

**UTILITY SPECIAL DISTRICT
BOARD OF DIRECTORS MEETING
November 18, 2020
5:30 p.m.**

PRESENT AT MEETING¹:

CHAIRPERSON JULIA BOTEL, Ed.D, DISTRICT 4	CHAIRPERSON BOTEL
CHAIR PRO TEM DOUGLAS LAWSON, DISTRICT 5	CHAIR PRO TEM LAWSON
BOARD MEMBER TRADRICK MCCOY, DISTRICT 1	BOARD MEMBER MCCOY
BOARD MEMBER KASHAMBA MILLER-ANDERSON, DISTRICT 2	BOARD MEMBER MILLER-ANDERSON
BOARD MEMBER SHIRLEY D. LANIER, DISTRICT 3	BOARD MEMBER LANIER
MAYOR RONNIE FELDER, Ex Officio Member	MAYOR FELDER
CITY MANAGER JONATHAN EVANS	CITY MANAGER EVANS
ACTING EXECUTIVE DIRECTOR JONATHAN BATISTA	ACTING EXECUTIVE DIRECTOR BATISTA
DISTRICT CLERK CLAUDENE ANTHONY	DISTRICT CLERK ANTHONY
DISTRICT ATTORNEY DAWN WYNN	DISTRICT ATTORNEY WYNN
DISTRICT FINANCE DIRECTOR RANDY SHERMAN	DISTRICT FINANCE DIRECTOR SHERMAN

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¹ List of Public Comment Speakers and Others on Page 86

30 **District Finance Director Sherman:** Here.

31 **City Clerk Anthony:** Thank you, Madam Chair.

32 **Chairperson Botel:** Thank you.

33

34 **INVOCATION**

35 **PLEDGE OF ALLEGIANCE**

36 **Chairperson Botel:** We'll have a moment of silence, followed by the Pledge of
37 Allegiance, led by Board Member Lanier.

38 [Moment of silence]

39 **Board Member Lanier:** I pledge allegiance...

40 **All:** ...to the Flag of the United States of America, and to the Republic for which it
41 stands, one nation under God, indivisible with liberty and justice for all.

42 **Chairperson Botel:** Thank you.

43 **Chairperson Botel:** ANY PERSON WHO WOULD LIKE TO SPEAK ON AN
44 AGENDA ITEM, PLEASE COMPLETE A PINK PUBLIC COMMENT CARD LOCATED
45 AT THE FRONT DESK PRIOR TO THE ITEM BEING TAKEN UP BY THE UTILITY
46 DISTRICT BOARD FOR DISCUSSION. MEMBERS OF THE PUBLIC WILL BE GIVEN
47 A TOTAL OF THREE MINUTES TO SPEAK ON ALL ITEMS LISTED ON THE
48 CONSENT AGENDA, AND THREE MINUTES TO SPEAK ON EACH REGULAR ITEM.
49 THE TIME LIMIT FOR PUBLIC COMMENT MAY BE REDUCED BY A VOTE OF THE
50 BOARD OF THE UTILITY DISTRICT BASED ON THE VOLUMINOUS NATURE OF
51 PUBLIC COMMENT CARDS. IN NO EVENT WILL ANYONE BE ALLOWED TO
52 SUBMIT A PUBLIC COMMENT CARD TO SPEAK ON AN AGENDA ITEM AFTER THE
53 RESOLUTION IS READ OR ITEM IS CONSIDERED.

54 **AGENDA APPROVAL**

55 **ADDITIONS, DELETIONS, SUBSTITUTIONS**

56 **Chairperson Botel:** Do we have any additions, deletions or substitutions from the
57 City Manager, Executive Director or Board Members?

58 **City Manager Evans:** No, Madam Chair. None from Staff.

59 **Chairperson Botel:** Thank you.

60 **DISCLOSURES**

61 **Chairperson Botel:** Do we have any disclosures from Board Members? [Pause].
62 I see, I see none.

63 **Board Member Lanier:** Madam Chair?

64 **Chairperson Botel:** Yes. I'm sorry.

65 **Board Member Lanier:** We need to close these...

66 **Chairperson Botel:** Commiss'...

67 **Board Member Lanier:** ...doors.

68 **Chairperson Botel:** ...Board Member Lanier, you're recognized.

69 **Board Member Lanier:** No. I was.., the, the doors need to be closed because I keep
70 hearing this background noise out... They're closing them now.

71 **Chairperson Botel:** Oh, okay. Thank you.

72 **ADOPTION OF AGENDA**

73 **Chairperson Botel:** [Stammer]. Would someone care to make a motion to adopt
74 the Agenda?

75 **Board Member Lanier:** So...

76 **Chair Pro Tem Lawson:** Madam Chair?

77 **Chairperson Botel:** Mr. Lawson, you're recognized.

78 **Chair Pro Tem Lawson:** I move to adopt the Agenda for today's Utility District meeting.

79 **Chairperson Botel:** Thank you. Would someone care to second?

80 **Board Member Lanier:** Second.

81 **Chairperson Botel:** Thank you. It has been moved and properly second to adopt
82 the Agenda. Madam Clerk. [Pause]. Oh, Madam Clerk, the motion to adopt the Agenda
83 is made. As your name is called, please answer yes or no.

84 **City Clerk Anthony:** Board Member Lanier?

85 **Board Member Lanier:** Yes.

86 **City Clerk Anthony:** Pro Tem Lawson?

87 **Chair Pro Tem Lawson:** Yes.

88 **City Clerk Anthony:** Chair Botel?

89 **Chairperson Botel:** Yes.

90 **City Clerk Anthony:** Unanimous vote.

91 **Chairperson Botel:** The vote was 3-0. So the, the Agenda is adopted.

92 [Inaudible comment]

93 **CONSENT AGENDA**

94 **Chairperson Botel:** Consent Agenda.

95 **MINUTES**

96 **RESOLUTIONS**

97 **END OF CONSENT AGENDA**

98 **City Clerk Anthony:** Madam Chair, there is no Consent Agenda.

99 **Chairperson Botel:** Yes, there is a Consent Agenda. Do we have any... Let's
100 see. Would someone care to make a motion to adopt the Consent Agenda?

101 **Chair Pro Tem Lawson:** Madam Chair?

102 **Chairperson Botel:** You're recognized...

103 **Unk.:** [Inaudible].

104 **Chair Pro Tem Lawson::** [Inaudible].

105 **Chairperson Botel:** ...Board Member Lawson?

106 **Chair Pro Tem Lawson:** There's no Consent Agenda, Madam Chair.

107 **Chairperson Botel:** Oh, there isn't. [Chuckle]. I'm so worried about what I'm
108 saying, I... Thank you.

109 **AWARDS AND PRESENTATIONS**

110 **PUBLIC HEARINGS**

111 **REGULAR AGNEDA**

112 **1. Chairperson Botel:** Item No. 1, Madam Clerk.

113 **City Clerk Anthony:** RESOLUTION NUMBER 20-20UD A RESOLUTION OF THE
114 BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL
115 DISTRICT (DISTRICT), PALM BEACH COUNTY, FLORIDA, APPROVING CHEN
116 MOORE AND ASSOCIATES CONSTRUCTION ADMINISTRATION SCOPE OF
117 SERVICES ASSOCIATED WITH THE SILVER BEACH ROAD PROJECT WITH PALM
118 BEACH COUNTY (COUNTY); AUTHORIZING THE DISTRICT FINANCE DIRECTOR
119 TO TRANSFER \$56,685.00 FROM PROJECT NUMBER 18146 TO 18122; AND
120 AUTHORIZING THE DISTRICT FINANCE DIRECTOR TO MAKE PAYMENTS FROM
121 PROJECT NUMBER 18122 IN AN AMOUNT NOT TO EXCEED \$56,685.00; AND
122 PROVIDING AN EFFECTIVE DATE.

123 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

124 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have any
125 public comment cards on this Item. The acceptance of public comments on this Item is
126 now closed.

127 **Chairperson Botel:** Thank you. Would someone care to make a motion to
128 approve this Resolution?

129 **Board Member Lanier:** So moved.

130 **Chair Pro Tem Lawson:** Madam Chair?

131 **Chairperson Botel:** You're recognized, Board Member Lawson.

132 **Chair Pro Tem Lawson:** Motion to approve...

133 **Chairperson Botel:** Thank you.

134 **Chair Pro Tem Lawson:** ...the Agenda Item, Resolution 20-20UD.

135 **Chairperson Botel:** Thank you. Would someone care to second?

136 **Board Member Lanier:** Second.

137 **Chairperson Botel:** Thank you. It is moved and seconded that the Board approve
138 the CMA scope of services in order to [stammer] continue receiving construction
139 administration services for Silver Beach Road.

140 Is there any discussion or debate? [Pause]. Do we have a presentation?

141 **City Manager Evans:** Madam Chair, if I can have Acting Director of the Utility
142 District, Mr. Jonathan Batista, comment on this particular Item.

143 **Acting Executive Director Batista:** Let's see. Is this... Test. Working?
144 Excellent. So, for this Item, when it comes to the Silver Beach...

145 **Unk. Audience:** Could you speak into the mic?

146 **Acting Executive Director Batista:** Good now? Excellent. So, for this project, it's...,
147 Silver Beach Road construction is ongoing. We have contractors onsite and essentially,
148 this Resolution deals with our engineer to continue to provide construction administration
149 services for it.

150 **Chairperson Botel:** Thank you. Is there any other debate or question? [Pause].
151 Thank you. Madam Clerk, the motion is moved, seconded that the Board approve the
152 CMA scope of services in order to continue receiving construction administration services
153 for Silver Beach Road. As the Clerk calls the question, please answer yes if you're in
154 favor, and no if you are not. Madam Clerk.

155 **City Clerk Anthony:** Board Member Lanier?

156 **Board Member Lanier:** Yes.

157 **City Clerk Anthony:** Pro Tem Lawson?

158 **Chair Pro Tem Lawson:** Yes.

159 **City Clerk Anthony:** Chair Botel?

160 **Chairperson Botel:** Yes.

161 **City Clerk Anthony:** That motion is approved with three yes's and zero nos.

162 **Chairperson Botel:** Thank you. The vote, as stated, is approved by three yes's
163 and zero no's.

164 **2. Chairperson Botel:** Item No. 2.

165 **City Clerk Anthony:** **RESOLUTION NUMBER 21-20UD A RESOLUTION OF THE**
166 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
167 **DISTRICT (DISTRICT), PALM BEACH COUNTY, FLORIDA, APPROVING A WELL**
168 **CONDITION ASSESSMENT PROPOSAL BY HOLTZ CONSULTING ENGINEERS;**
169 **AUTHORIZING THE DISTRICT FINANCE DIRECTOR TO MAKE PAYMENTS FROM**
170 **PROJECT NUMBER 21017 IN AN AMOUNT NOT TO EXCEED \$89,055; AND**
171 **PROVIDING AN EFFECTIVE DATE.**

172 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

173 **City Clerk Anthony:** Madam Chair and Members of the Board, we do not have any
174 public comment cards on this Item. The acceptance of public comments on this Item is
175 now closed.

176 **Chairperson Botel:** Thank you. Would someone care to make a motion to
177 approve the Resolution?

178 **Board Member Lanier:** Madam Chair, so moved.

179 **Chairperson Botel:** You're recognized, Board Member Lanier.
180 **Board Member Lanier:** So moved.
181 **Chairperson Botel:** Thank you.
182 **Chair Pro Tem Lawson:** Second.
183 **Chairperson Botel:** Thank you. It is moved and seconded that the Board
184 approves the Holtz well construction..., excuse me, condition assessment to establish a
185 framework for completely relia'.., for completely rehabilitate the water supply system.

186 Are..., is there a presentation, Mr. Director?

187 **City Manager Evans:** Madam Chair, this Item is before the Board to seek
188 consideration to enter into a professional services agreement with Holtz Consulting
189 Engineering Services to look at the existing wells that the City of Riviera Beach currently
190 has. The initial assessment was done in 2018, and Staff wants to look at the conditions
191 of the existing wells to make a determination as to what wells are optimal for continuation
192 when we do move forward with the implementation of a new water treatment facility. So,
193 this is the study phase that will provide additional information to Staff to make
194 recommendations to the Board with respect to the existing wells and the conditions of the
195 wells.

196 There was a previous analysis that was done back in 2018 that found out there
197 was some deficiencies with regards to some of our wells that were inoperable. Currently,
198 there are twenty-two wells that are operable and.., out of twenty-seven. So Staff is
199 recommending moving forward with the continuing engineering services contract with
200 Holtz Engineering to facilitate the study.

201 And, Staff recommends approval.

202 **Chairperson Botel:** Thank you. Do we have any questions or comments?

203 **Chair Pro Tem Lawson:** Madam Chair?

204 **Chairperson Botel:** You're recognized...

205 **Chair Pro Tem Lawson:** Thank you.

206 **Chairperson Botel:** ...Board Member Lawson.

207 **Chair Pro Tem Lawson:** Mr. Batista or Mr. Evans, the study that we're going to be
208 doing, that we're assessing again, is this going to tell us something different than.., that
209 happened in 2018? Is this just a updated study that we need to, to complete?

210 **Acting Executive Director Batista:** If I may answer? So, it's meant to do two things.
211 One...

212 **Chair Pro Tem Lawson:** I'm sorry. If you could just speak a little louder, Mr. Batista.

213 **Acting Executive Director Batista:** Can you hear me now?

214 **Chair Pro Tem Lawson:** Sure.

215 **Acting Executive Director Batista:** Excellent. So, the first thing it'll do is update the
216 2018 study. There were improvements made since then. There was a series of work
217 done by a contractor who replaced some of the pumps within the wells, and did other
218 work, but it's unclear how beneficial those improvements affected the well fields. Another
219 part to this is there are water quality sampling that will be conducted as part of this
220 assessment so we understand which wells provide high water quality versus those who
221 may not, so that we can determine which wells are worth investing in.

222 **Chair Pro Tem Lawson:** Follow up, Madam Chair.

223 **Chairperson Botel:** Yes. You're recognized.

224 **Chair Pro Tem Lawson:** So, the study that was completed in 2018, it did not have that
225 data?

226 **Acting Executive Director Batista:** It, it did not include water quality data.

227 **Chair Pro Tem Lawson:** I'm sorry?

228 **Acting Executive Director Batista:** It did not include water quality data.

229 **Chair Pro Tem Lawson:** Okay. So, if it didn't have the water quality data, what else
230 can expect, or what other..., what other information is necessary or needed in this
231 assessment that we're currently doing? 'Cause I don't want us to have to do another
232 assessment, if it's missing a piece and spend another \$85,000 two years later, to do
233 essentially the same study we could've done two years ago. So, is there anything that's
234 missing from this that we need to know of prior to approving this?

235 **Acting Executive Director Batista:** Yeah. So, there's, there's two additional items.
236 One is to establish a capital plan for our well field assessment program.

237 **Chair Pro Tem Lawson:** Mhmm.

238 **Acting Executive Director Batista:** We're..., we have a budget set up, but it doesn't
239 necessarily tie into the improvements needed for the existing treatment plant, or the future
240 treatment plant so it helps us align with that vision.

241 **Chair Pro Tem Lawson:** Okay. And, do we have an estimated cost on what that would
242 be?

243 **Acting Executive Director Batista:** For the well field improvements?

244 **Chair Pro Tem Lawson:** Yes.

245 **Acting Executive Director Batista:** Currently, no.

246 **Chair Pro Tem Lawson:** Okay. Thank you, Madam Chair.

247 **Chairperson Botel:** Any other questions or comments? It has moved and
 248 seconded that the Board approved the Holtz well condition assessment to establish the
 249 framework to completely rehabilitate the water supply system. Madam Clerk, will you call
 250 the roll? If you are in favor, say yes. If opposed, please say no.

251 **City Clerk Anthony:** Board Member Lanier?

252 **Board Member Lanier:** Yes.

253 **City Clerk Anthony:** Pro Tem Lawson?

254 **Chair Pro Tem Lawson:** Yes.

255 **City Clerk Anthony:** Chair Botel?

256 **Chairperson Botel:** Yes.

257 **City Clerk Anthony:** That motion is approved with three yes's and zero nos.

258 **Chairperson Botel:** Thank you. The motion is approved with three yes's and no
 259 no votes.

260 **3. Chairperson Botel:** Item No. 3.

261 **City Clerk Anthony:** **RESOLUTION NUMBER 22-20UD A RESOLUTION OF THE**
 262 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
 263 **DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT WITH**
 264 **JOHNSON-DAVIS, INC. OF LANTANA, FL; COOPERATIVE PURCHASING**
 265 **CONTRACT NUMBER IFB NUMBER 20-106 WITH THE CITY OF LAKE WORTH**
 266 **BEACH FOR EMERGENCY UTILITY REPAIRS FOR WATER, WASTEWATER AND**
 267 **STORMWATER; AUTHORIZING THE UTILITY DISTRICT CHAIRPERSON AND**
 268 **DISTRICT CLERK TO EXECUTE THIS CONTRACT; AUTHORIZING THE FINANCE**
 269 **DIRECTOR TO MAKE PAYMENTS FROM THE CONTRACT SERVICES-SEWER**
 270 **PROJECT NUMBER 18143 AT A COST NOT TO EXCEED \$400,000.00**
 271 **ANNUALLY; AND PROVIDING AN EFFECTIVE DATE.**

272 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

273 **City Clerk Anthony:** Madam Chair and Members of the Board, we do not have any
 274 public comment on this Item. The acceptance of public comment on this Item is now
 275 closed.

276 **Chairperson Botel:** Thank you. Would someone care to make a motion to
 277 approve the Resolution?

278 **Chair Pro Tem Lawson:** Madam Chair?

279 **Chairperson Botel:** You're recognized, Board Member...

280 **Chair Pro Tem Lawson:** Move to approve...

281 **Chairperson Botel:** ...Lawson.

282 **Chair Pro Tem Lawson:** ..Resolution 22-20UD.

283 **Chairperson Botel:** Thank you.

284 **Chair Pro Tem Lawson:** For acceptance.

285 **Chairperson Botel:** Would someone care to second the motion?

286 **Board Member Lanier:** Second.

287 **Chairperson Botel:** Thank you. Do we have any questions or is there a
288 presentation?

289 **City Manager Evans:** Madam Chair, this Item before you is to seek a commitment
290 for two years with Jonson-Davis to provide contractual services to the Utility District for
291 on ca'., on call emergency repair services. This is a budgeted expenditure in the FY
292 2021 budget.

293 And, Staff recommends approval. There is no funds that would be expended out
294 of that account, only if a emergency is deemed and declared, and Staff needs to respond
295 accordingly. But it is a budgeted expenditure.

296 **Chairperson Botel:** Thank you. Do we have any questions or concerns?

297 **Chair Pro Tem Lawson:** Madam Chari?

298 **Chairperson Botel:** Board Member Lawson, you're recognized.

299 **Chair Pro Tem Lawson:** Thank you. Mr. Evans, you said this is a continuing contract
300 with Johnson-Davis so there was no RFP issued for this?

301 **City Manager Evans:** This is for a a., this is for a two-year contract for repair
302 services. With regards to the procurement and the solicitation, if Ms. Pemsel can provide
303 some insight with respect to that process.

304 [Pause]

305 **Chairperson Botel:** Any other questions?

306 **Chair Pro Tem Lawson:** Ms. Pemsel's [inaudible].

307 **Chairperson Botel:** Oh, I'm sorry. I didn't him say that.

308 [Pause]

309 **Procurement Director Pemsel:** Good evening, Council, Mayor. Oh I forgot, the
310 Mayor's not preset at the Utility District [inaudible]. So. Good evening. Your questions,
311 please.

312 **Chair Pro Tem Lawson:** The procurement process for this contract. Can you please
313 outline how this was done?

314 **Procurement Director Pemsel:** Yeah. This was done as a cooperative agreement.

315 **Chair Pro Tem Lawson:** Okay.

316 **Procurement Director Pemsel:** And this was.., the issuing agency is the City of Lake
317 Worth Beach. And Johnson Controls was one of the firms that attached to several
318 different contracts, from Source Well, with the issuing agency being Lake Worth.

319 **Chair Pro Tem Lawson:** So this was a cooperative agreement. So this.., there was no
320 RFP issued, and this was essentially a recommendation from the City of Lake Worth from
321 the vendor that they're current using?

322 **Procurement Director Pemsel:** I'm sorry, sir. I did hear you say there is no RFP issued.
323 That's correct.

324 **Chair Pro Tem Lawson:** Okay. So, how was this vendor specifically chosen?

325 **Procurement Director Pemsel:** We look at several contracts over the course of the last
326 month or so. I've been meeting with individual departments and talking about their
327 different needs and the reactiveness of the needs. And because we did not have an
328 emergency contract in place for the Utility District, we had used Johnson-Davis in the
329 past, and did not have a current agreement.

330 So, we looked through all of the Source Well agreements and some other
331 cooperatives, and determined that the services that's being provided, which are
332 emergency services, match the need we had for Utility District.

333 **Chair Pro Tem Lawson:** So, they're emergency services, but they're pretty much
334 getting on retainer as an annual contract. So, these aren't actual emergency services
335 that's being issued, this is a contract that we're getting into with Johnson-Davis to provide
336 emergency services?

337 **Procurement Director Pemsel:** Yes.

338 **Chair Pro Tem Lawson:** Okay. [Pause]. Local participation, Ms. Pemsel. If you could
339 give me some insight as to the local participation for Johnson-Davis.

340 **Procurement Director Pemsel:** Well, on our cooperative agreements, and all of our
341 agreement, we ask the people that received the contracts to be sure that they engage
342 local participation when they issue the task order for the services. So this contract, as it
343 is approved, will be.., allow Johnson to work for us, but then, when they need to have
344 services, they will issue a task order, the departments that's.., will be given the SBE forms
345 to be able to fill out when they get the task order and we reviewed that to see what
346 participation takes place.

347 There's other items on the Regular Agenda tonight, you will see that the.., what,
348 what we do in that regard.

349 **Chair Pro Tem Lawson:** So, as of right now, we're going to ask that they use local
350 participation, but we have no idea what this company is going to use, and there are no
351 requirements that they have to follow with this \$400,000 contract.

352 **Procurement Director Pemsel:** At this time, we had not did our outreach to the
353 company, but when there is specific projects, we will ensure that they use of local
354 participation occurs.

355 **Chair Pro Tem Lawson:** Okay. So, I understand that because there were no specific
356 projects, that we haven't requested the local participation. But, before we sign a contract,
357 and every dollar that goes out, and every agreement that goes out, has to be negotiated
358 into the contract. Regardless of whether it's City, CRA, Utility District, before we bring
359 this contract to this dais, I want to see that local participation, minority participation,
360 WMBE, SEBE businesses, are going to be contracted. Point, blank, period.

361 There's literally not gonna be a discussion to where we have to have this
362 discussion after we've signed a contract. We have to engage these vendors prior to. And
363 I understand that we didn't go through an RFP process, this was a cooperative
364 agreement, that gives us even more power to negotiate that prior to signing this contract.
365 So why would we sign a contract when we had the authority and ability to empower our
366 residents for the opportunity to be gainfully employed by these companies, yet we're still
367 bringing these contracts to the table and we don't have local already contracted into the
368 discussion.

369 I know we wanna expedite this process but there's not an emergency today, we're
370 just contracting them for future emergencies. So let's negotiate with Johnson-Davis and
371 tell them that we have a certain standard that they have to follow when it comes to minority
372 and local participation.

373 **Procurement Director Pemsel:** Well, we will have to revisit, then, the use of
374 cooperative contracts because one of the provisions of cooperative contracts, is that the
375 contract in and of itself, has already been negotiated.

376 **Chair Pro Tem Lawson:** Right.

377 **Procurement Director Pemsel:** So, we can only do this piece...

378 **Chair Pro Tem Lawson:** Mhmm.

379 **Procurement Director Pemsel:** When it comes to cooperative on the back end. What
380 we can do though, is to ask the cooperative, did they get that information up front.

381 **Chair Pro Tem Lawson:** Right.

382 **Procurement Director Pemsel:** But I didn't want to use the people they selected
383 because they may not have been the local suppliers that we're trying to reach out to. So,
384 we are revisiting how to be able to.., to do that. Because that's a different nuance. When
385 we, we do it, we have full control...

386 **Chair Pro Tem Lawson:** Right.

387 **Procurement Director Pemsel:** ...over that piece.

388 **Chair Pro Tem Lawson:** So, and that's why it's difficult for me to be supportive of these
389 cooperative contracts, if we don't have the proper language in place. So, now I
390 understand that that's something that we would have to effectively change. Have we had,
391 or given Mr. Franklin an opportunity to review this? These cooperative contracts?

392 **Procurement Director Pemsel:** No. We have not given him the opportunity to review
393 the cooperative contracts.

394 **Chair Pro Tem Lawson:** Okay.

395 **Procurement Director Pemsel:** But we did talk about some of our.., we based it on
396 our.., one's that we issue. The ones that the City issues. So, that's what I said, we did
397 have touched down on that as to what to do, so right now, our intermediate solution,
398 would...

399 **Chair Pro Tem Lawson:** Mhmm.

400 **Procurement Director Pemsel:** ...be to have, when the task order goes out...

401 **Chair Pro Tem Lawson:** Mhmm.

402 **Procurement Director Pemsel:** ...have our SBE forms attached, until we can find out
403 whether.., because that could've potentially affect us not using cooperatives. And they're
404 so important to us. You know, we...

405 **Chair Pro Tem Lawson:** Right.

406 **Procurement Director Pemsel:** ...have to find a way to, to make that happen.

407 **Chair Pro Tem Lawson:** Right. I, I don't think that it's gonna affect our ability to use
408 cooperatives when we're issuing four, five, \$600,000 annual contracts, to allow and quest
409 that they participate with five, ten, fifteen percent local. So, I don't think it's going to affect

410 that. As a business owner, I'm going to do everything in my power to hire local, to make
411 sure I can get this contract. So...

412 **Procurement Director Pemsel:** Mhmm.

413 **Chair Pro Tem Lawson:** ...yes. It won't affect that.

414 But, Mr. Evans, in regards to... Thank you, Ms. Pemsel. In regard to the contracts
415 that are coming before on the table, Mr. Evans, I really.., I'm to a point now where I need
416 biweekly updates on where we stand with Mr. Lee. Because now, we have another
417 \$400,000 coming to the table and want it to be signed off on a cooperative agreement,
418 yet, we haven't even addressed, or have a discussion about, women or local or minority
419 participation. This has to be a priority, and this has to be a priority with my colleagues,
420 'cause I'm speaking directly to my colleagues, this has to be a priority for us to empower
421 our local residents, and our local businesses. So, everything that comes before on the
422 table, we have to have our eyes on it. And if we've already hired a consultant to review
423 this, there's no reason that anything should come to the table that he hasn't reviewed.

424 Thank you, Madam Chair.

425 **Chairperson Botel:** You're welcome.

426 **City Manager Evans:** Mdam'....

427 **Chairperson Botel:** Any other... Oh, please let the record show that Board
428 Member Miller-Anderson has joined the dais.

429 Do we have any other comments or concerns?

430 **Board Member Lanier:** Yes. Madam Chair?

431 **City Manager Evans:** Madam Chair?

432 **Chairperson Botel:** You're recognized, Member Lanier.

433 **Board Member Lanier:** I think that the Procurement Department is, is basically
434 working with what they have.

435 **Board Member Miller-Anderson:** I can't hear her.

436 **Board Member Lanier:** You have a situation where, if you don't.., if the City itself does
437 have an adopted disparity study and an Ordinance, we cannot force a supplier, or a
438 contractor, to add minority businesses. We can suggest, we can, you know, try and, you
439 know, have them to work with us and, you know, tell them this is what we want, but until
440 we have a disparity study and an Ordinance, then we are in a situation where we have to
441 work with these contractors and hope that they add minority subs as a part of their
442 agreement with the City.

443 So, I definitely would like to see the disparity study moving forward more quickly
444 than it is so that we can have some enforcement when we use contracts'.., or, when we
445 use contractors to do business with the City.

446 Could you, could you, could you... Mr. Evans, could you make sur that at least
447 once a month, that the Council is updated on the status of the disparity study? I know
448 that these things take time because there's a lotta data that you have to accumulate, there
449 is just a lot that's involved with it. But, if we can get an update.., if we can get an update,
450 I would hope that we can get it at least once a month to let us know what the process is
451 and what's happening with the disparity study. Because, as long as we don't have it, and
452 have an Ordinance that is supporting it, we can't really force people to do anything.

453 **Chairperson Botel:** Thank you.

454 **City Manager Evans:** Ma'...

455 **Chairperson Botel:** Any other comments or questions?

456 **Chair Pro Tem Lawson:** Madam Chair?

457 **Chairperson Botel:** Yes. Board Member Lawson, you're recognized.

458 **Chair Pro Tem Lawson:** Thank you. And, Councilwoman Lanier, to your point, I would
459 recommend that it be suggested, but with this cooperative agreement, it wasn't even
460 suggested. So, if we say that we want to move forward with the disparity study,
461 respectfully, on October 18, 2019, we, as a Board, voted 5-0 to move forward with it, yet
462 we haven't done the due diligence necessary, nor have we used the consultant to review
463 these contracts. And they're still coming before us prior to us having a discussion.

464 Just the disparity study is not my concern, 'cause the disparity study is gonna take
465 us two years from the day we start collecting data, which I have no idea if we're collecting.
466 My concern is that we have plans.., we have policies and procedures we can put in place
467 today that can effectually implement minority and women participation, and require that
468 we have a percentage. Even in our Code, which I with us, we have information that will
469 allow for us to collect five percent variance on all projects. So, there's a few things that
470 we have to address in regards to this disparity study. And honestly, I'm, I'm, I'm to a point
471 now where I just can't hope that Council's gonna do it. And, I agree with the monthly
472 updates but, Mr. Evans, every meeting, if we can get an update on what's going on,
473 because we have money going out of the door every single day, and if we don't effectually
474 implement a study and a policy for minorities and women, then we're just allowing for our
475 community to not reap any of the benefits of the dollars that's being spent.

476 So, Madam Chair, if we can continue to support a study, but also, implementing a
477 procedure to make sure Mr. Franklin Lee, or whatever consultant.., 'cause I understand
478 there's been another consultant may have been engaged, is reviewing every document
479 that goes out of the City.

480 Thank you, Madam Chair.

481 **Chairperson Botel:** Thank you. Any other comments or questions?

482 **City Manager Evans:** Madam Chair, if I may...

483 **Chairperson Botel:** Mr. Evans.

484 **City Manager Evans:** ...address some of the comments that were made?

485 **Chairperson Botel:** You're recognized.

486 **City Manager Evans:** We do have a Item that is slated to come before the Board for
487 an update with regards to the disparity study. We have authorized another professional
488 services contract with the entity and individuals that will be collecting the data and looking
489 at the data that we currently have to address some of the items that the Board has
490 articulated, and we can provide you a more robust update and discussion at your first
491 meeting in December. And that is Staff's plan to do so, to provide you a., the steps that
492 we're taking, the steps that we have outlined forward and how quickly we can get
493 something before this Board to ratify that actually addresses some of the items that were
494 articulated.

495 To Ms. Pemsel's point, the cooperative agreement that is being requested to be
496 utilized, is based on similar like for like services that the City of Riviera Beach is looking
497 to acquire and our hope is that we don't have to utilize this contractor at all, but we've had
498 some challenges with regards to our infrastructure. So, Staff did some research very
499 quickly to find entities that have gone out through the competitive solicitation process, to
500 fulfill the immediate need that the, the City has. So, we certainly, as you'll see in
501 subsequent Items on the Agenda, on the Regular Agenda for the City Council, we have
502 asked the questions that this Board has communicated with respect to WMBE, SBE and,
503 and we will make sure that, that is a concerted effort from the agency and we'll be bringing
504 you up to speed on the progress we've made at your first meeting in December.

505 **Chairperson Botel:** Thank you. Any other questions or comments? [Pause].
506 Madam Clerk, it is moved and seconded that the Board approve the associated
507 Resolution so that the District has a mechanism to quickly repair and replace failed
508 infrastructure systems. As your name is called, please answer yes or no.

509 **City Clerk Anthony:** Madam Chair, Members of the Board, recognize that Board
510 Member La'...

511 **Chairperson Botel:** I'm sorry. Please rec'...

512 **City Clerk Anthony:** ...Bord Member McCoy...

513 **Chairperson Botel:** Thank you.

514 **City Clerk Anthony:** ...is now present. Board Member Lanier?

515 **Board Member Lanier:** Yes.

516 **City Clerk Anthony:** Board Member McCoy?

517 **Board Member McCoy:** No.

518 **City Clerk Anthony:** Board Member Miller-Anderson?

519 **Board Member Miller-Anderson:** Yes.

520 **City Clerk Anthony:** Pro Tem Lawson?

521 **Chair Pro Tem Lawson:** No.

522 **City Clerk Anthony:** Chair Botel?

523 **Chairperson Botel:** Yes.

524 **City Clerk Anthony:** That motion is approved with three yes's and two nos.

525 **Chairperson Botel:** Thank you. The motion is approved with three affirmative
526 votes and two negative votes.

527 **4. Chairperson Botel:** Madam Clerk, Item No. 4.

528 **City Clerk Anthony:** **RESOLUTION NUMBER 25-20UD A RESOLUTION OF THE**
529 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
530 **DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT FOR**
531 **A GRANT IN THE AMOUNT NOT TO EXCEED \$1,900,800 FROM THE STATE OF**
532 **FLORIDA'S DEPARTMENT OF ECONOMIC OPPORTUNITY FOR**
533 **INFRASTRUCTURE REPAIRS; FURTHER ACCEPTING THE TERMS AND**
534 **CONDITIONS OF THE GRANT; AUTHORIZING THE UTILITY SPECIAL DISTRICT**
535 **FINANCE DIRECTOR TO ACCEPT REVENUE IN AN AMOUNT NOT TO EXCEED**
536 **\$1,900,800 AND ESTABLISH A NEW PROJECT BUDGET FOR C-17 AND "M" -**
537 **CANAL CROSSINGS TO RECEIVE THE REVENUE; AND AUTHORIZING THE CITY**
538 **MANAGER TO SIGN-OFF ON ALL ASSOCIATED DOCUMENTS AND PROVIDING AN**
539 **EFFECTIVE DATE.**

540 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

541 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have any
542 public comments on this Item. The acceptance of public comments on this Item is now
543 closed.

544 **Chairperson Botel:** Thank you. Would anyone care to make a motion to approve
545 the Resolution?

546 **Board Member Miller-Anderson:** Madam Chair?

547 **Chairperson Botel:** Yes. You're recognized.

548 **Board Member Miller-Anderson:** I move the approval of Resolution No. 25-20UD.

549 **Chairperson Botel:** Thank you. Would someone care to second?

550 **Board Member Lanier:** Second.

551 **Chairperson Botel:** Thank you. There is no public comment. Do we have a
552 presentation, Mr. Manager?

553 **City Manager Evans:** Madam Chair and Members of the Board, if the Acting
554 Director, Mr. Jonathan Batista, can present on this Item.

555 **Acting Executive Director Batista:** Can you hear me?

556 **Chairperson Botel:** Yes.

557 **Acting Executive Director Batista:** Excellent.

558 So, for this Item, this is a grant that we had applied for and we are about to accept
559 if we're able to have this agreement approved of. Essentially, it's \$1.9MM to fund the
560 construction of two force main crossings. And, essentially, these crossing will help
561 change the way our infrastructure works, where normally crossings go over canals and,
562 in this case, the crossings will go under canals, so that they'd be further protected from
563 disasters, in case if anything had passed through the canals.

564 **Chairperson Botel:** Thank you. Any questions or concerns? As the maker of the
565 motion, Board Member Miller-Anderson, do you have any questions?

566 **Board Member Miller-Anderson:** No...

567 **Chairperson Botel:** Thank you.

568 **Boardmember Miller-Anderson:** ...Madam Chair.

569 **Chairperson Botel:** Mr. McCoy, you're recognized.

570 **Board Member McCoy:** Thank you, Madam Chair.

571 Mr. Batista, have we identified the crossings?

572 **Acting Executive Director Batista:** Have we identified them?

573 **Board Member McCoy:** Correct.

574 **Acting Executive Director Batista:** Yes, we have.

575 **Board Member McCoy:** Which ones are they?

576 **Acting Executive Director Batista:** So, one goes over the C-17 canal, and another,
577 the M canal. One's a twelve-inch force main, and another is, I believe, a thirty-six inch
578 force main.

579 **Board Member McCoy:** So, C-12 and the other one was?

580 **Acting Executive Director Batista:** So, it's the C-17 canal, and the M canal.

581 **Board Member McCoy:** Is there any timelines associated with this grant?

582 **Acting Executive Director Batista:** Yes. I believe it's a two-year agreement.

583 **Board Member McCoy:** Starting when?

584 **Acting Executive Director Batista:** Effective when the agreement is approved.

585 **Board Member McCoy:** So we have to execute an agreement in order to receive the
586 grant?

587 **Acting Executive Director Batista:** Correct.

588 **Board Member McCoy:** Thank you.

589 **Chairperson Botel:** Any other questions or comments? [Pause]. It has moved
590 and seconded that the Board approve the grant agreement from the State of Florida,
591 Department of Economic Opportunity in the amount not to exceed \$1,900,800. Madam
592 Clerk. If you are in agreement, please answer yes. If not, answer no. Madam Clerk.

593 **City Clerk Anthony:** Board Member Miller-Anderson?

594 **Board Member Miller-Anderson:** Yes.

595 **City Clerk Anthony:** Was that a yes, Ms. Miller-Anderson?

596 **Board Member Miller-Anderson:** Hmm?

597 **City Clerk Anthony:** Was that a yes?

598 **Board Member Miller-Anderson:** Yes.

599 **City Clerk Anthony:** Thank you. Board Member Lanier?

600 **Board Member Lanier:** Yes.

601 **City Clerk Anthony:** Board Member McCoy?

602 **Board Member McCoy:** Yes.

603 **City Clerk Anthony:** Pro Tem Lawson?

604 **Chair Pro Tem Lawson:** Yes.

605 **City Clerk Anthony:** Chair Botel?

606 **Chairperson Botel:** Yes.

607 **City Clerk Anthony:** That motion is approved with five in, in support of the Item.

608 **Chairperson Botel:** Thank you. The motion is approved with five yes votes, and
609 no zero vo'... And zero no votes. [Chuckle].

610 **5. Chairperson Botel:** Item No. 5.

611 **City Clerk Anthony:** **RESOLUTION NUMBER 26-20UD A RESOLUTION OF THE**
612 **UTILITY SPECIAL DISTRICT BOARD OF DIRECTORS OF THE CITY OF RIVIERA**
613 **BEACH PALM BEACH COUNTY, FLORIDA AUTHORIZING THE BOARD OF**
614 **DIRECTORS TO APPOINT THE ACTING EXECUTIVE DIRECTOR OF UTILITIES TO**
615 **THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY (ECR)**
616 **BOARD ACCORDING TO THE INTERLOCAL AGREEMENT SIGNED SEPTEMBER 9,**
617 **1992 AND THE RENEWAL OF THE ECR INTERLOCAL AGREEMENT SIGNED APRIL**
618 **20, 2010; AND APPOINTING THE ACTING EXECUTIVE DIRECTOR AS THE**
619 **AUTHORIZED SIGNEE FOR ALL PALM BEACH COUNTY HEALTH DEPARTMENT**
620 **DOCUMENTS PERTAINING TO THE UTILITY SPECIAL DISTRICT AND ITS SERVICE**
621 **AREA AND PROVIDING AN EFFECTIVE DATE.**

622 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

623 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have any
624 public comment on this Item. The acceptance of public comments on this Item is now
625 closed.

626 **Chairperson Botel:** Thank you. Would someone care to approve this motion?
627 Make a motion to approve?

628 **Board Member Miller-Anderson:** I...

629 **Board Member McCoy:** So moved.

630 **Chairperson Botel:** I can't [inaudible]...

631 **Chair Pro Tem Lawson:** Madam Chair?

632 **Chairperson Botel:** Board Member Lawson, you're recognized.

633 **Chair Pro Tem Lawson:** I move to approve Resolution No. 26-20UD.

634 **Chairperson Botel:** Thank you.

635 **Chair Pro Tem Lawson:** [Inaudible].

636 **Chairperson Botel:** Would someone care...

637 **Board Member McCoy:** So, is my...

638 **Chairperson Botel:** ...to second?

639 **Board Member McCoy:** ...mot'... Is my motion not recognized?

640 **Chairperson Botel:** I, I..., I didn't hear you speak. I'm sorry. Did you make a
641 motion?

642 **Board Member McCoy:** I said so moved.

643 **Chairperson Botel:** Thank you. If you would say, 'I move...

644 **Board Member McCoy:** No, no.

645 **Chairperson Botel:** ...to...

646 **Board Member McCoy:** No, no. So moved is good enough.

647 **Chairperson Botel:** Good enough for you then. Mr. Lawson, would it second it
648 then?

649 **Chair Pro Tem Lawson:** Second.

650 **Chairperson Botel:** Thank you. It is moved and seconded that the Board approve
651 the Resolution appointing Jonathan Batista to the ECR Board at the District's..., as the
652 District's representative.

653 Do we have a presentation?

654 **City Manager Evans:** Madam Chair, this Item is requesting Board authorization to
655 make Jonathan Batista the signee and the designated point person for activities related
656 to the ECR. This is something that we have done procedurally for every Executive
657 Director that has served in that particular capacity.

658 So, Staff recommends approval of the Resolution that's before you, Resolution 26-
659 20.

660 **Chairperson Botel:** Thank you. Do we have any questions or comments?

661 **Board Member McCoy:** Madam Chair?

662 **Chair Pro Tem Lawson:** Madam Chair?

663 **Chairperson Botel:** You're recognized, Mr. Lawson.

664 **Chair Pro Tem Lawson:** I believe Councilman McCoy was...

665 **Chairperson Botel:** Oh. You're recognized, Council'..., Board Member McCoy.

666 **Board Member McCoy:** Thank you. Mr. Evans, does this appointment comes with
667 voting rights, being on the ECR?

668 **City Manager Evans:** This particular..., the activities, usually what happens, the
669 ECR, anything that binds the municipality, ends up coming back before the governing
670 bodies to authorize.

671 Mr. Batista, if you can explain more specificities, what the responsibilities are.

672 **Acting Executive Director Batista:** Sure. So, the responsibility of this position is to
673 make sure that the City of Riviera Beach interests are represented at the ECR wastewater
674 treatment plant. There..., over the course of time, there are capital improvements that are
675 made, there are fees that are assessed, and so, by having the Acting Director or the
676 Executive Director representing the City of Riviera Beach, everything can be kept up to
677 speed and made sure that we're essentially a part of whatever improvements and
678 processes are changed at the ECR plant.

679 **Board Member McCoy:** Follow up.

680 **Chairperson Botel:** You're recognized.

681 **Board Member McCoy:** Mr. Batista, does this position come with voting rights?

682 **Acting Executive Director Batista:** Could you clarify what you mean by voting
683 rights?

684 **Board Member McCoy:** Sure. You're a member of the appointed East Coast..., East
685 Central Regional wastewater treatment facility Board. As a member, do you have voting
686 rights? Will you be voting on behalf of the City? [Inaudible]...

687 **Acting Executive Director Batista:** I believe so, yes.

688 **Board Member McCoy:** Okay. Follow up.

689 **Chairperson Botel:** You're recognized.

690 **Board Member McCoy:** Okay. What's the composition of that Board? Mr. Evans or
691 Mr. Batista?

692 **City Manager Evans:** The composition of the Board is individuals that are entities
693 that participate in the activities associated with what occurs at the East Regional campus,
694 so it is the City of West Palm, City of Riviera Beach, Palm Beach County and ECR Staff
695 are represented on that particular Board. Is there any other entities, Mr. Batista? I think
696 there's...

697 [Inaudible comment]

698 **City Manager Evans:** Lake Worth?

699 **Acting Executive Director Batista:** Yeah. I think...

700 **Board Member McCoy:** Follow up.

701 **Chairperson Botel:** You're recognized.

702 **Board Member McCoy:** Mr. Evans or Mr. Batista, who's the alternate that we have
703 representing from Riviera Beach?

704 **Acting Executive Director Batista:** Currently?

705 **Board Member McCoy:** I'm sorry?

706 **Acting Executive Director Batista:** Are you asking who's currently representing?

707 **Board Member McCoy:** The Board consists of a member and also an alternate
708 member. Do we know who the alternate member is?

709 **Acting Executive Director Batista:** The...

710 **Board Member McCoy:** That represents Riviera Beach?

711 **Acting Executive Director Batista:** The alternate member is John Armstrong, our
712 Engineer.

713 **Board Member McCoy:** I'm, I'm sorry? Who is it?

714 **Chair Pro Tem Lawson:** John Armstrong. John Armstrong is...

715 **City Manager Evans:** John Armstrong.

716 **Board Member McCoy:** Okay. Alright. Thank you, Madam Chair.

717 **Chairperson Botel:** You're welcome. Any other questions or comments? [Pause].
718 It is moved and seconded that he Board approve the Resolution appointing Jonathan
719 Batista to the ECR Board as the District's representative. When your name is called,
720 please answer yes or no. Madam Clerk.

721 **City Clerk Anthony:** Board Member McCoy?

722 **Board Member McCoy:** Yes.

723 **City Clerk Anthony:** Board Member Miller-Anderson?

724 **Board Member Miller-Anderson:** Yes.

725 **City Clerk Anthony:** Board Member Lanier?

726 **Board Member Lanier:** Yes.

727 **City Clerk Anthony:** Pro Tem Lawson?

728 **Chair Pro Tem Lawson:** Yes.

729 **City Clerk Anthony:** Chair Botel?

730 **Chairperson Botel:** Yes.

731 **City Clerk Anthony:** That motion is approved with five yes's, zero nos.

732 **Chairperson Botel:** Thank you.

733 **6. Chairperson Botel:** Item No. 6.

734 **City Clerk Anthony:** Madam Chair, Members of the Board, the following
735 Resolution heading contained a scrivener's error from my understanding, so I will be
736 reading from the actual document. The scrivener's error is the amount printed on the
737 Agenda is \$244,640 and that amount was changed to \$389,146. And it reads:

738 **City Clerk Anthony:** **RESOLUTION NUMBER 27-20UD A RESOLUTION OF THE**
739 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
740 **DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING PROPOSAL FROM EAC**
741 **CONSULTING, INC. IN THE AMOUNT OF \$389,146.00 TO PERFORM A CITYWIDE**
742 **LIFT STATION CONDITION ASSESSMENT STUDY; AND AUTHORIZING THE**
743 **DISTRICT FINANCE DIRECTOR TO MAKE PAYMENTS AFTER WORK**
744 **AUTHORIZATIONS HAVE BEEN ISSUED FROM FUNDS BUDGETED FOR CAPITAL**
745 **IMPROVEMENT PROJECT NUMBER 18135; AND PROVIDING AN EFFECTIVE**
746 **DATE.**

747 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

748 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have public
749 comment on this Item. The acceptance of public comment on this Item is now closed.

750 **Board Member McCoy:** Moved to amend, Madam Chair.

751 **Chairperson Botel:** Yes, you're recognized.

752 **Board Member McCoy:** Well, so.., I wanna get clarification. You ga'.., you gave us a
753 number of \$389146, but that's not just incorrect inside of the title, that's incorrect in the
754 Resolution as well. And, absent of.., just... Let me look at the memo but... Can
755 somebody give us some clarification? Is it just in the title? Because the Resolution says
756 two eighty-eight as well.

757 **Chair Pro Tem Lawson:** In the memo.

758 **Board Member McCoy:** So, I mean, if this is not something that we can readily
759 determine right now, absent of, you know, somebody giving us something substantial to
760 justify this, then this is not something that is proper for us to hear. 'Cause we're talking
761 about an additional, gosh, what is it? Over additional \$100,000, I believe it is.

762 **Chair Pro Tem Lawson:** \$125,000.

763 **Board Member McCoy:** [Stammer]...

764 [Inaudible comment]

765 **Board Member McCoy:** Yeah. A hundred and forty-five... Thank you, Accountant.

766 **Chairperson Botel:** Mr. Manager.

767 **City Manager Evans:** Mr. Batista, if you can answer that particular question?

768 **Acting Executive Director Batista:** Sure. So, I believe we have two options before
769 us.

770 **Board Member Miller-Anderson:** Madam Chair?

771 **Board Member McCoy:** I'm sorry...

772 **Acting Executive Director Batista:** This...

773 **Board Member Miller-Anderson:** [Inaudible].

774 **Board Member McCoy:** I'm not have a whole lot of volume. Can we get some volume
775 for, for Mr. Bastita's...

776 **Chairperson Botel:** Yeah. Could....

777 **Acting Executive Director Batista:** Hello?

778 **Chairperson Botel:** ...could you get as close you can, Mr. Batista, to the...

779 **Acting Executive Director Batista:** Sure.

780 **Chairperson Botel:** ...microphone? That would be great. Thank you.

781 **Acting Executive Director Batista:** So, I think we have two options before us. We,
782 essentially, have a proposal for \$389,000 to do lift station assessments across the entire
783 City. We have several lift stations that are in critical condition, so essentially, we can
784 move forward with the changes to cover for the entire proposal. There is a alternative
785 option where, if the proposal is approved at the current amount, it would allow us to at
786 least do Phase 1, to address the most critical lift stations. Some of them are on bypass
787 pumps, and essentially, we could use the assessment, initially, to at least cover for the
788 ones that are in critical condition.

789 **Board Member McCoy:** Follow up.

790 **Chairperson Botel:** You're recognized.

791 **Board Member McCoy:** So, I certainly respect and I gen'..., I have no reason to think
792 that you're not being genuine about it, but the backup documents, you've give'..., given us
793 a Schedule of Fees in the Assessment Fee proposal that only [stammer] totals \$24,000.
794 Are you expecting us, as the Member of this Utility District, to accept your word that there's
795 a \$140,000 additional in work that's not supported here, in any of the backup?

796 **Acting Executive Director Batista:** So, the support is within the proposal itself.
797 It's...

798 **Board Member McCoy:** It's not, sir.

799 **Acting Executive Director Batista:** So, within the proposal, there are two sections,
800 Phase 1 and Phase 2. The first phase is about \$144,000, the second phase is \$244,000.

801 [Inaudible audience comment]

802 **Board Member McCoy:** Okay. Well, if that's the case, then why was it such an urgency
803 to go ahead and then, I guess, consolidate the second phase into this one? Why can't
804 we just vote on what you've given us an itemized assessment for, that represents the
805 \$244,000? Is there some urgency that this can't wait until the next USD?

806 **Acting Executive Director Batista:** So, the purpose of consolidating it into one, was
807 to move the consultant as quickly as possible. To conduct the first phase is essentially
808 something that will address the critical items, but with the second phase, we already
809 understand that the lift stations that are to be looked at, are also in, in not the most ideal
810 condition.

811 So, some of the lift stations that are left in the second phase are, are also in poor
812 condition, but they're not seen as critical. So, it's something that is meant to be done.
813 We just broke it up as a Utility District in order to have the consultant first focus on the
814 most critical, so that we can begin implementing improvements immediately.

815 **Board Member McCoy:** Follow up.

816 **Chairperson Botel:** You're recognized.

817 **Board Member McCoy:** Thank you for your explanation but the backup is
818 fundamentally flawed. And there's no way that us, as fiscal and fiduciary agents for the
819 Utility District, should be presented with a Resolution that says \$244,000, a title that says
820 \$244,000, backup documentation that is itemized out \$244,000 worth of work, and then,
821 further down, we have some other oddball numbers that's added into it. This is not proper
822 and it's..., in, in its current form, and we shouldn't even sit here and consider it.

823 And not that I have anything with water quality, but literally, this is the same body
824 that chose to raise the water rates on all of our Utility District customers. At the very least,
825 we need to be very much accurate and precise when it comes to our water quality, and
826 also to our..., and to our sewage, into the sewage program that we offer. And I can't even
827 support it. And, whether it's omission or whether it was inadvertent or not, I..., it's
828 inexcusable. It's, it's not an excusable..., it's not excusable neglect that we should be able
829 to allow an additional \$140,000 that's not itemized, like the additional two hundred and
830 forty-four.

831 So, I would certainly support the two forty-four, but absent of the additional
832 \$140,000..., \$145,000 of itemized costs, I'm not gonna support it.

833 **Board Member Miller-Anderson:** Madam Chair?

834 **Chairperson Botel:** You're rec'..., Board Member Miller-Anderson, you're
835 recognized.

836 **Board Member Miller-Anderson:** I could certainly go along with the two forty-four,
837 but if there's something additional that we need the documentation for, I would suggest
838 that we either have a special meeting before one of our next meetings, if it's a sense of
839 urgency to get this done, but to add it tonight, I, I could not do that, being that we don't
840 have all the supporting documents for it.

841 So, the way that it's written, is what I could support. Anything additional, I would
842 like to see that on a separate Agenda.

843 Thank you ,Madam Chair.

844 **Chairperson Botel:** Thank you. Any other questions or comments? Mr. McCoy,
845 you're recognized.

846 **Board Member McCoy:** So, thank you, Board Member Miller-Anderson. And that's
847 certainly what I would like to see.

848 However, when looking at... I, I guess, you know, I wanna find out how does the
849 Clerk arrive at saying that it's a scrivener's error? What direction does she get to
850 determine that it's a scrivener's error because there's no scrivener's error. The
851 Resolution title was right, the Resolution is right. Maybe somebody came after the fact
852 and tried to include in additional information, but it shouldn't be presented that it's a
853 scrivener's error because, if..., the backup all supports two forty-four. So, I just wanna be
854 clear on that. But, if we wanna read the title back as it's printed, I'm okay with that, and
855 there's no amendment necessary. But, don't add things on the backend and then say it's
856 a scrivener's error, because that's exactly what happened here.

857 **Chairperson Botel:** Are you finished, Mr. McCoy?

858 **Board Member McCoy:** I'm, I'm done.

859 **Chairperson Botel:** Thank you. As I see it, in the backup, we have Phase 1, for a
860 \$144,506, completely itemized, Task 1, project management and project kickoff meeting;
861 Task 2, et. cetera. And I would think that if we were gonna approve anything, it would be
862 Phase 1. And then, when Phase 2 becomes necessary to be approved, that could be
863 brought before us.

864 Mr. Batista, is there some problem with..., would it be appropriate for us to approve
865 Phase 1, and then at some later date, approve Phase 2? What's the urgency of approving
866 Phase 2? And, of course, if we were to approve Phase 1, we would'..., it would necessitate
867 a change in the documentation, to read \$144,506 rather than \$244,640. I think I can see
868 where a scrivener's error might've been made. Someone looked at this document,
869 neglected to see that above the two forty-four, it was another chart that had the \$144,506
870 in it.

871 **Board Member McCoy:** Page...

872 **Chairperson Botel:** Which is...

873 **Board Member McCoy:** ...5, Madam Chair.

874 **Chairperson Botel:** Excuse me. I'm, I'm not finished. So, my question to you, Mr.
875 Batista is, is it..., would be it appropriate to approve Phase 1, and then wait for Phase 2?
876 Or, if we approved Phase 2 as written tonight and as written in the, in the documentation...,
877 in the Resolution itself, will you be able to go forward with Phase 1?

878 **City Manager Evans:** Madam Chair, if, if I may interject...

879 **Chairperson Botel:** You're recognized.

880 **Board Member McCoy:** ...and, and answer for Mr. Batista? It is Staff's desire to
881 effectively look to bring Phase 2 back to the Board. I think that's the cleanest and easiest
882 way to effectively do that. And we can, we can do that as part of a meeting..., part of your
883 next USD meeting. Or, if we have to have a meeting prior to your next City Council
884 meeting, we can bring Phase 2 back and clean up that, so there's no question with
885 regards to the expenditure that Staff is requesting.

886 **Chairperson Botel:** I'm not quite sure I understand you, Mr. Evans. Are you
887 suggesting that we vote tonight on Phase 1?

888 **City Manager Evans:** That is correct.

889 **Chairperson Botel:** Okay. So, we, we would be voting tonight on \$144,506?

890 **Board Member Miller-Anderson:** Uh-uh.

891 **Board Member McCoy:** No. Madam Char?

892 **Board Member Miller-Anderson:** Uh-uh.

893 **Chairperson Botel:** Excuse me one second.

894 **City Manager Evans:** The, the two forty-four amount...

895 **Board Member McCoy:** Page 5, please.

896 **Chairperson Botel:** Okay. I'm looking at Page 4 of 8 and I see Phase 1...

897 **Board Member Miller-Anderson:** [Inaudible]...

898 **Chairperson Botel:** Fourteen lift stations. At the bottom it says grand total,
899 \$144,506. So, what am I missing? It, it's not until Page 5 that we see the \$244,640. So,
900 if you're suggesting that we should move to Ph'.., through with Phase 1, our vote tonight
901 would only be for \$144,506. Would it not?

902 [Inaudible dais comment]

903 **Chairperson Botel:** Mr. Evans?

904 **City Manager Evans:** That would be.., the, the, the Phase 1, Project 18135 is listed
905 in the memorandum. And Mr. Batista, correct me if I'm wrong, that's the \$244,640.

906 **Acting Executive Director Batista:** So, the \$244,640 is the number that matches up
907 to Phase 2.

908 **Chairperson Botel:** Right.

909 **Acting Executive Director Batista:** And so, I think what Councilwoman Botel is
910 referring to is, instead of approving Phase 2, which is sort of...

911 **City Manager Evans:** Right.

912 **Acting Executive Director Batista:** ...backwards, to essentially approve Phase 1 so
913 at least we can get the most critical lift stations assessed, and then, have the Phase 2
914 approved as Phase 1 is being conducted.

915 **Chairperson Botel:** Right.

916 **City Manager Evans:** Okay.

917 **Chairperson Botel:** That would be my suggestion.

918 **City Manager Evans:** So, Madam Chair, correction. It would be for us to move
919 forward with Phase 1 as articulated. And then, bring back Phase 2 at a subsequent Board
920 meeting.

921 **Chairperson Botel:** Right. So, are we amending the Resolution to reflect the
922 dollar amount in Phase 1, that being \$144,506?

923 **City Manager Evans:** That would be Staff's recommendation, Madam Chair.

924 **Chairperson Botel:** Thank you. Who made the motion to begin with? Mr...

925 **Board Member McCoy:** Well, question.

926 **Chairperson Botel:** ...McCoy.

927 **Board Member McCoy:** Because that doesn't make it any... Madam Chair, that
928 doesn't make it any clearer because, even still, I'm, I'm..., I see where you're talking about
929 on Page 4. Page 5 lists..., Page 5 lists Phase 1 and Phase 2, at \$244,000. The memo
930 lists it at \$244,000. I, I mean three is so much conflict in this. Right?

931 **Chairperson Botel:** I, I don't see... I'm sorry, but I don't see where you're seeing...,
932 I don't see where it lists Phase 1 and Phase 2 for two forty-four. It seems to me that the
933 total of..., the subtotal of Phase, Phase 2, with thirty-seven lift stations, up until... There,
934 it says \$121,488, and then it adds other electrical engineering to, to the tune of \$118,000.
935 The total of that would be what? One twenty..., one twenty-two... Yeah. It would be
936 about two forty-four. So that's the to'..., the total of Phase 2 I two forty-four, right?

937 **Board Member McCoy:** Right. So...

938 **Chairperson Botel:** Right.

939 **Board Member McCoy:** But then, we were proffered a number of \$389,000.

940 **Chairperson Botel:** But, but we're, we're..., I think, by virtue of your objection to
941 that, I'm trying to get to what the best of course of action would be...

942 **Board Member McCoy:** And...

943 **Chairperson Botel:** That would...

944 **Board Member McCoy:** ...and that's fine.

945 **Chairperson Botel:** That would allow him to...

946 **Board Member McCoy:** But what...

947 **Chairperson Botel:** ...go forward.

948 **Board Member McCoy:** ...is does three eighty-nine represent? Because...

949 **Chairperson Botel:** The total of Phases 1 and 2.

950 **Board Member McCoy:** That's not what's on Page 5. The total of Pages..., on Page 5
951 of the pdf document, Phase 1 starts off on Page 4, and it consists of fourteen lift stations.

952 **Chairperson Botel:** Right.

953 **Board Member McCoy:** You get a grand total of \$144,000. Then, you move down to
954 Page 5, Phase 2 consists of thirty-seven lift stations, and you get a total of \$121,000.
955 And...

956 **Chairperson Botel:** Plus, the one eighteen. Right?

957 **Board Member McCoy:** Wait a minute. That's not how...

958 **Board Member Miller-Anderson:** Madam Chair?

959 **Chairperson Botel:** Six, four, zero, nine, eight...

960 **Board Member Lanier:** Madam Chair?

961 **Board Member Miller-Anderson:** Madam...

962 **Board Member McCoy:** So, so...

963 **Board Member Miller-Anderson:** ...Chair?

964 **Chairperson Botel:** You're creating... It comes to three eighty-nine. It, it
965 [stammer].., that, that total of Phases 1 and 2...

966 **Board Member McCoy:** Okay.

967 **Chairperson Botel:** ...is where you get the three eighty-nine.

968 **Board Member McCoy:** So... But, clearly, this is not correct on this sheet then.

969 **Chairperson Botel:** What's not correct, is the Resolution.

970 **Board Member McCoy:** Well, I mean, looking at Phase 1, looking at Phase 2, there
971 was a subtotal. And then, there's Hillary Electrical Engineering, that portion there. That,
972 then adds up, for a grand total fee of \$244,640, when I know that that's not the correct
973 math. So...

974 **Chairperson Botel:** Wait, wait, wait. How do you know... [Stammer]...

975 **Board Member McCoy:** Are you on Page 5 of...

976 **Chairperson Botel:** I'm on Page 5, yeah.

977 **Board Member McCoy:** The pdf?

978 **Chairperson Botel:** Yeah. Yeah.

979 **Board Member McCoy:** Okay. So, I'm looking at two different sections that start off
980 saying Task 1, project management. That Section of \$21,616?

981 **Chairperson Botel:** Right.

982 **Board Member McCoy:** Okay. Then you go down, your subtotal's \$121,488?

983 **Chairperson Botel:** Right. \$121,488...

984 **Board Member McCoy:** You know, and...

985 **Chairperson Botel:** And \$118,152 [inaudible] ten... [Pause]. Fifteen..., four, five,
986 six.

987 **Board Member McCoy:** It's two sixty-five.

988 **Chairperson Botel:** Okay. So...

989 **City Manager Evans:** So...

990 **Chairperson Botel:** I think what Mr. Evans, though, is suggesting is that we
991 approve Phase 1 tonight, which is the lower dollar amount of one forty-four, and forget
992 about.., forget about the confusion of Phase 2 and the, and the total dollar amount being
993 so large. I think for tonight's purposes, in order to get this ball rolling, because we know
994 how...

995 **City Manager Evans:** [Inaudible].

996 **Chairperson Botel:** ...critically important these lift stations are to us, in order to
997 get this ball rolling, if tonight we can just approve Phase 1, which is \$144,506. Would,
998 would the maker of the motion agree to amending it to that dollar amount?

999 **City Manager Evans:** Madam Chair?

1000 **Chairperson Botel:** Yes.

1001 **City Manager Evans:** That, that is correct. And, and the way in which it looks, when
1002 you look at Page 4 and Page 5, it, it is somewhat confusing, 'cause you have the grand
1003 total fee of Phase 1, and then you have the grand total fee of Phase 2. And the grand
1004 total fee of Phase 2 is that subtotal on both elements contained in Phase 2, to give you
1005 that \$244...

1006 **Chairperson Botel:** Right.

1007 **City Manager Evans:** ...640. And then when you add Phase 1, that \$144,506, that's
1008 when you get the \$384,000 and change. But the way that it is placed here, per the
1009 consultant's letter, it can add for some additional confusion. So, it is Staff's commendation
1010 to move forward with the tasks that are enumerated in Phase I of the fourteen lift stations,
1011 and then we can clean up the, the document here to bring an Item that better defines
1012 Phase 2 and the cost associated for Phase 2 in.., at the.., a subsequent meeting of the
1013 Utility District.

1014 **Chairperson Botel:** Right. So, I'm asking, would the maker of the motion agree to
1015 modify the motion to reflect \$144,506? And that's a yes, I think from...

1016 **Board Member McCoy:** But it's still... I mean...

1017 **Chairperson Botel:** Okay. So that's... So, let me, let me just read it for all of our
1018 benefit. So, the Resolution No. 24-20UD. A Resolution of the Board of Directors of the
1019 City of Riviera Beach Utility Special District, Palm Beach County, Florida, approving
1020 proposal from EAC Consulting in the amount of \$144,506 to perform a Citywide lift station
1021 condition assessment study, and authority the District Finance Director to make payments
1022 after work authorizations have been issued from funds budgeted for Capital Improvement
1023 Project No. 18135, and providing an effective date.

1024 And, we have had.., the maker of the motion agree to amend it with that dollar
1025 amount. Is there any other discussion or questions?

1026 **Board Member McCoy:** Preference only on the fourteen lift stations identified on...

1027 **Chairperson Botel:** Yes. Fourteen...

1028 **Board Member McCoy:** Page 4?

1029 **Chairperson Botel:** Fourteen lift stations.

1030 **Board Member McCoy:** Thank you. 'Cause you said Citywide, so I wanna make
1031 sure...

1032 **Chairperson Botel:** Oh, okay.

1033 **Board Member McCoy:** ...that we're doing just...

1034 **Chairperson Botel:** Thank you. That..., so let it read

1035 **Board Member McCoy:** ...the fourteen lift stations.

1036 **Chairperson Botel:** ...fourteen lift stations.

1037 **Board Member McCoy:** Thank you.

1038 **Chairperson Botel:** So...

1039 **Board Member McCoy:** So...

1040 **Chairperson Botel:** ...it was moved... Thank you.

1041 **Board Member McCoy:** So moved.

1042 **Chairperson Botel:** So it was moved and seconded that the Board approve the
1043 proposal from EAC Consulting to provide a lift station condition assessment study for
1044 fourteen lift stations.

1045 When you hear your name, if you're in agreement, please say yes. If opposed,
1046 please say no. Madam Clerk.

1047 **City Clerk Anthony:** Board Member Miller-Anderson?

1048 **Board Member Miller-Anderson:** Yes.

1049 **City Clerk Anthony:** Board Member Lanier?

1050 **Board Member Lanier:** Yes.

1051 **City Clerk Anthony:** Board Member McCoy?

1052 **Board Member McCoy:** Yes.

1053 **City Clerk Anthony:** Pro Tem Lawson?

1054 **Chair Pro Tem Lawson:** Yes.

1055 **City Clerk Anthony:** Chair Botel?

1056 **Chairperson Botel:** Yes. That motion is approved by a vote of 5-0.

1057 **7. Chairperson Botel:** Item No. 7.

1058 **City Clerk Anthony:** **RESOLUTION NUMBER 29-20UD A RESOLUTION OF THE**
1059 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
1060 **DISTRICT, PALM BEACH COUNTY, FLORIDA, APPROVING PROPOSAL FROM EAC**
1061 **CONSULTING, INC IN THE AMOUNT OF \$159,378.00 TO PERFORM INFILTRATION**
1062 **AND INFLOW (I&I) SANITARY SEWER EVALUATION SURVEY; AND AUTHORIZING**
1063 **THE DISTRICT FINANCE DIRECTOR TO MAKE PAYMENTS AFTER WORK**
1064 **AUTHORIZATIONS HAVE BEEN ISSUED FROM FUNDS BUDGETED FOR CAPITAL**
1065 **IMPROVEMENT PROJECT NUMBER 18148; AND PROVIDING AN EFFECTIVE**
1066 **DATE.**

1067 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

1068 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have any
1069 public comments on this Item. The acceptance of public comment is now closed.

1070 **Chairperson Botel:** Thank you. Would someone care to make a motion to
1071 approve?

1072 **Board Member Miller-Anderson:** Did someone say something?

1073 **Chairperson Botel:** I'm sorry? Was that you?

1074 **Board Member Miller-Anderson:** Did, did they say something?

1075 **Chairperson Botel:** I didn't hear...

1076 **Board Member Miller-Anderson:** Madam Chair?

1077 **Chairperson Botel:** Yes.

1078 **Board Member Miller-Anderson:** I move that we approve Resolution 29-20UD.

1079 **Chairperson Botel:** Thank you. Would someone care to second that motion?

1080 **Board Member Lanier:** Second.

1081 **Chairperson Botel:** Thank you. Mr. Manager, do we have any presentations for...

1082 **City Manager Evans:** Madam Chair, Members of the Board, if I can have Mr.
1083 Jonathan Batista, Acting Director of the Utility District, present this Item.

1084 **Acting Executive Director Batista:** So, for this Item, the, the 2013 water and
1085 wastewater master plan recommended an inflow and infiltration study in order to identify
1086 where in our sanitary system, we have stormwater and other infiltration going on into our
1087 sewer system. So, this study would go in conjunction with our lift station study since, if
1088 we can identify where water's infiltrating our system, we could potentially repair the sewer
1089 where water is infiltrating, and then be able to reduce the load on our lift station systems.

1090 So, this is in conjunction with the previous Resolution.

1091 **Chairperson Botel:** Thank you. Do we have any questions or comments?

1092 **Board Member McCoy:** Yes.

1093 **Chairperson Botel:** Mr. McCoy, you're recognized.

1094 **Board Member McCoy:** So, in conjunction, are we gonna go ahead and do the full
1095 amount on this one, without any partition of the phases that would coincide? Or, run
1096 concurrent with Phase 1?

1097 **Acting Executive Director Batista:** In, in this case, it would make sense to do it all
1098 at once, since if we partition it to coincide with Phase 1 and 2, it would lead to additional
1099 costs through the partitioning. If, if we have it all in bulk, we would have some cost
1100 savings.

1101 **Board Member McCoy:** Okay.

1102 **Chairperson Botel:** Any other questions or comments? [Pause]. It is moved and
1103 second that the Board approve the proposal by EAC Consulting to undertake an I&I study

1104 and a sanitary sewer evaluation survey. If you are in favor, please say yes. If opposed,
1105 please say no. Madam Clerk.

1106 **City Clerk Anthony:** Board Member Lanier?

1107 **Board Member Lanier:** Yes.

1108 **City Clerk Anthony:** Board Member McCoy?

1109 **Board Member McCoy:** Yes.

1110 **City Clerk Anthony:** Board Member Miller-Anderson?

1111 **Board Member Miller-Anderson:** Yes.

1112 **City Clerk Anthony:** Pro Tem Lawson?

1113 **Chair Pro Tem Lawson:** Yes.

1114 **City Clerk Anthony:** Chair Botel?

1115 **Chairperson Botel:** Yes. That...

1116 **City Clerk Anthony:** That mo'...

1117 **Chairperson Botel:** ...motion is approved by a vote of five to nothing. Item No. 8.

1118 **City Clerk Anthony:** Madam Chair and Members of the Board, before we move
1119 forward, according to the Agenda that the public has, it states..., it indicates that the public
1120 comment was to begin at 6:15.

1121 **Chairperson Botel:** We'll entertain public comment now then, thank you.

1122 **City Clerk Anthony:** Madam Chair, if you would read the statement into the record,
1123 please.

1124 **Chairperson Botel:** I will. Just one second. Thank you.

1125 **Chairperson Botel:** **ANY PERSON WHO WOULD LIKE TO SPEAK ON AN**
1126 **AGENDA ITEM, PLEASE COMPLETE A PINK PUBLIC COMMENT CARD LOCATED**
1127 **AT THE FRONT DESK PRIOR TO THE ITEM BEING TAKEN UP BY THE UTILITY**
1128 **BOARD FOR DISCUSSION. MEMBERS OF THE PUBLIC WILL BE GIVEN A TOTAL**
1129 **OF THREE MINUTES TO SPEAK ON ALL ITEMS LISTED ON THE CONSENT**
1130 **AGENDA, AND THREE MINUTES TO SPEAK ON EACH REGULAR ITEM. THE TIME**
1131 **LIMIT FOR PUBLIC COMMENTS MAY BE REDUCED BY A VOTE OF THE BOARD**
1132 **OF THE UTILITY DISTRICT BASED ON THE VOLUMINOUS NATURE OF PUBLIC**
1133 **COMMENT CARDS. IN NO EVENT WILL ANYONE BE ALLOWED TO SUBMIT A**
1134 **COMMENT CARD TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS**
1135 **READ OR ITEM IS CONSIDERED.**

1136 **City Clerk Anthony:** Reverend William Burs, Bessie Brown, Fane Lozman.

1137 **Reverend W. Burs:** Madam Chair, Clerk, City Council, the Mayor.

1138 I'm here for the last, I think the last time I was here at a meeting, I asked concerning
1139 the increase of the water rates. And, I remember, maybe not verbatim but the City
1140 Manager saying that he would not go in effect until he meet with the citizens, or someone,
1141 and have a meeting concerning the rates increase. And I called and asked one of the
1142 Councilperson', 'When and how was he going to notify the citizens concerning this
1143 meeting?' He said, he didn't write a note, and though maybe he would send a letter out
1144 to the citizens or post it on the water bill.

1145 I have not received any information concerning the meeting. The City Manager
1146 said that he would have a meeting with the citizens, concerning the water rates. Now, I'd
1147 like to know from him, since he's the honcho of the City, when is the meeting gonna take
1148 place? Or has it been added to the water bill yet, 'cause he said that would not be added
1149 to the water bill, even though ya'll passed it, without the citizen' knowing. Increasing the
1150 years to add the water increase, when it was supposed to had'a expired. Ten years, they
1151 gave it., the past Council gave it a ten-year mandate, and ya'll increase it another five
1152 years and the citizens was not aware. I wasn't, and I'm quite sure a lotta other citizens
1153 weren't aware. And, that's when I came and asked that question.

1154 So, I'm here to find out, had that meeting took place, or when it would take place.
1155 Simple as that. That he said that he would have a meeting before the increase occur on
1156 your water bill. I haven't had no notification or if the meeting had taken place and I wasn't
1157 notified, the citizens weren't notified. So, I would like for you all to let, at least me, whether
1158 anybody else wanna... I'd like to know because I pay a water bill. A water rates in this
1159 City. When will that meeting take place, or has it taken place, or if it will take place?

1160 But I know ain't nobody gonna answer the question at this particular time, but I'm
1161 only responding what the City Manager said.

1162 Thank you.

1163 **Chairperson Botel:** Thank you.

1164 [Inaudible comments]

1165 **Ms. B. Brown:** Good evening. Bessie Brown.

1166 I'm, I'm here and I would really appreciate if you would allow Jonathan Evans to
1167 answer the questions, because we don't have any..., can't contact him. There's some
1168 times and we don't have a book backup, and, and all of that. I'd like to know what
1169 happened to the current Utility Director, and where is he? How long has he been gone
1170 and..., what happened to him? Or, did he resign? Or, was he terminated?

1171 And I'm asking..., I'm asking, are the new water rates in effect? I'd like to know
1172 that. And I., and, and everything... There was a ten'., an Ordinance for ten years for

1173 increase in the water rates. And there was never, as far as I know, there was never
1174 anything mentioned about how much was collected. Never. Now, if, if that was mentioned
1175 somewh`ere, I'd like to know that too. And, and, and, and I would appreciate if you all
1176 would please allow Jonathan Evans to answer these questions.

1177 **Mr. F. Lozman:** Fane Lozman.

1178 I'd like to thank this gentleman here for doing a tough job all night. Thank you, sir.

1179 Bessie Brown just brought up a good point. When you go to other communities
1180 and you look how other Chairpersons conduct meetings, when a question is asked, they
1181 try to get an answer right away. It's only gotta be a short answer. Say, 'Can you please
1182 answer it, City Manager, or County Attorney, or County Manager? And , if not, after the
1183 meeting's over, can you answer the question?' So, a lotta people come up here to get
1184 answers.

1185 Why do I come up here and talk a lot? I come up here to talk a lot because people
1186 around the community see me on TV and reach out to me and provide information to me
1187 that they're afraid to say publicly. They don't wanna get targeted like I get targeted by
1188 the City, where \$2MM was spent on legal fees trynna destroy my floating home, trying to
1189 say it's okay to arrest me and stuff like that. Those two cases went to the Supreme Court.
1190 So, they don't wanna do that. When one woman came here in 2006 and stood up, the
1191 next day, her water was turned off. And she said, 'I can't afford not to have water. I have
1192 a sick.., a, a roommate who lives with me. I can't.., I don't have the money to fight the
1193 City.' So, she had to give up her First Amendment rights because Code Enforcement
1194 targeted this poor woman. Okay? So, the people who, who reach out to me, who call me
1195 on the phone, who send me messages, that mail me information, that's why I come here.
1196 'Cause I realize, the group up here on the Council, they don't care about anything. They
1197 don't care about the water rates for the residents, they don't care about the tens of millions
1198 of dollars of legal fees that are coming down the pipe. They just care about, some of you
1199 illegally staying in your position. [Chuckle]. You know, not even living in the City. But,
1200 but I think it's important that, when you go to other meetings in other municipalities and
1201 counties, when people ask a question, the Chairperson makes sure you either get an
1202 answer on the spot, or after the meeting ends. They just won't leave people hanging. In
1203 here, everybody gets left hanging.

1204 You know, there's gonna be tough financial times in cities around the country, with
1205 the COVID crisis, with, you know, a looming recession when the democrats get into office
1206 and the White House. What we need to do is we need to maximize the revenue stream
1207 coming into the City. We have plans. Regardless of what Lanier and [stammer], Botel
1208 want, there's gonna be residential housing up and down North Ocean Drive and Pine
1209 Point Road. We have plans for a \$400MM project that we have architectural renderings
1210 for. And, that \$400MM in property taxes can help reduce everybody's water bill, it can
1211 help add more jobs to the City. So, we, we need to educate the people on the westside,
1212 that we're not gonna let Botel and Lanier dictate what goes on in the City. We're not
1213 gonna let them deprive the westside of a \$400MM worth of property taxes that goes into

1214 the general fund. And we'll talk about..., more about that later. But we're gonna take our
1215 City back and the westside's gonna help us do it.

1216 [Timer]

1217 **City Clerk Anthony:** Madam Chair, Members of the Board, that concludes public
1218 comment.

1219 **Chairperson Botel:** Thank you.

1220 [Inaudible audience comments]

1221 **Chairperson Botel:** Mr. Evans, I'm sure you'll be answering those questions at the
1222 termination of our meeting. Thank you. Item No. 8.

1223 **City Manager Evans:** Madam Chair, with regards to the meetings, as it relates to the
1224 Utility rate increase, that is gonna come back before this Board, those public meetings
1225 will be scheduled and notice will be provided to the residents in their Utility bills, as well
1226 as on Channel 18, and our other social media channels. We're looking to have a minimum
1227 of at least two face to face meetings, as well as some other digital meetings, to be able
1228 to inform the community with regards to the Utility..., proposed Utility rate increase and
1229 what those monies would be utilized for. And, to the earlier point, no, the new rates have
1230 not taken effect.

1231 And, with regards to the former Department Director, Madam Chair, I choose not
1232 to discuss personnel matters in the public forum.

1233 **Chairperson Botel:** Thank you, Mr. Evans. Madam Clerk.

1234 [Inaudible audience comments]

1235 **8. City Clerk Anthony:** We're on Item No. 8, Madam Chair.

1236 **Chairperson Botel:** Thank you. Item No. 8.

1237 **City Clerk Anthony:** **RESOLUTION NUMBER 30-20UD A RESOLUTION OF THE**
1238 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
1239 **DISTRICT (DISTRICT), PALM BEACH COUNTY, FLORIDA, APPROVING THE**
1240 **PROPOSAL FROM BROWN AND CALDWELL FOR WATER USE PERMIT**
1241 **MODIFICATION; AUTHORIZING THE DISTRICT FINANCE DIRECTOR TO MAKE**
1242 **PAYMENTS FROM PROJECT NUMBER 21017 IN AN AMOUNT NOT TO EXCEED**
1243 **\$196,540.00 AND PROVIDING AN EFFECTIVE DATE.**

1244 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

1245 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have public
1246 comment on this Item. The acceptance of public comment on this Item is now closed.

1247 **Chairperson Botel:** Thank you. Would someone care to motion on this Item?

1248 [Pause]

1249 **Board Member Lanier:** Madam Chair?

1250 **Chairperson Botel:** You're recognized, Commissioner Anderson'.., Miller-
1251 Anderson.

1252 **Board Member Miller-Anderson:** Nobody wants to say all this extra...

1253 **Chairperson Botel:** I know.

1254 **Board Member Miller-Anderson:** ...stuff it seems like.

1255 **Chairperson Botel:** You learned good.

1256 **Board Member Miller-Anderson:** I move that we approve Resolution No. 30-
1257 20UD.

1258 **Chairperson Botel:** Would someone care to second?

1259 **Board Member Lanier:** Second.

1260 **Chairperson Botel:** Thank you. It has been moved and seconded that the Board
1261 approve the Brown and Caldwell proposal and associated Resolution to begin the next
1262 critical step in developing a new water treatment plant.

1263 Do we have any presentations?

1264 **City Manager Evans:** Madam Chair, Members of the Board, this is actually some
1265 good news. The City is making steps, and taking aggressive steps, to move forward with
1266 a new water treatment plant. Currently, the City of Riviera Beach utilizes a lime softening
1267 treatment process to purify the water that is provided to the residents. Currently, that
1268 water is pulled from the surficial aquifer. We have a permit through the South Florida
1269 Water Management District, that takes us 'til February 27 of 2031. [Stammer], however,
1270 based on the demands and the projections, it is anticipated that we may potentially
1271 exceed the permit of the allotted million gal'.., couple of millions of gallons per day by
1272 2025. So, this analysis will allow for us to do additional research to look to tap into the
1273 Florida aquifer, more your, your brackish water to utilize that as a way to provide water
1274 supply for this community in the future.

1275 So this is the first step that would allow for us to do the analysis that is required to
1276 move forward with a reverse osmosis plan, that we've had the discussion on. And, we
1277 know that useful life on our existing water plant is anywhere between five to seven years,
1278 and this is the first step in the process. So, Staff has been working with the consultants
1279 for some time now, and this is the mechanism that allows for us to go do the analysis,
1280 and look at alternative water supplies to be able provide potable water to our community.

1281 And Staff recommends approval of the Item that's in front of you this evening.

1282 **Chairperson Botel:** Thank you. Do we have any questions or concerns? [Pause].
 1283 It is moved and seconded that the Board approve the Brown and Caldwell proposal and
 1284 associated Resolution to begin the next critical step in developing a new water treatment
 1285 plant. If you are in favor, please say yes. If opposed, please say no. Madam Clerk.

1286 **City Clerk Anthony:** Board Member McCoy?

1287 **Board Member McCoy:** Yes.

1288 **City Clerk Anthony:** Board Member Miller-Anderson?

1289 **Board Member Miller-Anderson:** Yes.

1290 **City Clerk Anthony:** Board Member Lanier?

1291 **Board Member Lanier:** Yes.

1292 **City Clerk Anthony:** Pro Tem Lawson?

1293 **Chair Pro Tem Lawson:** Yes.

1294 **City Clerk Anthony:** Chair Botel?

1295 **Chairperson Botel:** Yes. The vote is five yes, no nos. The Resolution is adopted.
 1296 The Manager is instructed to follow through with its implementation.

1297 **9. City Clerk Anthony:** Madam Chair, we still have Item No. 9.

1298 **Chairperson Botel:** Item 9.

1299 **City Clerk Anthony:** **RESOLUTION NUMBER 31-20UD A RESOLUTION OF THE**
 1300 **BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL**
 1301 **DISTRICT, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE DISTRICT**
 1302 **FINANCE DIRECTOR TO TRANSFER \$126,819.00 FROM PROJECT NUMBER 18161**
 1303 **TO 18138; AUTHORIZING THE DISTRICT FINANCE DIRECTOR TO MAKE**
 1304 **PAYMENTS FROM PROJECT NUMBER 18138; AND PROVIDING AN EFFECTIVE**
 1305 **DATE.**

1306 **JONATHAN BATISTA, ACTING EXECUTIVE DIRECTOR, 561-845-4185**

1307 **City Clerk Anthony:** Madam Chair, Members of the Board, we do not have public
 1308 comment on this Item. The acceptance of public comment on this Item is now closed.

1309 **Chair Pro Tem Lawson:** Madam Chair?

1310 **Chairperson Botel:** You're recognized, Mr. Lawson.

- 1311 **Chair Pro Tem Lawson:** Motion to approve Resolution 31-20UD.
- 1312 **Chairperson Botel:** Thank you. Would someone care to second?
- 1313 **Board Member Miller-Anderson:** Second.
- 1314 **Chairperson Botel:** Thank you. It is moved and seconded that the Board approved
1315 Cardinal Contractors, Inc. for the design-build services for the water treatment plant and
1316 chemical feed system improvements. In addition, Staff rec'., recommends the Board of
1317 Directors approve the Resolution No. 14-20UD to execute a contract with Cardinal
1318 Contractors to perform design-build services for water treatment plant and chemical feed
1319 system improvements, including a standalone lime system, re-carbonation system and
1320 electrical equipment improvements.
- 1321 [Inaudible audience comment]
- 1322 **Chairperson Botel:** Do we have a, a presentation or?
- 1323 **City Manager Evans:** Madam Chair, if I can have Mr. Jonathan Batista, Acting
1324 Executive Director of the Utility District present this Item.
- 1325 **Acting Executive Director Batista:** Sure. So, this Resolution deals with the
1326 Cardinal Contractor work that is currently ongoing at the water treatment plant. When it
1327 comes to the funds that were allocated originally for their work, there was an
1328 encumbrance that was not accounted for when it comes to the lime softening
1329 rehabilitation work. By accounting for that encumbrance, we discovered there was a
1330 shortfall. By making this transfer in funds, it allows us to address this shortfall and make
1331 sure that our contractor is able to be given the complete amount that was originally
1332 approved of.
- 1333 **Chairperson Botel:** Thank you. Any comments or questions? Mr. McCoy, you're
1334 recognized.
- 1335 **Board Member McCoy:** Thank you. Mr. Batista, the money is coming from a project
1336 related to generators?
- 1337 **Acting Executive Director Batista:** Yes.
- 1338 **Board Member McCoy:** Okay. And what., where are we at with the generators, and
1339 what... Is it in the current year capital budget for the generator?
- 1340 **Acting Executive Director Batista:** So, the generator project is part of the capital
1341 budget. However, the north chemical building is slated to be demolished after every piece
1342 of equipment is relocated from it. So, therefore, when it comes to the scope of the
1343 generator work, it, it will likely be reduced.
- 1344 Also, in the south chemical building, we're going to be removing the old generator.
1345 And currently, we have temporary generators onsite to handle the load that the existing

1346 and essentially aged generators are no longer able to provide. So, when it comes to this
1347 work, we're reducing the scope and we have the budge to be able to transfer.

1348 **Board Member McCoy:** Follow up. So, I'm sorry, I get confused. I asked a simple
1349 question, is it coming from the '21 budget, or is this something that we're moving..., are
1350 we changing our capital budget at all? Or is this coming from the '21 capital budget? The
1351 answer will be yes or no.

1352 **City Manager Evans:** Yes.

1353 **Acting Executive Director Batista:** So we... Yes.

1354 **Board Member McCoy:** Thank you.

1355 **Chairperson Botel:** Any other questions or comments? [Pause]. It is moved and
1356 seconded that the Board approve Cardinal Contractor, Incorporated for the design-build
1357 services for water treatment plant and chemical feed system improvements. In addition,
1358 Staff recommends the Board of Directors approve the Resolution No. 14-20UD to execute
1359 a contract with Cardinal Contractors to perform design-build services for water treatment
1360 plant and chemical feed system improvements, including a standalone lime system, re-
1361 carbonation system and electrical equipment improvements. When your name is read,
1362 please say yes or no. Madam Clerk.

1363 **City Clerk Anthony:** Board Member Miller-Anderson?

1364 **Board Member Miller-Anderson:** Yes.

1365 **City Clerk Anthony:** Board Member Lanier?

1366 **Board Member Lanier:** Yes.

1367 **City Clerk Anthony:** Board Member McCoy?

1368 **Board Member McCoy:** Yes.

1369 **City Clerk Anthony:** Pro Tem Lawson?

1370 **Chair Pro Tem Lawson:** Yes.

1371 **City Clerk Anthony:** Chair Botel?

1372 **Chairperson Botel:** Yes. The vote is five yes, no nay's. The Resolution is
1373 adopted. And...

1374 **Board Member Miller-Anderson:** Madam Chair?

1375 **Chairperson Botel:** Oh yes?

1376 **Board Member Miller-Anderson:** Could we please.., if Walter can cut out the
1377 microphones, 'cause I really cannot... I mean, it sounds very muffled.

1378 [Microphone discussion]

1379 **Chairperson Botel:** Thank you.

1380 **DISCUSSION AND DELIBERATION**

1381 **10. THE NEXT STEPS WITH REGARD TO THE TOWN OF MANGONIA PARK**

1382 **JONATHAN EVANS, CITY MANAGER, 561-812-6590**

1383 **Chairperson Botel:** So, we are on to...

1384 **City Clerk Anthony:** Item No. 10, Madam Chair.

1385 **Chairperson Botel:** No. 10. The next steps.

1386 **City Manager Evans:** Madam Chair, this Item before you is to bring the Board up to
1387 speed with regards to the dispute with the Town of Mangonia Park. The City Attorney
1388 and I have had opportunities, on multiple occasion, to attempt to resolve the outstanding
1389 balance of \$590,000, and that was \$590,000 that was owed as of October 13th. The
1390 number is probably well over \$600,000. We have had discussions. We came to an
1391 agreement in principle, and when the Town Council of Mangonia Park decided to discuss
1392 this Item, they were not in favor in moving forward with the solution that was proffered by
1393 the Attorneys, as well as Administration.

1394 So, at this particular moment, it looks like we are heading towards.., well, we are
1395 heading towards arbitration. The contract with the Town of Mangonia Park, the fifteen-
1396 year agreement, expired in October, so they are continuing under the previous
1397 agreement. What is currently happening is the fees that are being levied to the Town of
1398 Mangonia Park, once they do receive the invoice from the City of Riviera Beach, they
1399 reduce the bill by approximately \$5,000, and then issue a check. They're holding on to
1400 the discussion that happened in February with the previous Council where it was
1401 discussed about the possibility of a \$5.11 per thousand gallon wholesale rate.

1402 Staff is still attempting to resolve the issue prior to going to arbitration, but
1403 everything that we have discussed, and all the options that we have exhausted, looks like
1404 we are moving forward in that particular fashion. One of the things that were.., that was
1405 discussed was the three hundred and fifty plus thousand dollars that was owed prior to
1406 that February discussion that the Board had, and then there was an additional \$285,000
1407 and some, that was in dispute after that discussion that the Board had in February.

1408 There was a opportunity to attempt to resolve the three fifty, and then discuss the
1409 \$285,000 that was outstanding, but it is very important for us to know that, and for the
1410 public to know, that we cannot make any modifications or tweaks that adversely impacts
1411 the District's system. And the District users, as well as the system need to derive a benefit

1412 associated with any modification that would be proffered from the Town of Mangonia
1413 Park. So, Staff is continuing to try to attempt to resolve this issue, but now it looks like
1414 it's going to be a legal matter, and Legal will be working with Administration, and we will
1415 make sure we keep the Board attune to what's going on. But, as it stands right now, the
1416 practice that I communicated as far as Mangonia Park's payment to the City of Rivera
1417 Beach still continues until we set forth a day to go to arbitration, and then take it from
1418 there.

1419 At this point, Madam Chair, the Attorney and I stand prepared to answer any
1420 questions that we can answer, understanding that we cannot convey our legal strategy
1421 or perspective too much, going into an arbitration with the Town of Mangonia Park.

1422 **Chairperson Botel:** Thank you, Mr. Evans. Any questions?

1423 **Chair Pro Tem Lawson:** Madam Chair?

1424 **Chairperson Botel:** You're recognized, Mr. Lawson.

1425 **Chair Pro Tem Lawson:** Thank you. Mr. Evans, have we given the Town a deadline
1426 as of yet?

1427 **City Manager Evans:** Excuse me, Councilman, I didn't hear what you said?

1428 **Chair Pro Tem Lawson:** Did we give the Town a deadline?

1429 **City Manager Evans:** Oh. We did. The..., originally, the Town was going to..., after
1430 we negotiated what was seemingly an agreement, in mid-October, they were supposed
1431 to take an agreement before their Board for consideration. The..., their Board rejected
1432 that option, and from that point, then the Attorneys have started to move forward with
1433 looking at going to arbitration. So, the deadline was set in October because we wanted
1434 to look to at least establish an interim agreement, to then discuss..., to cure the outstanding
1435 issues, and then discuss a longer term agreement that would come after those issues
1436 that were communicated in this presentation, were remedied but that has not occurred.
1437 And so, now we're set forth for arbitration.

1438 The Attorney can speak on has..., if there's been any progress with regards to that
1439 process.

1440 **Chair Pro Tem Lawson:** And before that, Madam Chair, follow up?

1441 **Chairperson Botel:** Yes.

1442 **Chair Pro Tem Lawson:** And, has the Town secured services from any other
1443 municipality? Thus far?

1444 **City Manager Evans:** The, the Town has not secured services from other
1445 municipalities. From our colleagues, from other municipalities, they have had a
1446 conversation, but it is cost prohibitive for them to look to connect with other municipalities.

1447 So, conceivably, it looks like the relationship will end up being with the City of Riviera
1448 Beach for the provisional sanitary sewer services.

1449 **Chair Pro Tem Lawson:** So, if the relationship is going to continue with the City of
1450 Riviera Beach and we can't come to an agreement, we gave a deadline of October, I
1451 believe that we need to go to the arbitration and settle this agreement.

1452 Thank you, Madam Chair.

1453 **Chairperson Botel:** Any other...

1454 **Unk.:** Madam Chair?

1455 **Chairperson Botel:** ...comments? Mr. McCoy, you're recognized.

1456 **Unk.:** Oh.

1457 **Board Member McCoy:** Thank you. So, Madam Chair, I, I wanna first ask for
1458 information.

1459 So, perhaps the City Attorney, or perhaps even Mr. Evans, if you can provide the,
1460 the body with that agreement. And if I'm understanding the memo correctly, this was in
1461 effect since 2005?

1462 **City Manager Evans:** That is correct, Councilman. The original agreement was
1463 set., expired in 2019., or, 2020, which was a fifteen-year agreement.

1464 **Board Member McCoy:** Thank you. And, we're now in November, and you sent the
1465 letter one year ago expressing our intent not to extend in this agreement. And, I think
1466 what's under dispute is the contractual rate of \$5.82 per thousand gallons of water, and
1467 they're suggesting that they are paying us a wholesale rate of \$5.11.

1468 **City Manager Evans:** Yes, Councilman. The, the rate that is provided for in the
1469 contract, is \$5.82 per thousand gallons. They have discounted it to \$5.11 based on the
1470 previous Council's discussion that was had about identifying a wholesale rate and making
1471 the Town of Mangonia Park a wholesale consumer of services. So, they believed after
1472 the conclusion of that meeting, that there was enough action that was contemplated or
1473 discussion, to where they believe that they were entitled to that rate. And so, they
1474 basically calculate that rate upon payment to the City of Riviera Beach since that meeting
1475 happened in February. In March, they started reducing the, the amount that was billed
1476 by the City.

1477 **Board Member McCoy:** Follow up? February and March of what year? Twenty'...

1478 **City Manager Evans:** Twe'...

1479 **Board Member McCoy:** 2018?

1480 **City Manager Evans:** 2018.

1481 **Board Member McCoy:** Okay. I got a few more questions.

1482 **Chairperson Botel:** Go ahead.

1483 **Board Member McCoy:** And, we were not able to honor that \$5.11 wholesale rate
1484 because we have restrictions by our bond covenants, correct?

1485 **City Manager Evans:** That is correct, and there would have to be an analysis that
1486 would have to show that the system and the users would benefit from that. And, I believe
1487 that that discussion, that happened in February, that that analysis needed to take place
1488 and it would be a cost that would have to be borne by the Town of Mangonia Park to
1489 assist in facilitating that, to accommodate bond counsel with regards to adopting a
1490 wholesale rate.

1491 **Board Member McCoy:** Follow up.

1492 **Chairperson Botel:** Go ahead.

1493 **Board Member McCoy:** Do we do direct billing for the Town of Palm Beach Shores?

1494 **City Manager Evans:** Palm...

1495 **Board Member McCoy:** Mr. Sherman?

1496 **District Finance Director Sherman:** Yes.

1497 **Board Member McCoy:** So, our only wholesale client, sorry, wholesale customer, is
1498 the Town of Mangonia Park?

1499 **City Manager Evans:** Yes. And, and the way it's..., but we haven't created the class
1500 yet.

1501 **Board Member McCoy:** Okay. So, under what premise does, and, and I'm gonna refer
1502 to the District Attorney, because she is the only Chartered officer, and I didn't see the City
1503 Manager as being one of those, in the District Charter, but under what authority, or what
1504 reason would we go to arbitration?

1505 **City Attorney Wynn:** To enforce the terms of the agreement.

1506 **Board Member McCoy:** Okay.

1507 **City Attorney Wynn:** So that we can receive payment. And, at... At the end of your
1508 discussion, I would ask that the Council provide approval for us to proceed to, to
1509 arbitration.

1510 **Board Member McCoy:** Well, let, let me finish before we..., you make your ask. We
1511 got over thirteen thousand Utility customers. Am I right? Somewhere around that, right?

1512 **City Manager Evans:** 12,845 [inaudible].

1513 **Board Member McCoy:** Twelve thousand customers.

1514 **City Manager Evans:** Give or take.

1515 **Board Member McCoy:** Do we go to arbitration when someone doesn't pay their bill
1516 on time?

1517 **City Manager Evans:** The... No, no, we don't, but this has been happening for three
1518 years.

1519 **Board Member McCoy:** I know. So, and, particularly, they get a tag on their door and
1520 they're saying they're terminated, their service has been terminated, or you got a twenty-
1521 four disconnect notice. That, that would be accurate, right, Mr. Sherman?

1522 **City Manager Evans:** The... With regards to the service, we did have
1523 conversations, and since there is a public health concern with regards to the disruption of
1524 sanitary sewer...

1525 **Board Member McCoy:** Mr. Evans, I'm just trying to get to my point. I just want you to
1526 answer the question for me.

1527 **Unk. Audience:** Please.

1528 **Board Member McCoy:** Because I'm really about to bring it in for a landing, and I hope
1529 Ms. Wynn is listening because this is gonna hit home in just one second. So, when a
1530 individual who has an account, that contracts with Utility billing, if they don't pay their bill,
1531 they will get a twenty-four hour, or a disconnect notice. Isn't that accurate, Mr. Sherman?
1532 Okay. Good enough.

1533 So, if the contract expired, there is no provision in the contract that forces us to go
1534 to arbitration at this point.

1535 **Chairperson Botel:** Ms. Wynn, you can respond.

1536 **City Attorney Wynn:** The con'..., the contract also has another fifteen-year renewal
1537 in it.

1538 **Board Member McCoy:** So, that, that's yes or no, Ms. Wynn.

1539 [Inaudible audience comment]

1540 **Board Member McCoy:** Because we're not currently operating under those terms.

1541 **City Attorney Wynn:** That's correct.

1542 **Board Member McCoy:** Okay. Alright. Well, the reason I'm saying this is because,
1543 interesting enough, and you are very much aware of this, Ms. Wynn, 'cause I shared this

1544 with you in the month of September, I had a customer, one of our Utility District customers
1545 who has a Utility account at a single family residence, want to turn off their water bill and
1546 they were not allowed to because there were tenants there that were basically squatters.
1547 And they were informed that because there were tenants there, even though that they
1548 squatters, the Utility billing office was not able to cut off their water. Right? The account
1549 holder could not even turn off their own water. So, the only event that could occur, for
1550 that water to be cut off, is if the property owner chose not to pay the water.

1551 So, we're finding ourselves in a situation where we don't have a problem going to
1552 any resident, resident of our City, and turning off their water and giving them a twenty-
1553 four hour notice of disconnection, and we're pattycaiking around with the Town of
1554 Mangonia Park for a whole entire year. Meanwhile, rate water rates have increased, and
1555 we're still talking about arbitration? I imagine, and it's gonna be my position, and I would
1556 love to hear the embodiments of this body, but that we send them a notice that we intend
1557 on terminating because, if you're gonna give me the explanation that it's a public health
1558 crisis, I guess it was a public health crisis for those squatters that was illegally occupying
1559 this landlord's property, and they had to maintain the water, and the same excuse that I
1560 got, was that it was a public health crisis.

1561 So, we can't have it both ways, and it's gonna be my position that I don't wanna
1562 waste money, because we are not..., we are not negotiating with anybody that has a Utility
1563 account within the City of Rivera Beach. If they're unable to pay, they may get an
1564 extension, but we don't waive any fees, we don't reduce any fees. The fees is what it is.
1565 So, I don't know what the expectation of arbitration is. If they owe us the money, they
1566 owe us the money. It's just that simple. I think we need to take a hard-down approach,
1567 but everybody can't seem to come and run over the City of Riviera Beach and we tell our
1568 people, 'By the way, here's a thirty percent increase that you're gonna have.' So, it'll be
1569 my position that we give them a termination notice and a, and a time certain date before
1570 we even go into arbitration, because that's gonna cost us time, money and quite honestly,
1571 if we're not willing to settle water utility accounts with people who have Utility liens that
1572 are constantly accruing, in standby charges, we shouldn't be able to do it for the Town of
1573 Mangonia Park.

1574 My alternative is, if they don't wanna pay it, then let's go ahead and annex them
1575 into the City, and then we can then take that money, that they owe, us and then it'll be
1576 absorbed in the ad valorem taxes that we take in. But, I don't see how we can continue...
1577 I don't know what kinda debt collection this is, if you ask me. And it just seems like we
1578 give everybody a free pass, but our very residents. We're on top of their necks when, for
1579 whatever reason, hardship, COVID-19, we still turn around and we make it difficult for the
1580 very people that live in this community. And we sit here and wanna negotiate amicable
1581 terms, and even talk about a settlement. That is so unfair to the people that pay taxes in
1582 this City. And also pay Utility bills.

1583 **Chairperson Botel:** Thank you, Mr. McCoy. I have a question. In the
1584 documentation it says, quote, 'I believe the Health Department will prohibit any action that
1585 does not allow for wastewater to be discharged safely as is currently done. We're

1586 scheduled for arbitration...,' et. cetera. So, is this something where the Health Department
1587 will step in and prevent us from discon'...

1588 **City Manager Evans:** Yes. The, the state would stop you from di'..., terminating
1589 services. And the services that are provided are wastewater services to the Town of
1590 Mangonia Park. They are..., they provide their own potable water, so we're only talking
1591 about the wastewater services agreement that's in pla'..., well, was in place, with them.

1592 **Chairperson Botel:** Okay. Thank you. Any other questions or comments?

1593 **Chair Pro Tem Lawson:** Madam Chair?

1594 **Chairperson Botel:** Mr. Lawson, you're recognized.

1595 **Chair Pro Tem Lawson:** I move that we allow for...

1596 **Board Member McCoy:** Well, Madam Chair...

1597 **Chair Pro Tem Lawson:** I move that we allow...

1598 **Board Member McCoy:** ...before he does that, can I ask a question of what Mr. Evans
1599 just stated?

1600 **Chairperson Botel:** Excuse me, Mr. Lawson, let's let Mr. McCoy ask his last
1601 question.

1602 **Board Member McCoy:** So, Mr. Evans, that's not what's stated in the memo. This
1603 speaks of \$5.82 per thousand gallons. That's not wastewater.

1604 **City Manager Evans:** That, that is wastewater. \$5.82 per thousand gallons, is the
1605 wastewater.

1606 **Board Member McCoy:** Okay. So do we know what the Town of Mangonia Park is
1607 charging its end users?

1608 **City Manager Evans:** We don't, because I think the way they collect their revenue,
1609 and Mr. Sherman, correct me if I'm wrong, they get it in their ad valorem taxes. So, they
1610 collect all the revenue for the entire year and, and that was one of the, the challenges that
1611 we put towards the Town of Mangonia Park, that in November, December, you receive
1612 all your ad valorem revenue, and you're community pays for Utility services for the entire
1613 year, and you're having the City of Riviera Beach subside your service. And, that's what
1614 we communicated to them, that five hu'..., the amount that's owed right now is equivalent
1615 to a year of nonpayment. 'Cause we collect roughly about \$500,000 per year, as it relates
1616 to the agreement with the, the Town of Mangonia Park. In our original conversations, I
1617 offered the City Manager the opportunity to allow for the City of Riviera Beach to be the
1618 exclusive Utility service provider, and that we would take over the ownership and
1619 maintenance and the process re'..., related to their water treatment facility, because then

1620 it is a dir'..., a benefit, a tangible benefit that the system does receive. And conceivably
1621 then, you can see that there's some cost savings that can be provided to all the end users.

1622 So, we, we threw out multiple options and communicated exactly how and when
1623 they collect their revenue, but the collect their revenue on the frontend, and remit payment
1624 to the City on a monthly basis. And they have been..., this has been something that dates
1625 back prior to my first stint here and it's something that, once I came back, the same thing
1626 has, has continued.

1627 **Board Member McCoy:** Follow up.

1628 **Chairperson Botel:** Go ahead.

1629 **Board Member McCoy:** And, and thank you, Councilman Lawson, for indulging me. I
1630 just wanna make sure before you place a motion on the floor. So, District Attorney, if
1631 these arbitrations prove not to be fruitful, I imagine that's a conversation that you'll have
1632 with us either individual or in closed session? As to our next steps?

1633 **City Attorney Wynn:** That's correct.

1634 **Board Member McCoy:** Thank you. Thank you, Madam Chair.

1635 **Chairperson Botel:** Thank you. Mr. Lawson, go ahead.

1636 **Chair Pro Tem Lawson:** Thank you, Madam Chair. I move that we allow for Staff to
1637 begin proceedings of arbitration with the Town of Mangonia Park for the past due
1638 contractual funds to the City.

1639 **Chairperson Botel:** Thank you. I second. It has been moved and seconded that
1640 we allow the Staff to proceed with arbitration. If you are opposed, please say no. If you're
1641 in favor, please say yes. Madam Clerk.

1642 **City Clerk Anthony:** Board Member Lanier?

1643 **Board Member Lanier:** Yes.

1644 **City Clerk Anthony:** What was that, Board Member Lanier?

1645 **Chairperson Botel:** Yes.

1646 **City Clerk Anthony:** Yes? Thank you. Board Member McCoy?

1647 **Board Member McCoy:** Yes.

1648 **City Clerk Anthony:** Board Member Miller-Anderson?

1649 **Board Member Miller-Anderson:** Yes.

1650 **City Clerk Anthony:** Pro Tem Lawson?

1651 **Chair Pro Tem Lawson:** Yes.

1652 **City Clerk Anthony:** Chair Botel?

1653 **Chairperson Botel:** Yes. We have five to nothing vote. The motion is approved.
1654 The...

1655 **Board Member McCoy:** Madam Chair?

1656 **Chairperson Botel:** ...Manager is directed to proceed with arbitration.

1657 **Board Member McCoy:** Madam Chair, so I just wanna make sure, can we have that
1658 agreement, Ms. Wynn, Mr. Evans?

1659 **City Attorney Wynn:** Yes. I'll forward it to you first thing tomorrow.

1660 **Board Member McCoy:** Thank you.

1661 **Chairperson Botel:** Thank you.

1662 **DISCUSSION BY THE EXECUTIVE DIRECTOR OF UTILITY SPECIAL DISTRICT OR**
1663 **THE CITY MANAGER**

1664 **Chairperson Botel:** Do we have any discussion by the Executive Director of the
1665 Utility Special District or the City Manager?

1666 **City Manager Evans:** No, Madam Chair.

1667 **Chairperson Botel:** Thank you.

1668 **STATEMENTS BY THE DISTRICT BOARD**

1669 **Chairperson Botel:** Any statements by District Board, starting with Ms. Lanier.
1670 And welcome, Ms. Lanier, to the, to the real time meeting. [Chuckle].

1671 **Board Member Lanier:** Thank you. I just wanted to say that tomorrow night, in this
1672 building, in this room, District 3 is having a town hall. District 3 includes neighborhoods
1673 like Federal Garden, Harmony Heights, Stonybrook. If you live in those areas, you can
1674 come tomorrow night at 6:00 p.m. And we will have discussion in regards to everything
1675 from Code Enforcement to police enforcement, to small business, to talking about some
1676 improvements to District 3, specifically, 13th Street.

1677 So, if you have an opportunity, I think that it will be televised live. I think so. If not,
1678 you can come here to engage the City Manager, the Police Chief, the Development
1679 Services Director, Code Enforcement. So, whatever issues that you have in your., in
1680 District 3, that you can come to this meeting and have some., want to address those
1681 concerns.

1682 Thank you for being.., for having me back here. I am still nervous. There's a lot
1683 of people in this building, it is more than ten. And I know that we're social distance, but I
1684 have two elderly parents at home, so I'm very, very particular about where I go and who
1685 I'm around because people you never know are... The numbers have went from ten
1686 million to eleven million cases in six days in the U.S. Florida is number three in cases.
1687 So that we have to be very, very vigilant about who we spend our time with, about being
1688 sanitary, about wearing my mask, and limiting your outdoors, and going to places.

1689 That's all I wanted to say for that. Thank you guys for having me back.

1690 **Chairperson Botel:** Thank you. Board Member McCoy.

1691 **Board Member McCoy:** Nothing.

1692 **Chairperson Botel:** Board Member Lawson.

1693 **Chair Pro Tem Lawson:** Thank you, Madam Chair. I just wanted to make a quick
1694 acknowledgement of a Resolution we passed tonight. Colleagues, I just wanna have a
1695 discussion. I never question any of my colleagues decisions or votes, and nor will I
1696 question them, I'll be supportive of whatever this Board's decision is, but we have to take
1697 a stand when it comes to the disparity study, the local, the women and minority
1698 participation, SBE participation. We continue to allow for dollars to be spent here in this
1699 community and Resolution 22-20, was not an emergency. I took heed on Councilman
1700 McCoy's points, when he stated that he didn't want to delay any projects that could be an
1701 endangerment to our residents on a previous Agenda Item that we discussed.

1702 But tonight, was a contract that we're issuing to an organization that we haven't
1703 even had a discussion about minority, women, or local participation. That's another
1704 \$400,000 a year going out of our community. So, if we do not make this a priority, if we,
1705 as a Council, do not set a precedent and tell our Staff to bring back the proper information
1706 that includes local, women and minority participation, we will never be successful in
1707 raising the median income, in putting money back into the community, and giving jobs to
1708 our residents.

1709 So colleagues, please, I'm gonna implore you to take heed on what we're doing,
1710 and we're passing on a daily basis because I want us to empower our community, and
1711 use every bit of authority we have to push every dollar we can into our local, women and
1712 minority. We have to depend on our Staff to make the right decision, but when they're
1713 not, we tell them that they have to go back and do it again.

1714 Thank you, Madam Chair.

1715 **Chairperson Botel:** Thank you.

1716 **Board Member Miller-Anderson:** Madam Chair?

1717 **Chairperson Botel:** Board Member...

1718 **Board Member Miller-Anderson:** I just wanted to reference that, what Mr. Lawson
1719 is stating. I mean, we've been talking about this for several years actually, but the thing
1720 is, I know we talked about the consultant gathering the data so that we could move
1721 forward with the disparity. So, in the meantime, what is it that we're able to do to be able
1722 to get to the point that you want to get to, Mr. Lawson? I, I mean, I think we all support it,
1723 so what is it that we need to do that we're not doing?

1724 **Chair Pro Tem Lawson:** Madam Chair?

1725 **Chairperson Botel:** You're recognized.

1726 **Chair Pro Tem Lawson:** Thank you. Stop approving these Resolutions that do not
1727 have what we request in them. We continue to allow for Staff to just bring whatever they
1728 want to the table, and we approve it, and we push it through. If Staff will not do their parts,
1729 and make sure that minority and local is involved, don't approve it.

1730 **Board Member Miller-Anderson:** How...

1731 **Chair Pro Tem Lawson:** Staff should know better to bring this to the table. 'Cause we
1732 continue to talk about this. We approved this on October 18, 2019. And yet, they have
1733 not begun collecting the data. We've been talking about this for a long time. Until we put
1734 our foot down, they're gonna keep doing what they want to.

1735 So, Madam Chair, I understand that we, as a Council, continue to move forward
1736 to move the City, the business of the City forward, but I'm asking Mr. Evans to make sure
1737 that we have our consultants review everything, before we continue spending money in the
1738 City, because we continue to approve these Resolutions that they're bringing to the table,
1739 that don't have the minority, women participation..., local participation, in it.

1740 **Board Member Miller-Anderson:** So, Mr. Evans, are we not collecting the data
1741 yet? After we talked about some months back?

1742 **City Manager Evans:** I would like for Ms. Pemsel to be able to provide some insight
1743 with regards to the process. And, even if Deputy City Manager McBride, can provide
1744 some insight as well, as though two have been working on the project.

1745 [Inaudible dais comment]

1746 **Chair Pro Tem Lawson:** And to answer that question, Madam Chair, Councilwoman Miller-
1747 Anderson, no, we're not collecting the data.

1748 [Inaudible audience comments]

1749 **Board Member Miller-Anderson:** Hmm.

1750 **Procurement Director Pemsel:** Good evening, Board.

1751 **Board Member Miller-Anderson:** Good evening.

1752 **Procurement Director Pemsel:** When I first arrived here in April, it was understanding,
1753 after a couple of months, that the City had previously approved a Resolution to start
1754 collecting data for the study. As soon as I could, I gathered all the information, reviewed
1755 the meeting to understand what the requirements were. Shortly after that, I understand
1756 that the City wanted to engage a expert to help with that. So, what I did, I looked at all
1757 the records that I could find prior to that. Ms. Jacobs was instrumental in us securing a
1758 professional services agreement with Dr. Lee and, since that time, I gathered the two
1759 years worth of data that I could find when we had a small business person and a contracts
1760 personnel here.

1761 I provided that data to several people, several employees. I even provided that
1762 data to Dr. Lee, to take a look at. As we looked at the data, it did have some good
1763 information about what we had spent, and it did have some pretty good numbers based
1764 on the firms that we had under contract at the time.

1765 So, the two years worth of data is from now 'til about 2018, the end of 2018. I
1766 provided that data to.., not provided but I engaged B2Gnow to review what would help us
1767 with that. I gave the data to Dr. Lee. He also suggested that we need a little bit more in
1768 depth.., although we had the data, the data was in pieces. So, I pro'.., I'm providing now,
1769 that two years worth of data to B2Gnow to review, and to match with their database, which
1770 is the database in Palm Beach County, and they have massive amounts of data because,
1771 of course, they've done this all over the country. But, particularly, they have worked in
1772 Palm Beach County, Broward in South Florida, so they have a lotta data about the local
1773 and the suppliers in Palm Beach County. So, we will begin working with Joshua Laurie
1774 [sp] to be able to do that.

1775 I believe, maybe, I didn't get a adequate chance to explain the process. So, the
1776 process is generally about five years worth of data that's collected. That data is then
1777 reviewed and analyzed by a particular firm to verify, 'Hey, here's the data, here's where
1778 the disparities are, here is where you need to improve,' that goes along with also making
1779 recommendations to, to the Ordinance and all of these other things. So, once that's done,
1780 then we take that and look at what Ordinance ,what do we need to change, and what
1781 Resolution do we need to adopt to fix, or to repair, those disparities that exit? After that,
1782 of course, there's a bit of a challenge sometimes in court and Dr. Lee is an expert at
1783 helping with those firms. And that's why we want to have him on our team, even starting
1784 now, as we build out further the data.

1785 So, it takes a while. What we're attempting to do, is to compress the data. So, the
1786 reason why we contacted another expert in the field, Dr. Seaman, is in order to see if we
1787 can compress the data into three years, to try to reach a study faster than normal. We've
1788 also done outreach events. Anytime a contract is awarded that we have issued, we have
1789 done an outreach events. I reached out to the suppliers, and we will host one every time
1790 we get a chance. There's a lot of things, again, on the Regular Agenda tonight, that fully
1791 supports the fact that we have made great strides, as opposed to what had taken place
1792 prior to my arrival.

1793 **Chairperson Botel:** Thank you.

1794 **Board Member Miller-Anderson:** Thank you.

1795 **Chairperson Botel:** Any other question? I think Mr. McCoy had his hand raised
1796 earlier.

1797 **Board Member McCoy:** So...

1798 **Chairperson Botel:** Did you want...

1799 **Board Member McCoy:** ...I guess, Ms. Wynn, and perhaps, Ms. Pemsel, so what
1800 would be the reason we couldn't add a certain percentage of a minority participation, or
1801 make goals of twenty-five percent, right now? Are you suggesting that we are not able to
1802 do that until we have a disparity study?

1803 **Procurement Director Pemsel:** No, sir. We will follow our Code as it is written now.
1804 And so, that has the fifteen percent participation in it, so we will follow our Code as it is.

1805 **Board Member McCoy:** Okay. So... Alright.

1806 So, my question is, what's to prevent us from doing thirty percent participation by
1807 minority or SMWBE? Is it just our Code?

1808 **Procurement Director Pemsel:** Oh no. Our Code doesn't prevent us for getting more
1809 participation, it's just that the projects.., as the projects re being awarded, and as we do
1810 solicitations, we're certainly increasing that number every time.

1811 **Board Member McCoy:** Okay. Good enough. So, better yet, we, I don't' know if we
1812 any RFP's out right now, right? If we can pull one back and we said, you know, this
1813 service provider, or this contractor, or this products provider, has to employ thirty percent,
1814 can we do that in just our own.., in our own discretion?

1815 **Procurement Director Pemsel:** I don't believe so, but I would have to check legally to
1816 see if that's possible.

1817 **Board Member McCoy:** So...

1818 **City Attorney Wynn:** No. That's the reason... I'm sorry. That's...

1819 **Board Member McCoy:** But...

1820 **City Attorney Wynn:** ...the reason, when we first be'.., began talking about
1821 engaging Franklin Lee, is that we, we were not collecting the data, number one, and we
1822 need the data to be able to justify that there is a disparity. And so, that's where we, I
1823 guess, where we are...

1824 **Board Member Mccoy:** Well...

1825 **City Attoreny Wynn:** ...as it relates to Mr. Lee.

1826 **Board Member McCoy:** Well, I can understand that we need the information to justify
1827 it...

1828 **City Attorney Wynn:** Mhmm.

1829 **Board Member McCoy:** But until somebody can call foul, then I don't understand why
1830 is that something that we can't do?

1831 **City Attorney Wynn:** Because the law doesn't allow it. You have to...

1832 **Board Member McCoy:** The law doesn't prevent...

1833 **City Attorney Wynn:** ...be able to show...

1834 **Board Member McCoy:** ...it though, Ms. Wynn, and that's what I'm asking you. What
1835 stops us from doing it? And if you can provide me with something specific as to what can
1836 stop it. I can, you know, I can get, I guess, I can understand.

1837 **Procurement Director Pemsel:** Well, if...

1838 **Board Member McCoy:** ...I guess, I guess is my question.

1839 **Procurement Director Pemsel:** If I may? On our Regular Agenda tonight, as you will
1840 see that the recent solicitations that was done, has a hundred percent small business, a
1841 hundred percent MBE's, and a hundred percent women owned businesses. So, we have
1842 made great strides, and that will show on the Regular Agenda of Items tonight.

1843 So, you're correct.

1844 **Board Member McCoy:** I reclaim my...

1845 **Procurement Director Pemsel:** We can al'...

1846 **Board Member McCoy:** ...time. I reclaim my...

1847 [Audience whistle]

1848 **Board Member Mccoy:** ...time. Let me ask the question, because I don't want you to
1849 give me a bunch of theory. Ms. Wynn, is there some authoritative legal precedent...

1850 **City Attorney Wynn:** Mhmm.

1851 **Board Member Mccoy:** ...or caselaw that you can point to that will prevent us from
1852 taking action before getting a disparity study? That's my question.

1853 **City Attorney Wynn:** Yes. And I'll forward it to you.

1854 **Board Member McCoy:** Thank you.

1855 **Chairperson Botel:** Anything else?

1856 **Chair Pro Tem Lawson:** Madam Chair?

1857 **Chairperson Botel:** You're recognized.

1858 **Chair Pro Tem Lawson:** Yes. A few follow ups. And, Ms. Pemsel, when you came up,
1859 I believe my colleague's, Ms. Miller-Anderson's question was, 'Are we collecting data?'

1860 **Procurement Director Pemsel:** Yes, we are.

1861 **Chair Pro Tem Lawson:** Data that...

1862 **Procurement Director Pemsel:** From... Go ahead.

1863 **Chair Pro Tem Lawson:** Data that is going to be allowable if ever challenged, to
1864 complete a study?

1865 **Procurement Director Pemsel:** That is the purpose why we're engaging B2Gnow, and
1866 also going...

1867 **Chair Pro Tem Lawson:** We're engaging...

1868 **Procurement Director Pemsel:** ...with...

1869 **Chair Pro Tem Lawson:** ...them now, but are we collecting the data that is actually
1870 gonna be able to pass...

1871 **Procurement Director Pemsel:** We are collecting data from our current system, which
1872 is..., which is they Tyler system.

1873 **Chair Pro Tem Lawson:** Correct. But we do not know if it's gonna be sufficient to
1874 complete a study [inaudible]...

1875 **Procurement Director Pemsel:** It is sufficient to a degree, but the more we can
1876 strengthen that information, the better off we are. And...

1877 **Chair Pro Tem Lawson:** So...

1878 **Procurement Director Pemsel:** ...so, we've taken this adjustments provided by Mr.
1879 Lee, to add different..., additional fields and additional categories.

1880 **Chair Pro Tem Lawson:** Okay. Have we set a timeline in regards to Mr. Lee and the
1881 expectations of what we wanna see from him, in regards to collecting the data?

1882 **Procurement Director Pemsel:** In terms of..., we have discussed the fact that ideal data
1883 gath'..., data gathering would be five years. Our goal is to compress that into three. So,
1884 we're trying to see if we can use this two years worth of data to compress it even more.

1885 **Chair Pro Tem Lawson:** So now the second part. That was just for the disparity study.
1886 The other reason we discussed, actually, hiring and [stammer] employing Mr. Lee, was
1887 to actually complete, and have him review our Procurement Codes, and review everything
1888 that goes out of this building. So now my question is, is why are we not utilizing him to
1889 review some of these RFP's that are coming back before the table, and some of these
1890 contracts that's coming before the table? That was a specific request, not just to complete
1891 a disparity study, because, you know, three, five, ten years from now when the study's
1892 completed, that's fine, but we need to be impactful today.

1893 So that was a specific request I brought to the table. So, if someone could please
1894 answer that.

1895 **City Manager Evans:** Madam Chair, if I may? With regards...

1896 **Chairperson Botel:** You're recognized.

1897 **City Manager Evans:** ...to the, the contract with Attorney Lee, it is for \$25,000. And,
1898 in order to go through a, a review of the entire Procurement Code, as well as reviewing
1899 all the solicitations that come out from the City, that would exceed the amount that is
1900 allowed for, and then we would have to go through a competitive solicitation process for
1901 someone to facilitate the disparity study. So, we wanted to focus the efforts on the study
1902 and the analysis on the data, and Ms. Pemsel and Ms. McBride have been working
1903 diligently to look at elements contained in the Code and some of our solicitations. And,
1904 like it was communicated, you will see it in the Regular Agenda, the efforts that Staff has
1905 done because we believe that there's things that we can do to really utilize Mr. Lee's
1906 expertise in helping us facilitate a disparity study in short order, as opposed to utilizing it
1907 to look at our Procurement Code, because we have some recommendations and
1908 modifications that we have queued up, that we must likely can get before this Board here,
1909 probably at the first of the year with some modifications to the Code as it stands with Staff
1910 working on that.

1911 **Chair Pro Tem Lawson:** So, Mr., Mr. Evans, Mr. Seaman that was actually recently
1912 hired, is gonna be looking at our Procurement Code?

1913 **Procurement Director Pemsel:** Not initially. Not initially. Because that's still a part of
1914 Dr. Lee's task, to be able to do that. But, once we have gotten the, the ... And, he even
1915 wrote back. We sent them the Code and he wrote back and said right now he needs a
1916 little bit more time because of where we are in the process, that he doesn't feel that he
1917 can offer all the information necessary to do the Code.

1918 But, he did look at it, and he does have it. And so, he did offer some initial
1919 information in that regard.

1920 **Chair Pro Tem Lawson:** Okay. Mr. Evans... Okay. You made a decision to move
1921 forward with having Mr. Lee focus exclusively on the study, but that study took West Palm,
1922 I think, eight years, took the County ten years, and it can take time. Even though that we
1923 have other vehicles to follow that we can possibly get this done a little quicker, we do
1924 understand that this can take us years. We have a half a billion dollars of capital

1925 improvements we're gonna be looking to complete in the next five years, we have
1926 contracts tonight close to.., over a million dollars that we're approving, I need this to be a
1927 priority. Even if your spending limit does not allow for that, even if an RFP has to come
1928 before the table, I'm asking, and I'm asking since I've been on this dais, to focus on the
1929 minority, women and local participation, and our jobs here in this community. The only
1930 way we can do that is by simply taking the initiative to get it done.

1931 So, Mr. Evans, again, if we can address our Procurement Code, so that we can do
1932 exactly what Councilman McCoy said, push it to the limit to how much money is coming
1933 into the City. And let's just get that done. Let's not make a decision against that. Because
1934 colleagues, every time, I'm going to address the local, women and jobs in this community.
1935 Every single meeting. So, if we wanna continue to have these discussions, and continue
1936 to talk about why money is going out of the City, we can do that. But now, I'm gonna be
1937 wasting time up here. And I refuse to waste my time.

1938 So please, Mr. Evans, if you can make a decision to move forward with securing
1939 a.., either a Procurement, whether it's an RFP going out, to solidify a consultant to work
1940 on this Procurement Code now, or if we can implore Mr. Lee to provide a contract.
1941 Whatever we can do to get this done. Colleagues, I'm asking for the support to get this
1942 done. Again, and it's been eighteen months, I'm asking for it again.

1943 Thank you, Madam Chair.

1944 **Chairperson Botel:** Thank you.

1945 **Board Member Miller-Anderson:** Madam Chair?

1946 **Chairperson Botel:** Yes.

1947 **Board Member Miller-Anderson:** I, I do want to make sure that Mr. Lawson
1948 understands from my point, I do support it, but I'm hearing that it takes time, and it is in
1949 the motion of happening. But, if there is something that we can do, I don't understand
1950 why it can't be done, right now. So, it appears to me, they're, they're making some strides
1951 as Ms. Pemsel said, but there are some things that we just cannot do at the moment.

1952 **Chair Pro Tem Lawson:** Mhmm.

1953 **Board Member Miller-Anderson:** But, they're putting it into place. So, I'm not
1954 hearing anybody up here disagreeing with...

1955 **Chair Pro Tem Lawson:** Mhmm.

1956 **Board Member Miller-Anderson:** ...moving forward to make it happen, or even
1957 making attempts to make it happen, in whatever kinda we can.

1958 So, you know, I totally support the issue. I really do. But, I don't understand if it's..,
1959 I can't see where it's falling on deaf ears, because we've talked about it, and talked about
1960 it well before you all even got on the Board, it's been talked about. But the problem was,

1961 the action wasn't taking place. There was no data being collected years prior. So now,
1962 it sounds like something is being done. Unfortunately, it is a process. Now, whatever we
1963 can do, that's legally, we can do, I think we all support that. And I think we've made that
1964 pretty clear on what we want done.

1965 And so, no..., I'm not, I'm not arguing the issue whatsoever, so whatever we can
1966 do, I support that as well, Mr. Lawson.

1967 **Chairperson Botel:** Thank you. I think we're of...

1968 **Board Member McCoy:** Madam Chair?

1969 **Chairperson Botel:** ...one mind on that.

1970 **Board Member McCoy:** Madam Chair?

1971 **Chairperson Botel:** Yes, Mr. McCoy.

1972 **Board Member McCoy:** So, I, I just wanna respond and I gotta take a shot at
1973 Commissioner Lawson. I do agree, Commissioner Miller-Anderson, I am in support but,
1974 Commissioner Lawson, are we starting this today? Because I remember distinctly having
1975 a special meeting, October 8th, when we were faced with two identical projects, that are
1976 very high quality along Broadway, and we had the option to choose from Pinnacle, who
1977 was out of Broward County somewhere, and they had even selected a local contactor
1978 from Broward, compared to HTG, who's done work here in this community. And not only
1979 that, they do work in this community, but their prime contractor was from Riviera Beach.
1980 So, unless there's some new, I guess, this is some new proclamation of yours, then we've
1981 had locals here, and I've seen, specifically last month, where you've taken the option to
1982 go with a different firm and I was hoping that it was gonna be for a reason other than the
1983 fact that, like, that they weren't local. Perhaps you were gonna tell us something, or give
1984 us some justification that it was a better overall project, but I've seen two quality projects,
1985 and you took the option of going with the firm that had no local attachments to the City of
1986 Riviera Beach whatsoever.

1987 So, you know, that is my shot and my response to you. So, you can't, on one
1988 hand, tell us we need local, but when the opportunity comes up, we overlook the same
1989 people that have done work, not only in this community, but in this very building.

1990 So, I yield back.

1991 **Chairperson Botel:** Thank you. I, I think we can agree that we all wanna see this
1992 happen sooner rather than later. So, if we can move along, recognizing that we've given
1993 the City Administration a clear directive to make this happen. And, and, and continue to
1994 engage in the data collection that's necessary, and recognizing that it's a long process.

1995 If there are noth'..., if there's nothing else, Commissioner Mil'..., excuse me, Board
1996 Member Miller-Anderson, do you have anything else in your comments?

1997 **Chair Pro Tem Lawson:** I'm sorry, Madam Chair, I was gonna reserve my time to
1998 respond to Councilman McCoy when you're done.

1999 **Chairperson Botel:** Go ahead.

2000 **Board Member Miller-Anderson:** The only thing I want'... Me?

2001 **Chairperson Botel:** Yes.

2002 **Board Member Miller-Anderson:** Okay. I just wanted to make an announcement
2003 about the Park Manor neighborhood beautification event that will take place on this
2004 Thursday and Friday. Thursday, the boundary areas will be Blue Heron Boulevard south.
2005 And, on Friday, from 9:00 to 3:00 p.m., the boundary will be Blue Heron Boulevard north.
2006 And so, we're looking for people. If you're out, please feel free to participate, but we will
2007 have close to seventy-five volunteers and Staff that will be cleaning up the neighborhood,
2008 but we will also be taking this to different parts of the City. But this is just the first
2009 beautification initiative that will be going on for the entire City.

2010 Thank you.

2011 **Chairperson Botel:** Mr. Lawson.

2012 **Chair Pro Tem Lawson:** Thank you, Madam Chair. Councilman McCoy, the project
2013 that you're referencing, I reviewed and viewed both presentations and looked at the local
2014 participation that was contracted because they put a name on a paper and said that they
2015 were gonna use this organization. I've also done research with the, the organization that
2016 previously worked in the community, and there was disparities with local participation. I
2017 also reviewed what they brought to the table, and I felt that the project that I voted on was
2018 a better project for this community.

2019 And, as you know, I've been consistent in regards to communicating local and
2020 minority participation. So please don't use this one vote to sway what I've consistently
2021 spoke on this dais, on every occasion, based upon leasing a project that I preferred to
2022 vote on. I've never questioned any of your votes aye or nay. I'm telling you that was my
2023 vote, and I'm expecting the support to move forward from the entire dais. So, in regards
2024 to that, yes, I chose a project that I felt was gonna provide the product for our community,
2025 and that's why I chose the Pinnacle project. But if you wanna question that anymore, we
2026 can continue to discuss that, but that was my stance.

2027 Thank you, Councilman McCoy.

2028 **Chairperson Botel:** Thank you. I'll just make my brier statements. We'll..., I also
2029 have a town hall meeting tomorrow night at 6:00 o'clock. Mine is virtual. If you would like
2030 to tune into it, please contact my legislative aide, Same Brown, at
2031 stbrown@rivierabeach.org for a link to the meeting. We'll be covering a update on Singer
2032 Island capital improvements, an introduction of the new Riviera Beach Deputy City
2033 Manager, we'll have Riviera Beach Utility Special District Acting Executive Director there,
2034 to talk with us about updates and information on the water situation. We will have our

2035 Fire Chief there to give us some Public Safety information updates, and we will have Mr.
2036 John Sprague to talk about the manage mooring fields, and to provide us with information
2037 about that.

2038 I, let's see, I also was today at a meeting that's germane to this body, a meeting of
2039 the League of Cities Board of Directors meeting, at which we had a presentation by Robert
2040 Wanvestraut, who is the Senior Water Conservation Analyst for the South Florida Water
2041 Management District. I sent a message to Mr. Evans asking him that he provide you all
2042 with the information I received today. There is an effort afoot to have cities pass
2043 landscape irrigation measures that would help us conserve water in our, in our
2044 community. So, that's something that's gonna be mandated in 2023, but if we can get a
2045 leg up on it and get started sooner, that would be great.

2046 A notice, just quickly. About a forum on policing in Palm Beach County that will
2047 take place here on Monday, November 23rd, from 6:30 to 8:30 p.m.

2048 And, I wanna wish everyone, and I know my colleagues join me in saying this,
2049 have a very happy and safe Thanksgiving.

2050 **ADJOURNMENT**

2051 **Chairperson Botel:** There being no other Items on the Agenda...

2052 [Gavel]

2053 **Chairperson Botel:** ...this is meeting is adjourned.

2054 [End of video/audio]

2055 **City Employees, Public Speakers and Others**

2056 Procurement Director Althea Pemsel Procurement Director Pemsel

2057 Reverend William Burrs.....Reverend W. Burrs

2058 Bessie BrownMs. B. Brown

2059

2060 **APPROVED:**

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2065 **ATTEST:**

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2070 **CLAUDENE L. ANTHONY**
2071 **CERTIFIED MUNICIPAL CLERK**
2072 **CITY CLERK**

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2084 **MOTIONED BY:** _____

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2086 **SECONDED BY:** _____

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2088 **T. MCCOY** _____

2089 **K. MILLER-ANDERSON** _____

2090 **S. LANIER** _____

2091

2092 **J. BOTEL** _____

2093

2094 **D. LAWSON** _____

2095

2096 **DATE APPROVED:** DECEMBER 16, 2020

2097

JULIA A. BOTEL, Ed.D
CHAIRPERSON

DOUGLAS A. LAWSON
CHAIR PRO TEM

TRADRICK MCCOY
BOARDMEMBER

KASHAMBA MILLER-ANDERSON
BOARDMEMBER

SHIRLEY D. LANIER
BOARDMEMBER