

**CITY OF RIVIERA BEACH DISTRICT BOARD  
AGENDA ITEM SUMMARY**

MEETING DATE: OCTOBER 5, 2011

AGENDA ITEM SUMMARY NO. J11-101-2

- AWARDS / PRESENTATIONS / PETITIONS
- CONSENT
- PUBLIC HEARING
- ORDINANCE ON SECOND READING
- ORDINANCE ON FIRST HEARING

- REGULAR
- RESOLUTION
- DISCUSSION & DELIBERATION
- BOARD APPOINTMENT
- WORKSHOP

**SUBJECT: APPROVAL OF UTILITY WORK AGREEMENTS BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF RIVIERA BEACH UTILITY DISTRICT FOR JOINT PROJECT PARTICIPATION/FUNDING IN THE CONSTRUCTION OF STATE ROAD 710 (MARTIN LUTHER KING BLVD -Phase B) – FDOT PROJECT NO. 229897-2-56-2 & 3**

**RECOMMENDATIONS/MOTION:** Staff recommends that District Board authorize and approve Utility Work Agreements and Memorandum of Agreement between the Florida Department of Transportation and the City of Riviera Beach Utility District, FDOT Project No. 229897-2-56-2 & 3, for utility work on the referenced project along State Road No. 710 (MARTIN LUTHER KING BLVD). The Utility District is responsible for \$2,064,379.52; and staff recommends that the Utility District Board authorize the Interim District Finance Director to pay the amount of \$2,064,379.52 from the Utility Capital Account No. 413-1438-535-0-6558.

**DEPARTMENTAL APPROVAL REVIEW & DATE**

◆City Manager and/or ACM	Library
◆District Attorney	Marina
◆District Clerk	Police
Community Development	Public Works
◆Interim District Finance Director	◆Purchasing
Fire	Recreation & Parks
Human Resources	◆Utility District

APPROVED BY UTILITY DIRECTOR: \_\_\_\_\_

DATE: \_\_\_\_\_

Originating Dept. Utility District	Costs: \$ <u>2,064,379.52</u>  Current FY: <u>2011-2012</u> Funding Source: CAP	City Council Actions: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/conditions
User Dept. Utility District		<input type="checkbox"/> Denied <input type="checkbox"/> Tabled to <input type="checkbox"/> Referred to Staff
Advertised: Date: Paper: <input checked="" type="checkbox"/> Not Required Affected Parties <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required	<input checked="" type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other Budget Account Number: 413-1438-535-0-6558	Attachments: 1. Resolution 2. Capital Project Sheet 3. Utility Work Agreements w/ Exhibits 4. Memo of Agreement

**SUMMARY:** Staff recommends that Utility District Board approve the Agreements and Memorandum of Agreement between the City of Riviera Beach Utility District and the Florida Department of Transportation, in the amount of \$2,064,379.52, for utility improvements along State Road 710 (MARTIN LUTHER KING BLVD-Phase B).

**BACKGROUND:**

The Florida Department of Transportation (FDOT) is widening and improving State Road 710 from Congress Avenue to Australian Avenue. The Utility Improvement work that is required within the existing right-of-way has to be done at the Utility District's expense. The Utility improvement work that is required within the areas where the FDOT is acquiring right-of-way will be paid by FDOT directly. To this end, the FDOT has drafted three (3) separate Utility Work Agreements for the Martin Luther King Phase B project (Congress Avenue to Australian Avenue). The Utility District would like to go under contract with the FDOT for all three (3) Utility Work Agreements and the associated Memorandum of Agreement.

The first agreement is entitled, "Utility Work by Highway Contractor – Utility Work Agreement (At Utility Expense)". This agreement (FDOT PROJECT NO. 229897-2-56-2) will allow the highway contractor to construct the required water and sewer improvements along with the road improvements. There is also a Memorandum of Agreement associated with this agreement that must be signed as well. These utility improvements are located within the current Martin Luther King right-of way.

The second agreement is entitled, "Utility Work by Highway Contractor – Utility Work Agreement (At FDOT Expense)". This agreement (FDOT PROJECT NO. 229897-2-56-3) will allow the highway contractor to construct the required water and sewer improvements along with the road improvements. However, these utility improvements are located outside the current Martin Luther King right-of way, but within areas that are being acquired by the FDOT. Therefore, these improvements qualify to be paid directly by the FDOT.

The third agreement is entitled, "Utility Work Agreement (At FDOT Expense)". This agreement (FDOT PROJECT NO. 229897-2-56-3) will allow the FDOT to pay for the engineering design services for the utility improvements located outside the current Martin Luther King right-of way, but within areas that are being acquired by the FDOT. Therefore, these engineering design services qualify to be reimbursed by the FDOT.

Per Florida Statute 337.403, the District is required to relocate, at its own expense, any utility interfering with the expansion of public roads. Capital Funds are available in this fiscal year's budget for this project.

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>\$2,064,379.52</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (City)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match (City)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<b><u>\$2,064,379.52</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>

NO. ADDITIONAL FTE  
 POSITIONS (Cumulative) 0 \_\_\_\_\_

Is Item Included In Current  
 Budget? 2011-2012 Yes X No \_\_\_\_\_

Budget Account No.: Fund 413 Dept/Division 1438 Org. 535-0 Object 6558

Reporting Category: CAP: WATER MAINS

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. District Fiscal Review:

\_\_\_\_\_  
 Mr. Louis C. Aurigemma, P.E., Executive Director

III. **REVIEW COMMENTS**

A. Finance Department and/or Purchasing/Intergovernmental Relations/Grant Comments:

\_\_\_\_\_  
 Finance Department

\_\_\_\_\_  
 Purchasing and Grants

B. Other Department Review:

\_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING THE FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK AGREEMENTS, IN THE CONSTRUCTION OF UTILITY IMPROVEMENTS TO THE WATER DISTRIBUTION AND SEWAGE TRANSMISSION SYSTEMS AND OTHER IMPROVEMENTS ALONG STATE ROAD NO. 710 (MARTIN LUTHER KING, JR. BOULEVARD); AUTHORIZING THE DISTRICT CHAIRPERSON AND DISTRICT CLERK TO EXECUTE SAID AGREEMENTS; IN THE AMOUNT OF \$2,064,379.52; APPROVING AND AUTHORIZING THE INTERIM DISTRICT FINANCE DIRECTOR TO PAY SAME FROM THE UTILITY DISTRICT ACCOUNT NO. 413-1438-535-0-6558; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Florida Department of Transportation is performing improvements along State Road No. 710 (Martin Luther King, Jr. Boulevard) under FDOT Project No. 229897-2-56-2 & 3. The Utility District currently has underground utility lines existing in the FDOT's right-of-way that must be moved as stipulated in Florida Statutes Section 337.403; and

**WHEREAS**, staff recommends that the Utility District Board approve three (3) separate FDOT agreements for project No. 229897-2-56-2 & 3 to facilitate construction of the State Road 710 project; and

**WHEREAS**, FDOT agrees to construct the project in its entirety by assuming all responsibility for design, contract participation, labor and materials, and contract administration necessary for the project, including payments to contractor(s) pursuant to all applicable governmental laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SPECIAL DISTRICT BOARD OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the Utility District Board hereby approves three (3) Florida Department of Transportation Utility Work Agreements as follows:

- "Utility Work by Highway Contractor– Utility Work Agreement (At Utility Expense)" w/ Associated Memorandum of Agreement
- "Utility Work by Highway Contractor–Utility Work Agreement (At FDOT Expense)"

- “Work Agreement (At FDOT Expense)”

for the construction of State Road No. 710 (Martin Luther King, Jr. Boulevard) between FDOT and the City of Riviera Beach Utility District; and approves said payment to the FDOT, in the amount of \$2,064,379.52 for the construction of utility improvements to the water distribution and sewage transmission systems; and other improvements along State Road No. 710 (Martin Luther King, Jr. Boulevard).

**SECTION 2:** That the Utility District Board authorizes the District Chairperson and District Clerk to execute the aforementioned agreements with FDOT and accompanying Memorandum of Agreement.

**SECTION 3:** That the Interim District Finance Director is authorized to make payment for same by proper invoice after written notice under Account Number 413-1438-535-0-6558, in the amount of \$2,064,379.52.

**SECTION 4:** This Resolution shall take effect upon its passage and approval by the Utility District Board.

RESOLUTION NO. \_\_\_\_\_  
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UTILITY SPECIAL DISTRICT

APPROVED:

ATTEST:

\_\_\_\_\_  
JUDY L. DAVIS  
CHAIRPERSON

\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
UTILITY SPECIAL DISTRICT CLERK

\_\_\_\_\_  
BILLIE E. BROOKS  
VICE CHAIRPERSON

\_\_\_\_\_  
CEDRICK A. THOMAS  
BOARD MEMBER

\_\_\_\_\_  
DAWN S. PARDO  
BOARD MEMBER

\_\_\_\_\_  
SHELBY L. LOWE  
BOARD MEMBER

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

J. DAVIS \_\_\_\_\_

B. BROOKS \_\_\_\_\_

C. THOMAS \_\_\_\_\_

D. PARDO \_\_\_\_\_

S. LOWE \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

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PAMALA HANNA RYAN, CITY ATTORNEY

DATE: \_\_\_\_\_

**CITY OF RIVIERA BEACH  
CAPITAL PROJECT PROPOSAL  
FY 2012 - FY 2016**

<b>DEPARTMENT:</b>	UTILITY SPECIAL DISTRICT	<b>PROJECT STATUS:</b>	IN PROGRESS
<b>PROJECT TITLE:</b>	MLK ROAD CONSTRUCTION (PHASE B)		
<b>PRIORITY ASSIGNED BY DEPARTMENT (1 HIGHEST TO 5 LOWEST):</b>	2		
<b>PRIORITY ASSIGNED BY CITY MANAGER (1 HIGHEST TO 5 LOWEST):</b>			
<b>MANDATED BY LAW (CHECK YES OR NO):</b>	YES	X	NO
<b>MANDATED BY COUNCIL (CHECK YES OR NO):</b>	YES		NO X
<b>APPROVED BY RESOLUTION NO.</b>		<b>RESOLUTION DATE:</b>	

**PROJECT DESCRIPTION**

The Florida Department of Transportation is improving MLK between Congress Avenue and Australian Boulevard as part of "Phase B". The Utility District is required to accommodate the road and drainage improvements and will have to modify the existing water and sewer mains.

**PROPOSED COMPLETION DATES**

<b>PROJECT PROPOSAL / DISCUSSION</b>	30-Jun-11	<b>DESIGN</b>	31-Oct-11	<b>CONSTRUCTION</b>	31-Oct-12
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**CAPITAL OUTLAY COSTS**

Description	PRIOR YEARS	FY 2011/2012	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	TOTAL
Land Acquisition							-
Engineering							-
Design & Survey	232,734						-
Construction		2,300,000					2,300,000
Buildings							-
Other Improvements							-
Inspection fees							-
Equipment							-
Other Project Costs							-
Contingency							-
<b>TOTAL CAPITAL OUTLAY</b>	<b>232,734</b>	<b>2,300,000</b>	-	-	-	-	<b>2,300,000</b>

**PROPOSED SOURCES OF FUNDING**

Source of Funding	PRIOR YEARS	FY 2011/2012	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	TOTAL
USD Capital Impact Fees (413)		2,300,000					2,300,000
USD Capital R&R (412)	232,734						-
<b>TOTAL FUNDING</b>	<b>232,734</b>	-	-	-	-	-	-

**OPERATING COSTS**

OPERATING COSTS:	PRIOR YEARS	FY 2011/2012	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	TOTAL
Personal Services							-
Operating Costs							-
Maintenance Costs							-
<b>TOTAL OPERATING COSTS</b>		-	-	-	-	-	-