

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
SPECIAL CITY COMMISSION MEETING
SEPTEMBER 15, 2008

The City Commission of the City of West Palm Beach met in special session on Monday, September 15, 2008 at 11:31 a.m., at City Hall, with the following persons present:

Mayor Lois J. Frankel, President of the Commission Geraldine Muoio, Commissioner Molly Douglas, Commissioner Kimberly Mitchell, Commissioner William Moss, Commissioner Isaac Robinson, Jr., City Administrator Edward Mitchell [left at 2:05 p.m.], Assistant City Administrator Eduardo Balbis, City Attorney Claudia McKenna and City Clerk Blane Kauthen.

AGENDA:

1. **Process Overview** – City Attorney Claudia McKenna clarified that [a] MWH Americas, Inc. (MWH) has already been selected as the consultant for the City’s water treatment plant; [b] the Commission can still decide whether to withdraw the RFP; and [c] any communications regarding the procurement must go through Purchasing and Contracts Manager Nora Laudermilk. The Mayor stated that she was lobbied by an applicant. Commissioners Mitchell and Robinson stated that they had communication with one applicant each. Commissioner Muoio stated that she received written material and a phone call from an applicant. Commissioner Moss had communications with staff, an attorney, and one or more of the applicants. Commissioner Douglas had communications with staff and one of the applicants. Commissioner Robinson asked what the consequences of creating a delay in the contract would be. City Attorney Claudia McKenna responded to Commissioner Robinson’s question.
2. **Program Overview** – Gary Deremer of US Water Services Corporation [a] provided an overview of the Water Treatment Plant project; and [b] disclosed that while the Water Treatment Plant had been contacted by other firms, there were no conflicts of interest.
3. **Selection Overview** – Director of Engineering Services Jonathan Bramley [a] provided a summary of the selection committee’s review of the three proposals received for this project; [b] explained why the committee decided unanimously to select MWH for this project; and [c] responded to Commission questions. Assistant City Administrator Eduardo Balbis responded to Commission questions.

4. **Resolution No. 393-08 – Assistant City Administrator Eduardo Balbis, City Attorney Claudia McKenna, Executive Manager of Water Reclamation Services Joseph Carlini, Southeast Florida Manager of MWH Patrick Mullen and National Program Director of the MWH Small Business Development Program Kerwen Whatley responded to Commission questions. The Mayor stated that she would like the Commission to hold a future discussion with Mr. Deremer, staff, the firm selected for the design and the Water Advisory Task Force to discuss the costs of the various processes that would be adopted for the Water Treatment Plant. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Resolution No. 393-08 approving the selection of MWH Americas, Inc. to provide engineering and consulting services for the Water Treatment Plant; and thereafter it was voted as follows: Ayes: Commissioners Douglas and Muoio. Nays: Commissioners Mitchell, Moss and Robinson. Motion therefore failed with a vote of two in favor and three opposed.**

After further discussion, it was moved by Commissioner Mitchell, that staff reissue the RFP with all due haste, that the thirty day deadline begin immediately, and that some of the questions that were deemed important be part of the RFP. The Motion died due to lack of a second. Attorney Alan Ciklin, representing MWH, Patrick Gleason of Camp Dresser & McKee, Inc. (CDM) and Purchasing and Contracts Manager Nora Laudermilk responded to Commission questions.

It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to withdraw the RFP. After further discussion, the maker of the motion, with the concurrence of the seconder, withdrew her motion.

It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to reconsider Resolution No. 393-08; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Resolution No. 393-08 approving the selection of MWH Americas, Inc. to provide engineering and consulting services for the Water Treatment Plant; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Commissioner Moss suggested scheduling a Commission Workshop to explore revising the City's Procurement Code. It was the consensus of the Commission to schedule a Workshop regarding the City's Procurement Code. Ethics Officer Norman Ostrau commended the City's current Procurement Code and process.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 2:12 p.m.

APPROVED:

PRESIDING OFFICER

ATTEST:

CITY CLERK