

CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
UTILITY SPECIAL DISTRICT BOARD MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, NOVEMBER 18, 2009, AT 6:00 P.M.

**ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NONCONSENT ITEMS ONLY), PLEASE FILL OUT A GOLD PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE UTILITY DISTRICT DIRECTOR PRIOR TO THE BEGINNING OF THE MEETING. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.**

**ROLL CALL**

Chairperson Pardo was present and presided. Upon a roll call by District Clerk Ward, the following were present: Board Chairperson Dawn S. Pardo; Vice Board Chairperson Judy L. Davis;; and Board member Tonya Davis Johnson. Also present were City Manager Ruth C. Jones; District Clerk Carrie E. Ward, MMC; and District Attorney Pamala H. Ryan.

Board member Brooks was absent. Board member Lowe was tardy.

**Invocation/Pledge of Allegiance**

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Vice Chairperson Davis.

**AGENDA Approval:**

**Additions, Deletions, Substitutions**

**NONE**

**Adoption of Agenda**

A motion was made by **Vice Chairperson Davis** and seconded by **Board member Davis Johnson** to approve the agenda.

**MOTION**

Upon a roll call vote by District Clerk Ward, the vote was unanimous.

**MOTION APPROVED**

**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 COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.**

**1. MINUTES:**

**MINUTES OF THE REGULAR UTILITY SPECIAL DISTRICT BOARD MEETING HELD ON SEPTEMBER 16, 2009.**

**RESOLUTIONS:**

- 2. RESOLUTION NO. 10-09UD A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT BY AND AMONG PEPSIAMERICAS, INC. (PEPSI), THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, AN INDEPENDENT SPECIAL DISTRICT AND THE CITY OF WEST PALM BEACH, A FLORIDA MUNICIPAL CORPORATION; IN THE AMOUNT OF \$110,000.00; AUTHORIZING THE DISTRICT CHAIRPERSON AND DISTRICT CLERK TO EXECUTE SAID CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

A motion was made by **Vice Chairperson Davis** and seconded by **Board member Davis Johnson** to approve the Consent Agenda.

**MOTION**

Upon a roll call vote by District Clerk Ward, the vote was unanimous.

**MOTION APPROVED**

**PETITIONS AND COMMUNICATIONS FOR FILING:**

**NONE**

**AWARDS AND PRESENTATIONS:**

**NONE**

**PUBLIC HEARINGS:**

**ORDINANCES ON SECOND READING:**

NONE

**ORDINANCES ON FIRST READING:**

NONE

**COMMENTS FROM THE PUBLIC – 6:00 PM\*<sup>1</sup> – Non Agenda or Consent Item Speakers (Three Minute Limitation)** *Please be reminded that the Utility District Board has adopted a set of “Rules of Decorum Governing Public Conduct During Official Meetings”, which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the District Board Chairperson may have any disruptive speaker removed from the podium from the meeting and/or the building, if necessary. Please govern yourselves accordingly.*

NONE

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\*Public Comments will begin at 6:00 PM or if an item is already in progress at 6:00 PM, Public Comments will begin immediately after the item has concluded.

**REGULAR:**

3. **RESOLUTION NO. 11-09UD A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID TO INTERSTATE ENGINEERING CORP., OF BOCA RATON, FLORIDA AND AUTHORIZING THE DISTRICT BOARD CHAIRPERSON AND DISTRICT CLERK TO EXECUTE THE PROPOSED BID AWARD WITH INTERSTATE ENGINEERING CORP.; FOR THE NORTH SINGER ISLAND (NSI) PUMP STATION IMPROVEMENTS PROJECT; IN THE AMOUNT OF \$1,018,000.00 PLUS A 10% CONTINGENCY, FOR A TOTAL AMOUNT OF \$1,119,800.00; APPROVING AND AUTHORIZING THE DISTRICT FINANCE DIRECTOR TO TRANSFER FUNDS IN THE AMOUNT OF \$1,119,800.00 FROM THE UTILITY DISTRICT CONTINGENCY ACCOUNT NO. 413-1417-536-0-5999 INTO THE UTILITY DISTRICT CAP. - PLANT (WATER) ACCOUNT NO. 413-1437-533-0-6558; AND AUTHORIZING THE FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 413-1437-533-0-6558; AND PROVIDING FOR AN EFFECTIVE DATE.**

**District Clerk Ward** read the aforementioned Resolution into the record.

A motion was made by **Board member Lowe** and seconded by **Vice Chairperson Davis** to approve Resolution No. 11-09UD.

**MOTION**

The Board of Directors requested that prior to contingency being expended it should be brought back for approval.

**Ben Guy, Purchasing Director**, stated for the record that the majority of change orders requested were by the owner, vendor change orders were not considered. However, he stated that a request may arise as a result of a situation being detected that was not discovered when the scope of work to be included in bid information was compiled and that having a change order to be approved by the board prior to issuance would cause a delay in completing the project which would cause an increase the cost of the project.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that the city manager was not the operative person indicated in the resolution and that he felt sections 3 & 4 should either be reworded or stricken.

There was a consensus of the Board of Directors to include “with approval and authority of the city manager” in sections 3 and 4 of the resolution. There was also a consensus directing staff to copy the city council on any change orders for all projects.

Upon a roll call vote by District Clerk Ward, the vote was unanimous.

**MOTION APPROVED**

4. **RESOLUTION NO. 12-09UD A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING THE PROPOSAL SUBMITTED BY R.C.T. ENGINEERING, INC., IN THE AMOUNT OF \$22,980.00, PLUS A 10% CONTINGENCY, TOTALING \$25,278.00; TO PROVIDE PROFESSIONAL CONSULTING ENGINEERING SERVICES FOR THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) WATER USE PERMIT RENEWAL ASSISTANCE; AND AUTHORIZING THE DISTRICT FINANCE DIRECTOR TO PAY \$22,980.00 PLUS A 10% CONTINGENCY TOTALING \$25,278.00 FROM ACCOUNT NO. 411-1417-536-0-3103; AND PROVIDING AN EFFECTIVE DATE.**

**District Clerk Ward** read the aforementioned Resolution into the record.

A motion was made by **Vice Chairperson Davis** and seconded by **Board member Lowe** to approve Resolution No. 12-09UD.

**MOTION**

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that the process began in 1995 and that it was necessary for the board to move forward.

There was a consensus of the board to include “with approval and authority of the city manager” in the resolution.

Upon a roll call vote by District Clerk Ward, the vote was unanimous.

**MOTION APPROVED**

**BOARD APPOINTMENT(S):**

5. **UTILITY DISTRICT BOARD OF DIRECTORS TO CONFIRM THE APPOINTMENT OF MR. MARIO E. LOAIZA, UTILITY ENGINEER, TO THE EAST CENTRAL REGIONAL WASTEWATER FACILITIES BOARD (ECR BOARD).**

A motion was made by **Board member Davis Johnson** and seconded by **Vice Chairperson Davis** to appoint Mr. Loaiza to the East Central Regional Wastewater Facilities Board.

**MOTION**

Upon a roll call vote by District Clerk Ward, the vote was unanimous.

**MOTION APPROVED**

**DISCUSSION BY THE INTERIM EXECUTIVE DIRECTOR:**

NONE

**LEGAL DISCUSSION/REQUEST:**

NONE

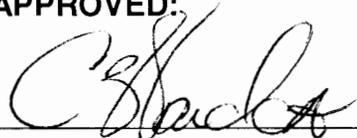
**DISCUSSION AND RECOMMENDATIONS BY DISTRICT BOARD:**

NONE

**ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 6:25 p.m.**

APPROVED:



CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
DISTRICT BOARD CLERK



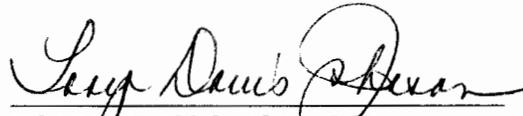
DAWN S. PARDO  
CHAIRPERSON



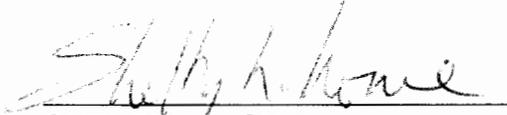
JUDY L. DAVIS  
VICE CHAIRPERSON



BILLIE E. BROOKS  
BOARD MEMBER



TONYA DAVIS JOHNSON  
BOARD MEMBER



SHELBY L. LOWE  
BOARD MEMBER

MOTIONED BY: T. Johnson

SECONDED BY: J. Davis

D. PARDO aye

J. DAVIS aye

B. BROOKS aye

T. DAVIS JOHNSON aye

S. LOWE aye

APPROVED: January 20, 2010