.3 million dollars has been given out in work to one company that rank second.

I believe that is not fair. I need to know why. The citizens need to know why. And the fair thing would be to do, is to give work to both of those companies. I have asked BFA to come tonight in case you want to hear their side of the story. There is always two side of the stories. In the last meeting, I remember the utility director and we can pull the records said that, "BFA was terminated." If they were terminated, where were the, where were the documents? We do not want automatic roles. When you members have sat up there and said that you wanna support local and you wanna support minority businesses, and African-American businesses, then we, the people expect that to be done.

The employees of this city are citizens. They have been harassed in that Department. I will speak about that later, but right now, the right thing needs to be done, that work is given to both of those company's and not just one. When you're spending 1.3 million of the citizens money on just one company. That is not fair. Thank you.

CHAIRPERSON PARDO: Alright. So, is there anything from the Board, and this really has nothing to do with either of those parties. This is the...

CHAIRPERSON PARDO: inter.. Right. Local between the, um, Utility District and the CRA. Anything from Council? Alright. Madam Clerk.

DISTRICT CLERK ANTHONY: Madam Chair, let the record reflect that Board Member Miller is now on the dais.

CHAIRPERSON PARDO: Thank you.

DISTRICT CLERK ANTHONY: Board Member Thomas?

BOARD MEMBER THOMAS: Yes.

DISTRICT CLERK ANTHONY: Vice Chair Davis?

PRO TEM DAVIS: Yes.

DISTRICT CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

DISTRICT CLERK ANTHONY: Board Member Miller?

BOARD MEMBER MILLER: I'm trying to see where we are. What are we on?

BOARD MEMBER THOMAS: Item 3.

The, tell her what Item it is.

DISTRICT CLERK ANTHONY: No. 3.

BOARD MEMBER MILLER: Yes.

DISTRICT CLERK ANTHONY: Unanimous vote.

CHAIRPERSON PARDO: Okay. Thank you. Item 4.

DISTRICT CLERK ANTHONY: A resolution of the Board of Directors of the City of Riviera Beach, Utility Special District, Palm Beach County, Florida, authorizing the District to approve Amendment No. 2, to the Inter-local Agreement between the Utility Special District and the Riviera Beach Community Redevelopment Agency for the design, coordination, and construction management for the burial of overhead utility lines on Broadway from 12th Street to Blue Heron Boulevard. And the CRA Marina District, Phase 1 project, authorizing the Chair, Chairman and Executive Director to take such actions as shall be necessary and consistent to carry out the intent of their Agreement and provide an effective date.

BOARD MEMBER THOMAS: So move.

PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Okay. Thank you. Um, Mr. Aurigemma.

EXECUTIVE DIRECTOR AURIGEMMA: Yes. Thank you, Madam Chair. Uh, this is another Inter-local Agreement between the CRA and the Utility District. Uh, they are utilizing the, uh, Utility District consultant Chen Moore. This is Amendment No. 2. This is for, uh, taking the overhead lines along US 1 and putting them underground. And so, uh, this is the third phase of that. They've already done the first two phases so this is the third phase. All the funding is coming from the CRA.

CHAIRPERSON PARDO: Thank you. We have one...

CHAIRPERSON PARDO: ...public comment card. Ms. Kisner.

MAMI KISNER: Mami Kisner. Again, um, good evening, again.

CHAIRPERSON PARDO: Good evening, ma'am.

MAMI KISNER: My comments are again, here is again, the same Company that's being recommended by the Utility District, um, Director for the work and they rank second, even though this is an inter-local agreement, it is still an issue with one firm receiving all of the work out of this Utility District. And the citizens want to know, why?

And we also want to know, why minority and local businesses are not getting work out of the Utility District, when millions of dollars are being spent. Thank you.

BOARD MEMBER THOMAS: Madam Chair.

CHAIRPERSON PARDO: Yes, Willie Thomas.

BOARD MEMBER THOMAS: Um, I would, uh.. I have a couple questions. Mr. Aurigemma, are these, is this particular agreement and work order subsequently, going to bury the lines on the west side of the road now?

EXECUTIVE DIRECTOR AURIGEMMA: Um, I'll let the CRA answer that question. I don't know exactly which side of the road.

BOARD MEMBER THOMAS: Mhmm.

MR. EVANS: Uh, Scott Evans, ___ Director for the CRA.

BOARD MEMBER THOMAS: How you doing, Scott?

MR. EVANS: Hi. This, uh, the lines will be buried on the east side.

BOARD MEMBER THOMAS: Okay. So, we've pretty much buried all the lines on the east side. Correct?

MR. EVANS: Um, on the west side, we have buried, um, all of the other utilities that were on the poles, which is, Comcast, and Level 3 Communications.

BOARD MEMBER THOMAS: Okay. Well, let me ask this, not to interrupt you. Um, on one side the rope are buried, on the other side, they're not. Are we going to bury, whichever side is not buried?

MR. EVANS: Yes, sir.

BOARD MEMBER THOMAS: So that means that, the power lines will them be eliminated from the Blue Heron corridor, which is what I thought was gonna happen at the onset of this project.

MR. EVANS: Um, all, the final step will be, um, FPL, a contract, that we get approved by the CRA with FPL to do the final step of the work.

BOARD MEMBER THOMAS: Okay.

MR. EVANS: They're last because all the other utilities have to come first.

BOARD MEMBER THOMAS: Right. I just wanna make sure because, um, I was, I was a little bit bothered by the fact that we had the road torn up and we didn't bury everything then. I just wanna make sure this is not one of those issues where

somebody's dropping the ball. All the lines.. We'll re-tear up the road, I get it, we can fix it but, we'll re-tear up the road and we're gonna bury all power lines? Or all lines?

MR. EVANS: Yes.

BOARD MEMBER THOMAS: Okay. So answer me one additional question, please, if you don't mind. Why would we not get FP&L's approval now so when we dig up the road again, why wouldn't we bury everything at one time?

MR. EVANS: So, we are working with FPL to bring that contract to the CRA board. Uh, the construction method will be, um, uh, underneath the ground, it'll be a, a, a boar system so that they don't have to tear up all of the new roadway. Um, so...

BOARD MEMBER THOMAS: What, what does that mean, please?

MR. EVANS: So what they'll do is, um, make only a few, uh, entry points along the roadway. They'll, they'll dig a hole, so that we, a small, uh, place where they put the machine underground and then they dig underneath the sidewalk and the roadway. And they, they send the ___ which will then get put with the lines underneath so that they don't have to tear up the entire length of the roadway.

BOARD MEMBER THOMAS: Okay. I, I understand how that works. I'm concerned, that all lines not two or three, all lines are going underground.

MR. EVANS: So, all.. Yes, all, all of the overhead power lines...

BOARD MEMBER THOMAS: And what is the hold up with FP&L? Since they, we don't have a contract with them to do this yet?

MR. EVANS: Um, we are still securing the final easements before they will do a contract with us. So, we have one property owner that we're still negotiating with.

BOARD MEMBER THOMAS: Okay. And, I heard, um, one speaker say that, Chen and Associates received this particular work order. How did that come about?

MR. EVANS: Um...

BOARD MEMBER THOMAS: Well, first of all, is that accurate? And if it is accurate, how did that come about?

MR. EVANS: Um, in order to begin the Utility Burial Project, we want, um.. During the beginning of the US1 Roadway Project, Chen Moore was the engineer working on that, the US1 Project with Utility District, and that included all new water and sewer that was done at the time that they tore up the road. And, at that time, we also, uh, were able to contract with Utility District through the inter-local agreement to have Chen also work on burial of the, um, utility, other utilities in the overhead lines.

BOARD MEMBER THOMAS: Okay. Um, and, why didn't we use the number one ranked firm at the time?

MR. EVANS: From the CRA's perspective, we, we contracted with whichever firm the utility district had.

BOARD MEMBER THOMAS: Okay. That's good. I'll wait 'til the next _____. That's all from me, Madam Chair.

CHAIRPERSON PARDO: That's is? Anyone else?

PRO TEM DAVIS: No.

CHAIRPERSON PARDO: [Inaudible].

BOARD MEMBER MILLER: Yes. Um, I apologize for coming in a little late. In regards to, BFA, um, where there any issues with the contractor when they were working for us before? As to why...

MR. EVANS: No. Ms. Miller.

BOARD MEMBER MILLER: Not sure. Okay. I'll go to the next one.

CHAIRPERSON PARDO: Okay. Madam Clerk.

DISTRICT CLERK ANTHONY: Board Member Miller?

BOARD MEMBER MILLER: No.

DISTRICT CLERK ANTHONY: Board Member Thomas?

BOARD MEMBER THOMAS: Yes.

DISTRICT CLERK ANTHONY: Vice Chair Davis?

PRO TEM DAVIS: Yes.

DISTRICT CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

DISTRICT CLERK ANTHONY: That Motion is approved with Board Member Miller dissenting.

CHAIRPERSON PARDO: Thank you. Item 5.

DISTRICT CLERK ANTHONY: A resolution of the Board of Directors of the City of Riviera Beach, Utility Special District, Palm Beach County, Florida, authorizing the District to approve Amendment No. 3 to the contract between the Utility Special District

and Chen Moore and Associates, Inc., to provide continuing professional engineering services and authorizing the Utility District Board Chairperson and District Clerk to execute Amendment No. 3 and provide an effective date.

CHAIRPERSON PARDO: Is there a motion?

BOARD MEMBER THOMAS: So move.

CHAIRPERSON PARDO: Is there a second?

PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Alright. Mr. Aurigemma.

EXECUTIVE DIRECTOR AURIGEMMA: Yes. Uh, thank you, Madam Chair. Um, this evening, uh, we have, uh, Amendment No. 3 of a possible 4 to the Utility District contract with Chen Moore and Associates. Uh, there is no guarantee of any jobs being giving in the future.

However, they do have a couple of jobs that they're finishing up over there and, uh, we just want to extend this contract. So, what's I'm asking of the Board this evening, you have two choices, 1) You approve it as recommended by Utility District Staff, or, you can disapprove it, which is, which is fine with me. Uh, you can go either way and if, if you, de, uh, don't approve it, the I will put out a, uh.. I'll, I'll come back to the Board for a, an RFQ on, uh, on engineering consultant for the Utility District.

BOARD MEMBER THOMAS: Okay. Madam Chair.

CHAIRPERSON PARDO: Yes, sir.

BOARD MEMBER THOMAS: Mr. Aurigemma? Obviously, there's been a lot of conversations about, the number one, one ranked firm, um, I do recall, I don't know if it was you or somebody at a meeting, saying that, BFA's contract was terminated. Is that correct?

EXECUTIVE DIRECTOR AURIGEMMA: No. It expired.

BOARD MEMBER THOMAS: Okay. So, did Chen and, Chen Moore, is that.. Did, did they contract expire as well?

EXECUTIVE DIRECTOR AURIGEMMA: I brought, at the time, I brought the First Amendment, that was a couple of years ago, then last year was Amendment No. 2, and this year's No. 3. The, the main reason for maintaining Chen was, uh, before I started with the Utility District, they were giving two, two major jobs. One was MLK Phase B.

BOARD MEMBER THOMAS: Mhmm.

EXECUTIVE DIRECTOR AURIGEMMA: And, the other one was, uh, US1. The entire length through, uh, Riviera Beach. These are both water and sewer utility contracts. Uh, coordination with FDOT for those roadways. Uh, coming around, uh, I, I believe is the end of 2012, that was a design phase, then the DOT finally put it out to bid and around the end of 2012 into 2013, they finally got the bids out, they received the bids, and they were ready to start building. So, we needed some construction administrative services for both of those jobs because they were very large. And I think you're very well aware of those, those projects. So, so, we extended the contract with Chen because they had specific work to do.

BOARD MEMBER THOMAS: I, I, I understand. Um, while BFA was here, did they do satisfactory work, or was there any issue with the work product, or the quality of work, or was there an issue with it?

EXECUTIVE DIRECTOR AURIGEMMA: No, sir.

BOARD MEMBER THOMAS: So, I'm.. I know that we, um, one of the, um, one of the former County Commissioners, um, would always, every meeting I went to, would say, 'Hey, listen, Riviera you gotta get that cup, you gotta get the, uh, the permit from the, um, the, water, uh, Management District'. And, um, ya know, I was very nervous cause that was gonna stop anything that we were trying to do without it, and I was, I was told that, BFA is the one that finally, uh, got us over the, the, ya know, the line to get that done. Is that correct?

EXECUTIVE DIRECTOR AURIGEMMA: Uh, BFA, uh, was hired, ya know, based on reading, uh, the records, mainly because they worked with the South Florida Water Management District or hydro geologist. They, they know the consumptive use per, process and that was one of the reasons they were hired because...

BOARD MEMBER THOMAS: Well, that was good. I'm glad we did.

EXECUTIVE DIRECTOR AURIGEMMA: Yeah. Ex, exactly. Absolutely.

BOARD MEMBER THOMAS: So, they, they, they, they, they went out for this particular RFP or RFQ, whichever one it was, they were ranked number one. They got us over the hump that we had not gotten over in years, uh, that would've stopped all types of construction project, redevelopment projects, whatever. And then we just say that, their contract is going to expire but we'll keep the number two ranked firm. And, it may be for some very good reason, I just wanna make sure that we're being fair and how we're thinking about this. So, is there any other reason that maybe we're not privy to that would explain that?

EXECUTIVE DIRECTOR AURIGEMMA: Uh, let, let me explain a little bit further.

BOARD MEMBER THOMAS: Yes, sir.

EXECUTIVE DIRECTOR AURIGEMMA: In between there, we actually went out for another RFQ and this was for a Water and Waste Water Master Plan, and this is one

that we put a separate solicitation out, and, actually this solicitation process was the first one that I was involved with when I was with the Utility District. And, by the way, the Inspector General sat in on all our meetings. And, at, at first I didn't know who it was, but later found out it was the Inspector General. So, we went through the process and we eventually came back to the board, we hired a consultant, uh, Hazen & Soyer, for that process of the, Water, Waste Water Master Plan and we actually got a, a letter with, uh, commendations from the Inspector General's office saying that, we went through the proc, process perfectly, ya know, everything was in order, etc, etc. So, fast forward to February 2013, we brought to you, a Water and Waste Water Master Plan, which identified 215 million dollars worth of improvements over the next twenty years. So, um...

CHAIRPERSON PARDO: Hold on a second. Um, if you would like have discussions, please take you discussion outside. We're trying to run a meeting here. I'm sorry, Mr. Aurigemma. Continue please.

EXECUTIVE DIRECTOR AURIGEMMA: So, at, at the time was about the period when, um, uh, ya know, the contracts were about to expire and so, with my Utility District staff, ya know.. And we looked at the master plan, we needed some emphasis on water treatment of, of the entire Utility District. So, what was decided was to put out another RFQ, a solicitation for general utility engineering but focusing on water treatment as well as other items that were identified in the Master Plan. Uh, we actually had nine firms that were, uh, that submitted proposals, unfortunately...

_____: Can you shut the...

EXECUTIVE DIRECTOR AURIGEMMA: BFA did not. They could have, they could've teamed with somebody and join but they did not. Anyway, we did hire a, a consultant of December of 2013.

BOARD MEMBER THOMAS: Okay. I, I understand that part. Let me ask you a question. When this original, RFP, RFQ, went out, this was to put these firms on staff to do the actual engineering work as it came up for the Utility District. Correct?

EXECUTIVE DIRECTOR AURIGEMMA: Correct.

BOARD MEMBER THOMAS: I remember taking two firms, uh, so that if one had too much, the other one could, ya know, could do it. Um, I just want to make sure that the very appearance of us trying to mistreat somebody that, a) In your own opinion, did satisfact, above satisfactory work, b) In my opinion, as a Board Member, got us over a hump that we had not gotten over in a while. I just wanna, I don't want it to appear that we're not thankful and we're not, we're not definitely trying to just give somebody something. But, when they truly do a good job and earn it and they were ranked number one by your own ranking firm, I just don't see how's that fair that we don't or use, we don't use them anymore or we allow that contract to expire but still maintain the contract of the number two ranked firm and have spent a considerable amount of money with that, uh, number two ranked firm. I'm definitely not suggesting that you did

anything that wasn't proper or, I just wanna know why we didn't maintain somebody that we, um, have, ya know, had such a good track record with.

EXECUTIVE DIRECTOR AURIGEMMA: Right. And, and we looked at specific skill sets and it just.. Timing is everything. Uh, we had two major projects come through that were FDOT projects and Chen Moore was good at that and they were awarded those projects.

BOARD MEMBER THOMAS: I got it. So we don't...

EXECUTIVE DIRECTOR AURIGEMMA: And, and again, we were looking at the skill sets and we saw the need and that's why it went out.

BOARD MEMBER THOMAS: I understand. So, if we don't approve this, this actually tied to our last item. So, if we don't approve this particular Item, what is that do in terms of the delay for the burying of the power lines?

EXECUTIVE DIRECTOR AURIGEMMA: You've already approved that other one and, and that's the, the contra.. It's already done. So, if you disapprove that, that's still goes forward. You've already approved it.

BOARD MEMBER THOMAS: Okay. So, I'm speaking of No. 4 now.

EXECUTIVE DIRECTOR AURIGEMMA: Yeah. No. 4.

BOARD MEMBER THOMAS: This is saying also.. I mean, No. 5 is saying for them to be able to approve to be able to do the work order as well.

EXECUTIVE DIRECTOR AURIGEMMA: I could not give them another.. If you denied this... You couldn't give...

EXECUTIVE DIRECTOR AURIGEMMA: I could not give them anymore work.

BOARD MEMBER THOMAS: Okay.

EXECUTIVE DIRECTOR AURIGEMMA: They would still finish up whatever contracts they had going. For instance, they have Garden Road and Silver Beach Road. Uh, and, and that's a County thing. But...

BOARD MEMBER THOMAS: So, did we just...

EXECUTIVE DIRECTOR AURIGEMMA: they would finish up those contracts.

BOARD MEMBER THOMAS: Did we just give them another work order in the, previous Item that we just did? Yes.

EXECUTIVE DIRECTOR AURIGEMMA: Yes. That was, that was through the CRA.

BOARD MEMBER THOMAS: I get it. But, let me, let ask you a question. I mean, was that the most prudent thing to do if we know had some type of, uh, discrepancy, ya know, with it? It just seems a little disingenuous, ya know, to do it that way. We don't wanna stop work but we also don't wanna be unfair. Ya know. So, basically, if we don't approve this... This Agenda.

BOARD MEMBER THOMAS: And, whatever work order No. 3 is, which is, what is, what's order...

EXECUTIVE DIRECTOR AURIGEMMA: It's for the burying of the underground lines along US1. The Phase 3.

BOARD MEMBER THOMAS: So, let me, let me make sure I'm, inside of 4, you're saying that, you're saying that, you're asking for permission to give them work order 3 as well. Correct? Inside of Item 4. It's No. 3

EXECUTIVE DIRECTOR AURIGEMMA: Yeah. It's Amendment No. 3 to the original contract.

EXECUTIVE DIRECTOR AURIGEMMA: With the, with the, uh, regarding the underground of utilities along US1.

BOARD MEMBER THOMAS: And what is that Amendment?

CITY MANAGER JONES: As a part.. Madam Chair.

CHAIRPERSON PARDO: [Inaudible].

CITY MANAGER JONES: As a part of original contract, they were awarded a contract for one year with (3) one year renewals and this would be exercised in one of those renewal...

BOARD MEMBER THOMAS: Is that...

CITY MANAGER JONES: options.

Is that the same contract where BFA was ranked number one.

It was the contract that we let with them at the same time back in 2010.

BOARD MEMBER THOMAS: I, I get it. But, I'm sayin', the, the original.. When they got on a contract with (3) one year renewals, did BFA also get a contract with (3) one year renewals? Is that the same time?

EXECUTIVE DIRECTOR AURIGEMMA: A, a, actually it was (4) one year renewals.

CITY MANAGER JONES: (4) one year renewal.

EXECUTIVE DIRECTOR AURIGEMMA: And, yes. They each got the same contract, just different names. Meaning, BFA and Chen. They got the exact same contract.

BOARD MEMBER THOMAS: But we kept Chen, but we did not keep the number one ranked firm who did well?

EXECUTIVE DIRECTOR AURIGEMMA: That is correct.

BOARD MEMBER THOMAS: Okay. That's all for me, Madam.

CHAIRPERSON PARDO: Okay. At this point we'll go to public comment. Mami Kisner and then Reverend Davis.

MAMI KISNER: Mami Kisner. Um, thank you. And to those new board member, thank you for allowing me to speak this evening, again. I think you get it, the ones that are here. It has not been a fair process. Two companies who have bid on these bids that went public and they have not received work. If you look at the record, you will see that Chen and Moore, even though they ranked second and they were given the opportunity to be ranked number one but they were beat out by BFA, has been give millions of work, yet the African-American firm that won that contract was not even considered by the Utility Director. Now, you had a selection process there and you had people who were representing the City involved in that selection. Evidently, he's saying they didn't know what they were doing and I think it's only fair that BFA get a opportunity to tell their side of the story. Otherwise, you have a decision that is being made and ruled to you that is unfair in the process by the Utility Director, which again reinforces the lack of management and oversight that is a fair process in the Utility District. Again, you are elected by the citizens, you are the voice for the citizens, and no one person should be making that decisions to give millions of dollars just to one firm that was ranked second. It's fair to give it to both of them, across the board, but it is unfair for someone who has done major work and got something passed under the Water Consumption Plan, that sat for almost 15 years in this City. Whether they did work for South Florida Water Management or did, or not, which means they're qualified. They got something done that was not done by another engineering firm. I am not being paid for them, by them, and not paid for anybody else, but what is right is right for the citizens. And, it your responsibility to make sure that this is a fair process and that one of the most high ranking or actually generating more revenue than any other department, is fairly giving out that work to minority businesses as well and that is not being done. Thank you.

CHAIRPERSON PARDO: Thank you.

BOARD MEMBER MILLER: Madam.. Oh.

CHAIRPERSON PARDO: Reverend Davis and then Patrick Barnes.

REV. DAVIS: Reverend Davis. I just wanna say. I ___ at, from what I've heard and what I've seen. This is, this is a disgrace. We, you have people to, number one contract, you don't hire 'em. Minorities are people too. You need to consider that.

CHAIRPERSON PARDO: Thank you. Patrick Barnes and then Willie Thomas.

PATRICK BARNES: Uh, good evening. Um, my name's Patrick Barnes. I'm the founder, president, Barnes, Ferland & Associates, also known as BFA Environmental. Um, as an African-American own firm, I want to let ya'll know that I was very proud to have been selected number one for the Utility District and we took our work to heart. Um, ya know, we, we tried our best on all the things we did for the District. We did it with, uh, a, a certain amount of passion because we always try to, ya know, "Bring it", so to speak, especially when we working in our own communities. Um, so, as the record clearly shows, ya know, we feel that were, um, treated unfairly. Uh, and, and in retrospect, I know that, some might say, 'Well, why didn't we step or complain', and things like that. Well, that's really not in our nature, uh, ya know, we usually like to work with Staff, and we go through Staff, and, and we felt like we were doing an excellent job for Staff. So, when we completed out last, a couple of our final assignments.. By the way, we do a lot more than just water side, in consumptive ___ permit and we do the full engi, full gamut of engineering services for utilities as big as Wasid, Orlando, throughout the state, in New Orleans. We, we do full compliment of water utility pipeline, you name it, we do it. Um, but, when we hadn't heard back from the city relative to the final projects that we had received, it became clear that something else was goin' on. I, I don't know what, but, we weren't getting', ya know, feedback, or, or any type of response with respective construction phase related to, um, uh, the, the, the preliminary design studies that we had done for ___ 10 and ___ 50 and moving into the final design and things like that. It, it was obvious to us that there was some, some other things at work but we didn't know what. We really didn't know what. Uh, so we just, ya know, sort of ___ our time. With respect to some of what, uh, uh, Mr. Aurigemma had said, regarding the advertisement that came in 2013, well, we still considered ourselves on the contract, so we wouldn't have submitted at that time, uh, for the, um, for either the Master Plan in work or for the um, uh, the, the other RFP that was out related to, treatment related work. The title of our current contract.. And, personally, I consider the contract still active cause I've never received anything to say that the contract wasn't active. Um, so, ya know, you got four.. Nothing in the contract says that the years have to be consecutive, and, and, and it says, 'We get three years and (4) ones, so, I, ya know.. I, I, I don't see why we couldn't be authorized to move into the next one year term. But, I hadn't, um, heard anything relative, relative to, to that, uh, uh, in terms of not moving forward on it. I guess I'm...

CHAIRPERSON PARDO: Okay. Thank you.

PATRICK BARNES: ...guess I'm outta time.

CHAIRPERSON PARDO: Thank you.

PATRICK BARNES: Mhmm. Thank you.

CHAIRPERSON PARDO: Um, Willie Thomas and then, I have a question for you Ms. Ryan after he speaks.

WILLIE THOMAS: Hello. Um, g, g, good afternoon.

CHAIRPERSON PARDO: Good afternoon.

WILLIE THOMAS: Council members. Uh, my name is Willie Thomas, I'm the vice president of BFA Environmental. Uh, I've been with the firm now for about fifteen years. Um, I had the chance to work with Luis, and the City, and Mario, uh, through the water use permit process and about six or seven other assignments during that, during that time frame. Um, I'd like to reiterate a lot what Patrick said, about us as a firm. Uh, we are qualified in this arena. We do a lot of pipeline work, utility work, all over the state. We do work for Miami, Dade, _____. We do work for the city of Orlando, Orange County Utilities, uh, Hillsboro County, some of the bigger utilities in the State. So, uh, we feel like, we feel as if we're as qualified as, ya know, any other firm when it comes to the type of work that was scoped out in this, uh, in this RFQ. Um, so, I just wanted to reiterate that fact and, uh, we would, love to continue working with, with the city. Um, we, we, we felt like we did a really good job on the project that we did get chance to work on. So, uh, just wanted to reiterate that fact that we wanna continue this relationship.

CHAIRPERSON PARDO: Alright. Thank you. Alright. So, Ms. Ryan, I've read somewhere that, BFA's contract expired in 2013, and then they're saying, that they had extensions and they think that they're still under contract. Can you address that for us?

CITY ATTORNEY RYAN: Okay. Number one, the only contract that's in the Agenda Item is the contract with Chen and Associates but if I recall the contracts are identical, so I'm going to read from this contract but I believe the contracts are identical. Uh, the period of service for this contract that was entered into in 2010, um, states that it shall commence upon execution and continue for a period of three years unless otherwise terminated as provided here and/or until completion of all outstanding service authorizations issued within the period of the contract, unless otherwise term, unless terminated or otherwise provided, as otherwise provided herein. At the option of the District, not at their option, at the option of the District, the contract may be renewed for up to (4) additional 12 month periods. When their contract ended in, um, 2013 for whatever reason, I have no idea why it ended, um, if they wanted it to be renewed, they should've brought it back to the District Board, and to my knowledge, that was never done. So, their agreement with the Utility District has terminated. And, you agreement with Chen and Associates would, wo, wo, and Associates will terminate as well if you do not renew it. There is no, um, it just continues until it, until you tell them that it terminates. So, um, I have to beg to differ on that. The contract terminated at the end of 2013 and if this Council wants to, um, do something else with our continuing contracts, we need to go back out for bid and start fresh.

CHAIRPERSON PARDO: O, o, okay. You're done?

CITY ATTORNEY RYAN Yes.

CHAIRPERSON PARDO: Okay. Yes, um, Mr. Davis.

PRO TEM DAVIS: Um, here.. Well I'm looking, and look at the.. It, it states, it talked in reference to the original contract was for three years. So, I'm looking at the original contract. Were their contracts separate? We're they...

CITY ATTORNEY RYAN: Yes. What, what, I'm, um, uh, thought I made it clear. They had two, there were two separate agreements that we brought to the...

PRO TEM DAVIS: So they didn't run concurrent with one another?

____: No.

PRO TEM DAVIS: Yes or no?

CITY ATTORNEY RYAN: I'm, I'm pretty sure they were probably brought at the same time, but they are two separate agreements.

PRO TEM DAVIS: So, what happened was, when it was time for the Amendment for a new contract, the Director didn't bring it back before this Board.

CITY ATTORNEY RYAN: That is correct.

PRO TEM DAVIS: Now, I'd like to as Mr. Aurigemma, why not?

EXECUTIVE DIRECTOR AURIGEMMA: And, Mr. Davis, I, I explained that to Willie Thomas earlier.

PRO TEM DAVIS: Mhmm.

EXECUTIVE DIRECTOR AURIGEMMA: And, essentially, what we were looking for in conjunction with the Water, Waste Water Master Plan that was done in 2013...

PRO TEM DAVIS: Mhmm.

EXECUTIVE DIRECTOR AURIGEMMA: We were looking for a different skill set. One that focused on water treatment.

PRO TEM DAVIS: Okay.

EXECUTIVE DIRECTOR AURIGEMMA: As well as the other parts of the utilities. So, it was my decision with Staff to go out for another RFQ, another solicitation for an engineering firm.

PRO TEM DAVIS: Le, le, le, let me ask you a question. Why didn't you and Staff bring that, um, as a discussion before this Board, so we can have some input, that as well? So we can ask them question before this Board? Whether or not they're qualified or could they.. Have they done this type of work before? Why did that not happen?

EXECUTIVE DIRECTOR AURIGEMMA: I didn't think it was necessary, plus I did afterwards. No, I'm, I'm sayin...

PRO TEM DAVIS: Okay. I'm, I'm...

EXECUTIVE DIRECTOR AURIGEMMA: afterwards...

PRO TEM DAVIS: I'm listening. I'm listening.

EXECUTIVE DIRECTOR AURIGEMMA: I, I did, uh, bring to this Board, uh, a request for a solicitation of a new Utility District, uh, engineer.

PRO TEM DAVIS: Okay. Here's where it would've been necessary. Just there mere fact that it qualified number one on the original RFQ. Which means, they was qualified to do everything in the first place. So, at that point, I need to know, why would you tell the number one team, we don't need your services, but spend City resources and money and time on a RFQ, when we could've saved that funding and brought a contract back before this Board?

EXECUTIVE DIRECTOR AURIGEMMA: At, at, at this point, um, Mr. Davis, uh, you just need to make a decision on this particular Item.

PRO TEM DAVIS: No, no, noo.

EXECUTIVE DIRECTOR AURIGEMMA: And, and, either.

CITY MANAGER JONES: Don't you dare go there. [Repeated 3 times]

PRO TEM DAVIS: Hol, hold on. Hol...

CHAIRPERSON PARDO: Oh, alright. Hold on, hold on, hold on.

____: Thank you.

CHAIRPERSON PARDO: Hold on.

PRO TEM DAVIS: Imma, imma, Mr. Aurigemma, I'm giving you respect, sir.

EXECUTIVE DIRECTOR AURIGEMMA: Yes, sir.

PRO TEM DAVIS: I'm giving you respect. You're an employee for the City of Riviera Beach, I'm a Commissioner, Vice Chair, so please respect this position. I respect you as a human being, as the Director.

____: Yes.

PRO TEM DAVIS: I'm asking very civil questions. That's is.

EXECUTIVE DIRECTOR AURIGEMMA: Okay.

PRO TEM DAVIS: Okay.

EXECUTIVE DIRECTOR AURIGEMMA: Yes, sir.

PRO TEM DAVIS: Um, you, you know where we are right now. What's preventing you from bringing another contract before this Board?

EXECUTIVE DIRECTOR AURIGEMMA: Uh, you mean a, a contract with...

PRO TEM DAVIS: It's, it's...

EXECUTIVE DIRECTOR AURIGEMMA: ...BFA?

PRO TEM DAVIS: ...it's not too late.

EXECUTIVE DIRECTOR AURIGEMMA: I, I believe it is, sir.

PRO TEM DAVIS: Why?

EXECUTIVE DIRECTOR AURIGEMMA: Uh, because a contract that's expired.

PRO TEM DAVIS: [Inaudible].

EXECUTIVE DIRECTOR AURIGEMMA: And, if we were to bring another engineering contract...

PRO TEM DAVIS: Mhmm.

EXECUTIVE DIRECTOR AURIGEMMA: ...to the Board, we would have to go through process...

_____: The entire process.

EXECUTIVE DIRECTOR AURIGEMMA: ...of the CCNA. Which is a Florida Statute.

PRO TEM DAVIS: M, Ms., Ms. Ryan, let me ask you a question. Um, once this RFQ was determined to go out, did he explain to you why he didn't wanna bring another contract before the Board?

CITY ATTORNEY RYAN: No. And...

PRO TEM DAVIS: It never came up?

CITY ATTORNEY RYAN: I, I don't recall that that issue ever came up.

PRO TEM DAVIS: Okay. I'm gonna let someone else step in if they got any other questions.

BOARD MEMBER MILLER: Well, I actually had somewhat similar of a question, to see is it.. How can we bring BFA back into the fold of this? Um, it appears that we, may not have been fair about the whole situation and, um, I think that we need to try to work it so that we're able to bring them back on.

CHAIRPERSON PARDO: Mr. Guyton, did you have something?

BOARD MEMBER GUYTON: Yes. I did. Uh, where we are now, we need to try to determine where we're going next. Um, and, I, the question becomes, um, is it the position of the Board to bring BFA on in some capacity, maybe on, as.. How many, um, firms do we have now?

EXECUTIVE DIRECTOR AURIGEMMA: We currently have two engineering consultants.

BOARD MEMBER GUYTON: Two engineering consultants.

EXECUTIVE DIRECTOR AURIGEMMA: Yes, sir.

BOARD MEMBER GUYTON: Okay. Is, is either a minority firm?

EXECUTIVE DIRECTOR AURIGEMMA: They are both minority firms, sir.

BOARD MEMBER GUYTON: Okay. Okay. Um...

EXECUTIVE DIRECTOR AURIGEMMA: And, and, and, I'll, I'll clarify it, one is an Asian and the other is a black firm. An Ameri, African-American firm.

BOARD MEMBER GUYTON: Okay. Okay. Uh, because obviously, in our community and most communities, and some laws, um, minority participation is not only desired often times, it's required, um, depending on how the RFQ is written. Um, I really didn't know that their contract expired to be honest, um, and as, as I listen to the attorney, I'm hearing, if there is a desire to give BFA an opportunity it would require going back to bid. Is that what I'm understand...

CITY ATTORNEY RYAN: That would be my position with the facts that have been presented today.

BOARD MEMBER GUYTON: Okay. We have projects that need to forward now. Um...

EXECUTIVE DIRECTOR AURIGEMMA: Yes, sir.

BOARD MEMBER GUYTON: And the CRA, I think, also has some projects associated in this mix here.

EXECUTIVE DIRECTOR AURIGEMMA: Correct.

BOARD MEMBER GUYTON: Um, we're about to, um, embark on a lot of work, and, um, at this point we need to decide if we're gonna stop the projects that are on the table now, which I wouldn't recommend, to be honest. Um, but how do we move forward to incorporate BFA in the future, if that's the Board desire? And, um, I would recommend that today we move forward. Don't stop these projects.

____: Mhmm.

BOARD MEMBER GUYTON: Um, because I have gotten calls from the CRA and others saying that, ya know, "We need these projects to keep moving. So, um, I would suggest, um, if it's the Board's desire. We have two, is there a problem with having three? I mean, we may go back out and they may or may not rank number one this time. Ya know, we're assuming that's the case. Some would hope that's the case. Uh, and then, we'll be in another situation that we're trying to resolve. So, um, I would recommend that we move forward and then if it's desire, the Board to go back out to bring on at least one more firm, uh, I'm not recommending terminating, terminating any contracts. We need these projects to move forward. Would that be a, a problem with having three firms to choose from? Um...

EXECUTIVE DIRECTOR AURIGEMMA: We can do that.

CITY ATTORNEY RYAN: But it has to be, has to be, a, um, competitive process.

BOARD MEMBER GUYTON: No, no, wait, wait, that's what I just said. I said...

CITY ATTORNEY RYAN: I want that...

BOARD MEMBER GUYTON: ...we would have to...

CITY ATTORNEY RYAN: ...to be clear.

BOARD MEMBER GUYTON: ...go back out and select another firm and I said, there's no guarantee that BFA would even be it. That's what I said. But, it'll give them an opportunity to come back in the fold without violating the processes that are in place. Um, ya know, we're in a predicament here because we have projects that have to keep moving forward. Who is the minority, the African-American firm that we have?

EXECUTIVE DIRECTOR AURIGEMMA: C Solutions Inc.

BOARD MEMBER GUYTON: Okay. Where are there fro.. Where...

EXECUTIVE DIRECTOR AURIGEMMA: Uh, their headquarters are actually in Fort Lauderdale but they do have an office in Riviera Beach.

BOARD MEMBER GUYTON: Okay. Okay. Alrighty. Um, what, I'm sorry.. Well, I'm done...

CHAIRPERSON PARDO: Done? You done? Alright.

BOARD MEMBER THOMAS: Madam Chair.

CHAIRPERSON PARDO: [Inaudible].

BOARD MEMBER THOMAS: Madam Chair, let me, let me, ask you..

CHAIRPERSON PARDO: Let's get moving.

BOARD MEMBER THOMAS: just to.. Right. I know we're, we're way behind.

CHAIRPERSON PARDO: Way behind.

BOARD MEMBER THOMAS: Um, first of all, did I hear you say, C Solution was an African-American firm?

EXECUTIVE DIRECTOR AURIGEMMA: Yes, sir.

BOARD MEMBER THOMAS: Did they just become and African-American firm?

EXECUTIVE DIRECTOR AURIGEMMA: No, sir. Since they've been incorporated.

BOARD MEMBER THOMAS: Oh, I'm sorry. The, the individual that I met, I really didn't know that they were African-American.

EXECUTIVE DIRECTOR AURIGEMMA: He doesn't look it, I can tell ya' that.

BOARD MEMBER THOMAS: No. He definitely does not look it.

CHAIRPERSON PARDO: Oh my God. Alright. Please...

BOARD MEMBER THOMAS: No problem.

CHAIRPERSON PARDO: Listen, if you guys wanna go outside and laugh and talk, please be my guest. Ya know, this is serious discussion here so please respect the process. Alright, go ahead.

BOARD MEMBER THOMAS: The, the issue, and I know we have to move on this, the issue is, a firm worked hard, put out money to become number one. I think that we have done an injustice. At this point, our attorney is advising us that the only thing that we could do...

CHAIRPERSON PARDO: Is go back out.

BOARD MEMBER THOMAS: ...is go back out for bid. And, I'm willing to, I'm willing to do that. Um, my issue is, what would make a, a company feel comfortable that going back out to bid would render itself as a fair process when they won it out, outright. Nobody knew 'em, they don't have any ties to anybody here and then they were moved outta the way. Is there a way that we can guarantee that that this thing would be done. Should we get an independent Board, and definitely if you're offended by the, the issue,

we don't want that impacting, ya know, the decision at all. You are the director over there and we want to make sure that if they are chosen, that the working relationship, ya know, would, would, would be a fair in a, in a, in a comfortable environment for them. Once again, not saying that you would do anything other than the professional that you are. We're stuck between a rock and a hard place here. I to wanna move on but we can't keep sayin', ya know, we don't want these projects to stop. We have to stop behaving in this manner where, this type of stuff happens. So, what I would say, is that, ya know, we, at the very least take this back out to bid if the attorney is saying that we can't enter into a contract immediately wit' 'em. I would say that we definitely just take it back out to bid.

CHAIRPERSON PARDO: Okay. So, um, Ms. Manager...

CITY MANAGER JONES: Mhmm.

CHAIRPERSON PARDO: Alright. So, I think you heard the Council. They wanna go back out for bid, get another, try to get another engineer on board. Um we have a Motion on the floor and a second for this Item.

PRO TEM DAVIS: Hol, hold on, hold on.

CHAIRPERSON PARDO: What? Yeah.

PRO TEM DAVIS: I wanna get clarity on that. You mean go out to bid for the adding of the firm?

CHAIRPERSON PARDO: Correct. To add another firm.

PRO TEM DAVIS: What about this contract here?

BOARD MEMBER THOMAS: Well, I'm, my, my...

PRO TEM DAVIS: Is that what you state? I'm confused about this Motion.

BOARD MEMBER THOMAS: I had, I didn't make a Motion.

CHAIRPERSON PARDO: [Inaudible].

PRO TEM DAVIS: Oh.

BOARD MEMBER THOMAS: It's jus.. The Motion...

CHAIRPERSON PARDO: The Motion was...

BOARD MEMBER THOMAS: ...that's on the table is 5.

CHAIRPERSON PARDO: Item 5.

BOARD MEMBER THOMAS: As it's printed now.

CHAIRPERSON PARDO: Correct.

BOARD MEMBER THOMAS: As, as it, as it's printed, if we, if this Motion fails, we have no choice but to go back out to bid because...

CHAIRPERSON PARDO: Right. It's stop.

BOARD MEMBER THOMAS: ...that contract would stop. So, we can do that by either failing this Motion.

PRO TEM DAVIS: Mhmm.

BOARD MEMBER THOMAS: Or, or just making a Motion saying we want to go out to bid.

PRO TEM DAVIS: Okay.

BOARD MEMBER THOMAS: Right.

CHAIRPERSON PARDO: Okay.

BOARD MEMBER GUYTON: Madam Chair. Wait, wait..

CHAIRPERSON PARDO: Yes. Go head.

BOARD MEMBER GUYTON: [Inaudible].

CHAIRPERSON PARDO: And then, wait, right.. And, then we'll call...

BOARD MEMBER GUYTON: And we're gonna go.

CHAIRPERSON PARDO: ...on this gentleman.

BOARD MEMBER GUYTON: Um, I'm concerned about stopping the project that. And, and, my suggestion was, we have two firms, to go out to bid to add a third firm...

CHAIRPERSON PARDO: Correct.

BOARD MEMBER GUYTON: ...which would keep this process moving.

CHAIRPERSON PARDO: Moving.

BOARD MEMBER GUYTON: We have an African-American firm, um, al, already as one of the two. Or at least that's why _____. And, and, and let me just say, uh, and I wanna say it publicly. I have the utmost confidence in Mr. Aurigemma, I know if it's skill set, I know if people in the industry, that don't know me but know Mr. Aurigemma works for us and they talk about him highly.

_____: [Inaudible].

BOARD MEMBER GUYTON: His people within the industry. He's very respected and I don't want anybody to think that somehow, that I, don't have confidence in Mr. Aurigemma, because I do. Um, we need to ensure that, 1) the process is fair, um, but it's my concern that if we fail this Motion and I've gotten calls about, we need to keep these projects moving. Um, that is gonna cause a unnecessary delay and I'm not sure how long the process is to get it back on track. That would be my question. If this Motion fails, what would be the process in going back out, getting another firm and then trying to get back on track because we have time schedules when we have projects. And, and, um, time is money. When we delay it, it's gonna cost us and we need to understand that to. So, uh, I would like to understand those particulars, um, before we make a decision that may cost us more in the long run than it helps us in the short run. So, um, how long would it take to go back out to bid, have a selection, and goin' through that process.

EXECUTIVE DIRECTOR AURIGEMMA: The, the CCNA process, that's mandated by Florida Statues, which is they, which is the Consulting Competitive Negotiating Act. It's approximately a three to six months pro, uh process to get someone on board. And, may I also ad that, each of the meetings are public so they have to be properly advertised and the public's invited to, uh, sit in on the evaluation committee.

BOARD MEMBER GUYTON: Okay. Uh, I thought I saw Mr. Brown here. Is Mr. Brown here? Madam Chair, if, if I could just [inaudible].

CHAIRPERSON PARDO: Mr. Brown, please come forward.

TONY BROWN: Tony Brown, Executive Director of the Riviera Beach, CRA.

CHAIRPERSON PARDO: Good evening.

BOARD MEMBER GUYTON: Uh, Mr. Brown, we have some, um, projects associated with what we're doing over at the Marina and we're in a contract with Weiss and they have a timetable and if there's a delay that's not due to them, is there a cost to us?

TONY BROWN: Um, Mr. Guyton, I don't think this, the Item's that you're referring to, that the Board approved earlier. Uh, this is unrelated, uh, to the Marina.

____: Excuse me.

TONY BROWN: So, th, th, um, and I'm not clear what I heard, uh, Mr. Aurigemma say, is that by, the fact that the District approve the earlier Items that that, um, indicated that Chen and Associates could complete the work for work that had been approved prior to the renewal of the continuing services contract. So, but you question related to whether or not this action delays the Marina project.

BOARD MEMBER GUYTON: No, no, no. Wait, let me back up. What areas of this effect the CRA?

TONY BROWN: It's, um, my understanding that, um.. Well the project that were, that we have in the Inter-local Agreement with the Utility District is the burial of the utility lines

____: [Inaudible].

TONY BROWN: And to, um, uh, put a liner in on the sewer pipe within Riviera Beach Heights. And...

BOARD MEMBER GUYTON: Okay.

TONY BROWN: And, I believe you were late to the meeting and I, I think the Board approved those two Items before your arrival. So, I don't think that, give it, the direction to rebid or to re-solicit. And, Mr. Aurigemma can answer that. I don't think it affects the earlier Items that were approved.

BOARD MEMBER GUYTON: Okay.

TONY BROWN: Is that correct?

____: Yeah. But

BOARD MEMBER GUYTON: Okay.

TONY BROWN: Yeah. So...

CHAIRPERSON PARDO: Okay.

TONY BROWN: He's, he's agreeing.

BOARD MEMBER GUYTON: That's all I have.

CHAIRPERSON PARDO: Okay.

PRO TEM DAVIS: Madam Chair.

CHAIRPERSON PARDO: Mr. Davis.

PRO TEM DAVIS: Okay. I'm trying to find a way, um, to make sure that we avoid this happening again. Um, ma'am attorney, um, could we approve this contract borrowing that Chen and Moore, what's this other company we're discussing?

____: BFA?

CHAIRPERSON PARDO: C Solutions. Oh, BFA.

PRO TEM DAVIS: BF, BFA, um, split the work 50/50. Could we do that? Which would avoid.. Which give one team, firm 50%, and the firm the other 50%. Could we do that? Yes or no?

CITY ATTORNEY RYAN: Madam Chair.

CHAIRPERSON PARDO: Yeah.

CITY ATTORNEY RYAN: Um, my concern is that, their contract has expired.

PRO TEM DAVIS: No, no, no. That's not what I'm asking. What I'm asking is, Chen and Moore is bringing, they're bringing a contract for one more year for Chen and Moore.

CITY ATTORNEY RYAN: Correct.

PRO TEM DAVIS: What I'm saying is, could we, approve this contract borrowing that, Chen and Moore, hires this company and give them 50% of the work? Yes or no?

CITY ATTORNEY RYAN: No. You can't...

PRO TEM DAVIS: Why not.

CITY ATTORNEY RYAN: Number 1) Engineers have their own, um, certifications, they have to approve their own work and it would not, it would not.. You're. you're trying to get two different firms to do the same work. If you said, you wanted to break up the projects...

PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: Because you're responsible for your own project.

PRO TEM DAVIS: Well, well, okay. I think you just helped me.

CITY ATTORNEY RYAN: Yeah.

PRO TEM DAVIS: I would like to break the projects up, 50%. Now...

CITY ATTORNEY RYAN: Well, the problem is that...

PRO TEM DAVIS: Can we do that in a contract.

CITY ATTORNEY RYAN: ...BFA.. You can in the contract...

PRO TEM DAVIS: Okay.

CITY ATTORNEY RYAN: But right now you only have two firms...

PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: ...that have a contract with the city

PRO TEM DAVIS: Correct.

CITY ATTORNEY RYAN: And that's, Chen and Associates and C Solutions.

PRO TEM DAVIS: Okay.

CITY ATTORNEY RYAN: So, you could say, 'I want to', uh.. And, I wouldn't even say give 'em the contract. You could say, 'Mr. Aurigemma, go out and, um, see if C Solutions is interested in doing half of the projects', because they are under contract.

PRO TEM DAVIS: Not C Solutions.

CITY ATTORNEY RYAN: But, BFA is not under contract anymore.

_____: Under contract.

PRO TEM DAVIS: So, other than that, we just have to go out for bid.

CITY ATTORNEY RYAN: You just have to go out for bid

PRO TEM DAVIS: Okay.

CITY ATTORNEY RYAN: And, ya, this, thi.. I wanna talk about that a little bit more. Because the contract contemplates a continuous, um, relationship, and when this was put out to bid, it was put out in this manner. You have to put things out the way you want them.

PRO TEM DAVIS: Okay.

CITY ATTORNEY RYAN: And, basically we said, you would have, a three year contract guaranteed, basically, unless we terminate. And, you could look forward to, perhaps, (4) more twelve month, twelve month contracts. And, so they knew this would be a potentially, a 7 year relationship.

PRO TEM DAVIS: Okay.

CITY ATTORNEY RYAN: Without going out to bid.

PRO TEM DAVIS: See, the reason I, I, I like what you're sayin'. See, but the other company thought the same thing was gonna happen, but, Executive Director chose not to bring this before the Board.

CITY ATTORNEY RYAN: Right.

PRO TEM DAVIS: And that's the position I'm in. I'm trying to make a correction.

CITY ATTORNEY RYAN: Now, I will say this. And I don't know the answer to this but I have a hard time believing that, BFA did not receive any work in this time period, did not...

PRO TEM DAVIS: No, no. I'm not here to discuss whether they received the work. A contract should've been brought before this Board which could've saved us money and time where those other RFQ's that went out. The City had to pay for that.

CITY ATTORNEY RYAN: Correct

PRO TEM DAVIS: Those resources could've been used for something else. That's the issue we focusing on. I have nothing else further to say.

CHAIRPERSON PARDO: Madam Clerk.

BOARD MEMBER MILLER: Madam Chair.

CHAIRPERSON PARDO: Yeah. Well, um, we really need to get going. We've been at this for an hour.

BOARD MEMBER MILLER: Can I say something, please. I haven't said a whole lot.

CHAIRPERSON PARDO: Quickly, please.

BOARD MEMBER MILLER: Thank you. Um, because of this whole situation, I for one, don't feel that we need to slow down work but I do believe we need to honor the process and do it fairly. And if there is way to be able to put it out back to bid, that is the right thing to do because it does not give, um, the image of the City as doing, being business friendly. And, I think we need to make sure that when we're working with individuals, we make sure that the image that's perceived is fair, and right now it doesn't appear that way. So, it would be, ya know, I think it would be in our best interest to put it back out for bid.

CHAIRPERSON PARDO: Madam Clerk.

DISTRICT CLERK ANTHONY: Board Member Thomas?

BOARD MEMBER THOMAS: No.

DISTRICT CLERK ANTHONY: Board Member Miller?

BOARD MEMBER MILLER: No.

DISTRICT CLERK ANTHONY: Board Member Guyton?

BOARD MEMBER GUYTON: Yes.

DISTRICT CLERK ANTHONY: Vice Chair Davis?

PRO TEM DAVIS: No.

DISTRICT CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

DISTRICT CLERK ANTHONY: That Motion fails. With Board Members, Miller, Guyton, and Davis dissenting.

CHAIRPERSON PARDO: Thank you. That's the end of the regular Agenda.

BOARD MEMBER GUYTON: No. Guyton...

BOARD MEMBER MILLER: No. That's not right.

BOARD MEMBER THOMAS: I just want to put on record that Thomas dissented on that.

BOARD MEMBER GUYTON: Not Guyton.

DISTRICT CLERK ANTHONY: Board Member Miller, Thomas, and Davis.

BOARD MEMBER THOMAS: Yes.

DISTRICT CLERK ANTHONY: My.. Sorry about that. Davis dissented on that Motion.

CHAIRPERSON PARDO: Thank you. Alright.

DISTRICT CLERK ANTHONY: Motion fail.

DISCUSSION BY THE EXECUTIVE DIRECTOR OF UTILITIES

CHAIRPERSON PARDO: Discussion by the Executive Director.

EXECUTIVE DIRECTOR AURIGEMMA: None Madam Chair

CHAIRPERSON PARDO: Ms. Jones, do you have anything?

CITY MANAGER JONES: Just very briefly, um, I shared with you today a copy of, the assessment of in the Utility Special District as I had committed, we will develop an action plan for the implementation of the strategies and recommendations and bring that back to the Utility District Board.

DISCUSSION AND RECOMMENDATIONS BY DISTRICT BOARD

CHAIRPERSON PARDO: Okay. Anything by the Board?

PRO TEM DAVIS: Yes, ma'am.

CHAIRPERSON PARDO: Go head, sir.

PRO TEM DAVIS: Um, Ms. Jones, um, to, to, this meeting today, something happened that should never ever happen to any Board Member in this City. Um, the Executive Director, was outta line and the issue is, if he had that tone for my position as a Board Member, what tone does he have for his employees? And, that scares me because I heard people come to this Board prior to these meetings for a course of two years and I'll allow the research to present itself before us. But this was confirmation today of the level of respect amongst people. And, this is something I would definitely like to have one on one discussion later to address because that should not go and happen uncontested, that no city employee should disrespect it's suborder specifically Board Member.

CITY MANAGER JONES: And, I agree with you whole heartedly and outta character for me, I kind of snapped, but...

PRO TEM DAVIS: [Inaudible].

CITY MANAGER JONES: ...I felt it was appropriate.

PRO TEM DAVIS: I'm not, I'm not talking bout, bout you. I'm talking bout the way...

CITY MANAGER JONES: No, no, no. I'm talking about because when I heard...

PRO TEM DAVIS: I, I almost snapped to.

CITY MANAGER JONES: When I heard that, it, it, it hit me like that.

PRO TEM DAVIS: Yeah.

CITY MANAGER JONES: So by all means, sir, I had planned to address it myself, but we can talk about it.

PRO TEM DAVIS: Okay.

CHAIRPERSON PARDO: Right. Alright. Anything else from the Board?

BOARD MEMBER GUYTON: No. Not from me.

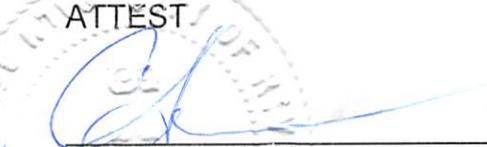
ADJOURNMENT

CHAIRPERSON PARDO: Okay. Thank you. This mo, this meeting is adjourned. Um, will...

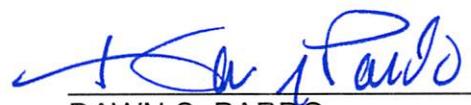
(END OF UTILITY DISTRICT MEETING)

APPROVED

ATTEST



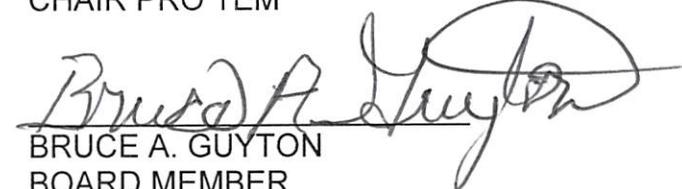
CLAUDENE L. ANTHONY
 CERTIFIED MUNICIPAL CLERK
 DISTRICT CITY CLERK



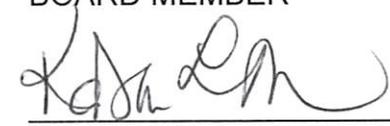
DAWN S. PARDO
 CHAIRPERSON



TERENCE D. DAVIS
 CHAIR PRO TEM



BRUCE A. GUYTON
 BOARD MEMBER



KaSHAMBA L. MILLER
 BOARD MEMBER



CEDRICK A. THOMAS
 BOARD MEMBER

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

D. PARDO AYE

T. DAVIS AYE

B. GUYTON AYE

K. MILLER AYE

C. THOMAS LATE

DATE APPROVED: 070115