



**ISLAMORADA, VILLAGE OF ISLANDS  
SPECIAL CALL VILLAGE COUNCIL MEETING**

Founders Park Community Center

87000 Overseas Hwy

Islamorada, FL 33036

July 5, 2012

1:00 PM

**I. CALL TO ORDER\ROLL CALL**

Mayor Reckwerdt called the meeting to order at 1:16 p.m. and requested Village Clerk Debra Eastman call the roll. The following Council members were present on roll call: Councilman Don Achenberg, Councilman Ted Blackburn, Councilman Dave Purdo, Vice Mayor Ken Philipson and Mayor Michael Reckwerdt.

**II. PLEDGE OF ALLEGIANCE**

Mayor Reckwerdt invited Deb Gillis to lead the Pledge of Allegiance.

**III. PUBLIC COMMENT**

Mayor Reckwerdt invited public comment and there was none.

**IV. FUNDING.**

A. Discussion and status of \$20 million State grant

B. Status of SRF Funding

Village Manager Ed Koconis distributed and explained an email from the Village Lobbyist William Peebles indicating the unofficial position of DEP that the most certain way for the Village to draw down the appropriated money would be for the Village to enter into a single contract prior to September 1, 2012, which provides for the construction of a Village-wide system, or if prior to September 1, 2012, the Village enters into a contract for the construction of some substantial portion of the overall project and can demonstrate a feasible plan for the completion of construction of a Village-wide system before the 2015 deadline.

Councilman Achenberg requested that Tom Brzezinski of Wade Trim review the Project Delivery Alternatives Summary. Mr. Brzezinski reviewed the Project Drivers and analyzed their impact upon Alternative 1 Contract with AECOM/Veolia, Alternative 2 Negotiate with Reynolds and finalize/execute a contract and implement an Early Action Plan and Alternative 3 Design-Bid-Build Delivery Process.

Councilman Blackburn requested information regarding the SRF Funding. Finance Director Maria Aguilar explained that FDEP has approved a preconstruction loan. She informed the Council that the eligibility for this funding has not been affected by current events. She further informed the Council that there is a hearing on July 11 with regard to the construction loan. It appears that FDEP may consider funding based upon immediate progress by staff. They will not allocate all of the funds at the July hearing and that funds will be available in January or February of next year. If the Village needs to wait, however, we may not receive the full 20 million dollars in funding.

**V. RFP PROCUREMENT PROCESS.**

**A. Discussion and Council direction re Islamorada Water, LLC (AECOM/Veolia) contract document received June 26, 2012**

In response to questioning from Councilman Achenberg, Norm Anderson stated that the Village is doing business with Islamorada Water and he affirmed that Islamorada Water is ready to complete negotiations and move forward with a contract.

Vice Mayor Philipson indicated that he had a conversation with Islamorada Water and pointed out that they must sign the contract as approved by the Village Council and that if they wanted anything changed it would need to come back before Council. Vice Mayor Philipson explained that the contract was changed by Islamorada Water and sent back to the Village with no indication of the change. Mr. Anderson stated that he thought he had communicated the changes to the Village and apologized for the misunderstanding.

Councilmembers indicated their concern for the possible loss of revenue, changes made to the contract and whether to go forward with Islamorada Water.

Mayor Reckwerdt opened public comment:

Stan Margulies spoke regarding communication of contract changes, grant funding and the options available to the Village.

Dave Clancy of AECOM/Veolia explained that his company is willing to discuss the contract and would like to finalize the contract terms within a few days.

Wes Self of Reynolds indicated his hesitation to discuss this with the Council. Village Attorney Nina Boniske indicated that it was the intention of the Council to have a Q&A in a public meeting and not to negotiate with a second ranked firm. She further gave the opportunity for any legal representative to object. Patricia Silva, Esq. asked that her silence not be taken as acquiescence or the rendering of an opinion about whether or not the procedure is legal.

Wes Self explained to the Council that the Reynolds team has been involved since the first day and that they are willing to work day and night to get the job done. He explained the company's commitment to reaching a firm fixed price, the company structure and their commitment to using local contractors.

Frank Hawkins added public comment. He objected to changing proposers and spoke in opposition to the Council discussion with Norm Anderson.

Buddy Pinder urged the Council to save money and get the job completed.

George Small spoke about the areas of risk.

Van Cates spoke about the negotiations and the discussion of the appendices.

Village Attorney Nina Boniske indicated that Lobbyist Bill Peebles was available to any Councilmember by telephone. Mayor Reckwerdt called for a break at 4:11. The meeting resumed at 4:42.

At the conclusion of the break, Vice Mayor Philipson reported on his conversation with Lobbyist Bill Peebles and indicated that Village Manager Ed Koconis and Village Attorney Nina Boniske were also on the phone with him. Vice Mayor Philipson reported that a single payer contract is the suggested action by Council because of the commitment that the Village has made to those involved in Tallahassee. Mayor Reckwerdt reiterated that continuing with one of the DBOF proposers is apparently safest route for the Village.

Norm Anderson indicated that Veolia/AECOM would like to start negotiations tonight. Village Attorney Nina Boniske indicated that negotiations need to be publically noticed and could not happen that quickly under Sunshine.

Councilmembers questioned Wes Self if he is comfortable with the time frames as set in the Alternatives Summary. Mr. Self indicated that he is confident with being able to adhere to the time frames and gave the Council confirmation of that with a voice on the speaker phone introduced as the company President.

Frank Hawkins suggested that Tom Brzezinski discuss why he recommended Veolia/AECOM over Reynolds.

- B. Continue DBO contract negotiations or formally terminate negotiations with Islamorada Water, LLC (AECOM/Veolia).
- C. Authorize negotiations with second ranked firm, Reynolds.

**VI. TERMINATE RFP PROCESS – ALTERNATIVE DELIVERY METHODS.**

- A. Discussion and Council direction re reject all proposals and terminate RFP Process.
- B. Design/Bid/Build. Award Design work to engineer(s) under Continuing Services Agreements/Project Agreements
- C. Competitively award construction project(s) pursuant to Section 255.20, Florida Statutes, and/or waive competitive bidding for construction of MPK (to be determined if any other construction project can be waived) to the extent that funding source will be diminished or lost due to time required to competitively award the project (F.S. 255.20(7)).

Village Attorney Lillian Arango read the title of a resolution as follows:

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CANCELLING NEGOTIATIONS WITH ISLAMORADA WATER, LLC (VEOLIA/AECOM) PURSUANT TO THE REQUESTS FOR PROPOSALS (RFP) FOR THE DESIGN,**

**BUILD AND OPERATE OF THE VILLAGE'S  
WASTEWATER SYSTEM; AUTHORIZING THE VILLAGE  
MANAGER AND APPROPRIATE VILLAGE OFFICIALS  
TO TAKE ALL ACTION NECESSARY TO IMPLEMENT  
THE TERMS AND CONDITIONS OF THIS RESOLUTION;  
AND PROVIDING FOR AN EFFECTIVE DATE**

A motion to adopt the resolution was made by Councilman Purdo. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt invited Village Clerk Debra Eastman to call the roll. The motion passed 5-0.

Village Attorney Lillian Arango read the title of a resolution as follows:

**A RESOLUTION OF THE VILLAGE COUNCIL OF  
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA  
AUTHORIZING NEGOTIATIONS WITH THE SECOND  
RANKED FIRM, REYNOLDS WATER ISLAMORADA,  
LLC (REYNOLDS), PURSUANT TO THE REQUESTS FOR  
PROPOSALS (RFP) FOR THE DESIGN, BUILD AND  
OPERATE OF A WASTEWATER SYSTEM;  
AUTHORIZING THE VILLAGE MANAGER AND  
APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL  
ACTION NECESSARY TO IMPLEMENT THE TERMS  
AND CONDITIONS OF THIS RESOLUTION; AND  
PROVIDING FOR AN EFFECTIVE DATE**

A motion to adopt the resolution was made by Vice Mayor Philipson. The motion received a second from Councilman Purdo.

Mayor Reckwerdt invited public comment.

Stan Margulies urged the Council to place Councilman Blackburn on the negotiation team.

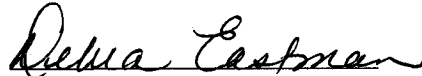
Mayor Reckwerdt invited Village Clerk Debra Eastman to call the roll. The motion passed 5-0.

Village Manager Ed Koconis requested direction from Council regarding the waiver of bidding for Middle Plantation Key. A motion was made by Vice Mayor Philipson to move this matter to the July 12 agenda in order to be more informed about funding. The motion received a second from Councilman Achenberg. Mayor Reckwerdt called for the vote and all were in favor.

Mayor Reckwerdt requested that Tom Brzezinski review the actions required by staff. The Village Council indicated they were in agreement.

Deb Gillis requested the additional cost of the Early Action Plan. It was estimated to be approximately \$100,000.

A motion to adjourn was made by Councilman Achenberg. The motion received a second from Councilman Purdo. The meeting adjourned at 5:30 p.m.

  
Debra E. Eastman, MMC  
Village Clerk

Approved by the Village Council this 26<sup>th</sup> day of July, 2012.