CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 17, 2014 AT 5:30 P.M.

(The following may contain inaudible or misunderstood words due to the recording quality.)

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM; PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE STAFF PRIOR TO THE BEGINNING OF THE MEETING. MEMBERS OF THE PUBLIC SHALL BE GIVEN A TOTAL OF THREE (3) MINUTES FOR ALL ITEMS LISTED ON THE CONSENT AGENDA. MEMBERS OF THE PUBLIC WILL BE GIVEN THREE (3) MINUTES TO SPEAK ON EACH REGULAR AGENDA ITEM. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.

CITY CLERK CALL TO ORDER

CHAIRPERSON JUDY DAVIS: Good evening everyone. Welcome to our regularly scheduled City Council meeting. If any of you have cell phones, please turn them to the off or vibrate position. Also, if someone would like to speak on an agenda -- a consent agenda item, please turn in your cards at this time. Madame Clerk, please call the roll.

Roll Call

CITY CLERK WARD: Mayor Thomas Masters.

MAYOR MASTERS: Present.

CITY CLERK WARD: Chairperson Judy Davis.

CHAIRPERSON DAVIS: Here.

CITY CLERK WARD: Chair Pro Tem Dawn Pardo.

CHAIR PRO TEM PARDO: Present.

CITY CLERK WARD: Councilperson Bruce Guyton.

COUNCILPERSON GUYTON: Here.

CITY CLERK WARD: Councilperson Cedrick Thomas.

COUNCILPERSON THOMAS: Here.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: I'm here.

CITY CLERK WARD: City Manager Ruth Jones.

CITY MANAGER JONES: Present.

CITY CLERK WARD: City Clerk Carrie Ward is present. City Attorney Pamala Ryan.

CITY ATTORNEY RYAN: Present.

CITY CLERK WARD: You have a quorum, Madam Chair, and you may proceed.

CHAIRPERSON DAVIS: Let's all stand for a moment of silence and the pledge led by Mrs. Jones.

CITY MANAGER JONES: Shall we pledge?

Invocation

Pledge of Allegiance

(Everyone stood for a moment of silence followed by the Pledge of Allegiance being led by City Manager Ruth Jones).

CHAIRPERSON DAVIS: Okay, Mrs. Jones. Are there any additions, deletions or substitutions?

AGENDA Approval: Additions, Deletions, Substitutions

CITY MANAGER JONES: Um, yes, Madam Chair. Um, first is item number 14 which is the budget. Um, you have received from me a revised budget from the Utility Special District. After our last meeting, I could not get, as Councilman Guyton often says, the kind of data document and evidence that would support the elimination of the Back Flow Technician from the budget. So the budget that you will vote on tonight, which is your additional information that you have in front of you, includes, it does not eliminate the Back Flow position. So you have the additional information in front of you.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON T. DAVIS: Oh, what --

CITY MANAGER JONES: Also, earlier last week, I think it was Friday, you received from me signatures from residents in the community. I would like your consideration tonight to delete item number 16, which is the proposed closure of 26 Court Street -- 26 Court. That additional information that you received was signatures from over 70 residents that disagreed with closing it. I spoke with Councilman Guyton, who is the District Councilperson, and he would like to have in his next Town Hall Meeting, this closure as one of the items for his Town Hall Meeting, to hear from the residents in the community.

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: So in order for him to do that, I would like to recommend that we delete item number 16 from consideration.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: Then there's one add-on, which is item 18-a. This item is an Inter-local Agreement between the City, the CRA and the Utility Special District, as it relates to the repayment of the infrastructure work that will be done at the Uplands at the Marina. This item you just heard in the special CRA meeting that was held at 4:30. So I would like to add that item for action here tonight.

CHAIRPERSON DAVIS: Okay. Is that it?

CITY MANAGER JONES: That's all. Thank you.

CHAIRPERSON DAVIS: Okay. Is there a motion to adopt the agenda?

Disclosure by Council

Adoption of Agenda

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. And let me just ask this, are there any disclosures by council?

COUNCILPERSON T. DAVIS: No.

CHAIRPERSON DAVIS: None? Okay. Madam Clerk.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We're now down to the Consent Agenda.

Comments From the Public on Consent Agenda (Three Minutes Limitation)

CONSENT AGENDA

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

CHAIRPERSON DAVIS: Is there a motion to approve consent?

COUNCILPERSON GUYTON: So moved.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Item 9 I want to pull.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: And I just -- I have a question on item 6.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON T. DAVIS: I have a question on 7.

CHAIRPERSON DAVIS: Okay. Item 6, 7 and 9 have been pulled from Consent Agenda. We do have a motion and a second, or do we?

CHAIR PRO TEM PARDO: Yes.

CITY ATTORNEY RYAN: No. We need a second.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Is it -- there's a card here. Is -- is it a consent card?

CITY CLERK WARD: Number 6.

CHAIRPERSON DAVIS: Yeah, I'll take them. Thank you. Yeah. Item 6 was a consent item but it's been pulled. Let's see. A hundred twenty and seven. Okay. Wait a minute. Still -- we're now on item 6. Okay. Item 6.

CITY ATTORNEY RYAN: Oh, hold on, hold on. Madam Chair?

CHAIRPERSON DAVIS: Yes, Miss Ryan.

CITY ATTORNEY RYAN: Okay. On consent items, the rule is --

CHAIRPERSON DAVIS: Right.

CITY ATTORNEY RYAN: -- that you allow the public --

CHAIRPERSON DAVIS: Right.

CITY ATTORNEY RYAN: -- to speak on any of the items. They get one 3-minute opportunity to speak on the item.

CHAIRPERSON DAVIS: Yes.

CITY ATTORNEY RYAN: And then after that, you go to the individual --

CHAIRPERSON DAVIS: Correct.

CITY ATTORNEY RYAN: -- cards.

CHAIRPERSON DAVIS: But what I'm saying is, item 6, 7 and 9 are on consent but they have been pulled, okay? So they're going to be discussed anyway.

CITY ATTORNEY RYAN: That's not how you -- you do it --

CHAIRPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: -- but that's okay.

CHAIRPERSON DAVIS: But we'll go ahead and take --

CITY ATTORNEY RYAN: All right.

CHAIRPERSON DAVIS: Item 6 is Margaret Shepherd.

MINUTES

1. MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP HELD, JULY 28, 2014.

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD, AUGUST 6, 2014.

RESOLUTIONS

3. RESOLUTION NO. 92-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING THE SALARIES OF DEPARTMENT HEADS, ADMINISTRATIVE, SUPERVISORY AND CONFIDENTIAL EMPLOYEES BY THREE PERCENT (3%) FOR FISCAL YEAR 2014-2015; AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 93-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE JOB CLASSIFICATION LISTS BY CREATING, RECLASSIFICATION AND DELETING CERTAIN CLASSIFIED AND UNCLASSIFIED POSITIONS, PURSUANT TO THE 2014 – 2015 FISCAL BUDGET AND PROVIDING AN EFFECTIVE DATE.

5. RESOLUTION NO. 94-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ARTHUR J. GALLAGHER & COMPANY - MIAMI TO PLACE THE APPROPRIATE COVERAGES, AND AUTHORIZING THE DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES TO MAKE PAYMENTS FROM THE INSURANCE LIABILITY FUND ACCOUNT NO. 602-0539-513-0-4501 UP TO THE AMOUNT OF $1,840,837 TO ARTHUR J. GALLAGHER & COMPANY - MIAMI FOR RISK PACKAGE FIXED COSTS; AND PROVIDING AN EFFECTIVE DATE.

6. RESOLUTION NO. 95-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING COUNCILMAN CEDRICK A. THOMAS' 6TH ANNUAL THANKSGIVING TURKEY GIVEAWAY ON TUESDAY, NOVEMBER 25, 2014, WITH THE LOCATION OF THE EVENT TO BE ANNOUNCED; AND PROVIDING AN EFFECTIVE DATE.

CITY CLERK WARD: Resolution 95-14, a resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving Councilman Cedrick Thomas' 6th Annual Thanksgiving Turkey Giveaway on Tuesday, November 25, 2014, with the location of the event to be announced and providing an effective date.

CHAIRPERSON DAVIS: Was there a motion?

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON T. DAVIS: Second.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Mrs. Shepherd.

MARGARET SHEPHERD: Margaret Shepherd, Riviera Beach. While I do agree with giving Mr. Thomas this -- the funds for the turkeys, I just wanted to address Mr. Thomas that a lot of the senior citizens are really complaining. I mean, the older-older ones, that they have no way of standing in line to really receive these turkeys and that they really, really need the turkeys. So I guess I'm appealing to you and the board that maybe you can make some type of -- I really don't know, to maybe take the turkeys to those people that really cannot stand in line. Just -- just a thought, Mr. Thomas. I'm not sure how you would do it, but I know the mayor had to send turkeys and hams over to Lindsey Davis one year and I really thought that was appropriate, you know, for Miss Brabham, I think and the mayor to do that. Because, you know, those people, they do -- they do attend. And it's a lot of the seniors in the -- in the community that really, I mean, really, really need -- need the turkey. And just a suggestion, just a suggestion I -- I know that you all should know, there should be a database in this city of the senior citizens. I -- I know you do because I know for the -- the luncheon, the Martin Luther King luncheon, a lot of the seniors are there. And they're on walkers and, you know, I -- I'm just putting it to the board that it just would be appropriate for them. Try to figure out how -- how -- how you can do it to make everybody feel that they are a part of the City of Riviera Beach. Just a suggestion and I do wish you well on that -- that event. Thank you.

CHAIRPERSON DAVIS: Okay. Miss Pardo.

CHAIR PRO TEM PARDO: Okay. So, I just have a question here. The budget for this is $16,100?

COUNCILPERSON THOMAS: Uh, it's probably going to -- it's probably going to exceed that.

CHAIR PRO TEM PARDO: Okay. So my question is, is the city putting these funds up or are you gonna raise the funds?

COUNCILPERSON THOMAS: Well, it's gonna be like it has been all the other years. I'm gonna use my community benefits --

CHAIR PRO TEM PARDO: Right.

COUNCILPERSON THOMAS: -- and raise the funds for the rest of the cost, too.

CHAIR PRO TEM PARDO: Okay. All right. So that was my question. You know, was the city paying for this or -- okay. So --

CHAIRPERSON DAVIS: Okay. And -- and my question is, are we gonna be provided a -- a report at some point?

COUNCILPERSON THOMAS: A -- what -- what are you asking for a report --

CHAIRPERSON DAVIS: For the expenses.

COUNCILPERSON THOMAS: Yeah. That's fine.

CHAIRPERSON DAVIS: I'm -- I'm just asking.

COUNCILPERSON THOMAS: I mean, that's -- it's public record. Every dollar that we spend, it's -- it's gonna be in finance, so I mean you can pull that at any time. But if you want me to compile something just for the board, I don't -- I don't have a problem doing that.

CHAIRPERSON DAVIS: Okay. All right. Any other questions or comments? Okay. Madam Clerk?

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. Item 7.

7. RESOLUTION NO. 96-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE DOCUMENTS RELATED TO THE SALE OF TWO VACANT SURPLUS CITY OWNED PARCELS LOCATED AT 1020 W. 30TH STREET (PCN 56-43-42-29-05-005-0210) APPROXIMATELY 0.14 ACRE AND 1108 W. 34TH STREET (PCN 56-43-42-29-16-004-0470) APPROXIMATELY 0.12 ACRE TO C.B. PREMIER PROPERTIES, LLC IN ACCORDANCE WITH THE CITY'S SALE, EXCHANGE OR DONATION OF CITY OWNED REAL PROPERTY POLICY; PROVIDING FOR THE RELEASE OF ALL CITY LIENS, FINES AND ADMINISTRATIVE FEES ASSOCIATED WITH THESE PARCELS; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY CLERK WARD: Resolution 96-14, a resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, authorizing the Mayor and City Clerk to execute documents related to the sale of two vacant, surplus, city-owned parcels located at 1020 W. 30th Street, approximately 0.14 acres; and 1108 W. 34th Street, approximately 0.12 acres, to CB Premium Properties, LLC, in accordance with the city's sale, exchange of donations of city-owned real property policy providing for the release of all liens, fines, administrative fees, associated with the parcels and providing an effective date.

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON GUYTON: So moved.

COUNCILPERSON T. DAVIS: Second.

CHAIRPERSON DAVIS: Okay. We have two public comment cards. I don't know what this is. It looks like a B.

BONNIE LARSON: Yes.

CHAIRPERSON DAVIS: Bonnie Larson?

BONNIE LARSON: Uh-huh.

CHAIRPERSON DAVIS: Okay. Usually -- when -- I'm gonna pass this down and -- and you need to fill it -- fill it out, okay? Could you pass that down to --

CITY ATTORNEY RYAN: That's a permanent record.

CHAIRPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: (Inaudible).

COUNCILPERSON T. DAVIS: I'll fill it out for her.

CHAIRPERSON DAVIS: No. Let her fill it out, please. Give it to Miss Jones.

CITY MANAGER JONES: I'll just hand it to her.

CHAIRPERSON DAVIS: Go ahead, Miss Larson.

BONNIE LARSON: All right. All right. So the item is to sell these two properties to someone called CB Premier Properties. I -- I realize they're located in Boca Raton, somewhere down that way. My question is, we just had a -- oh, I -- I just wrote a B on there. So you knew it was me. See? With just a B. Sorry. All right. We just had a sale of surplus properties, so why wasn't -- if -- if this was for sale, why wasn't it on that list or what -- what -- how does this work just so the general public knows. That -- can someone just go and say, "I want," to the city, "I want to buy that property there," and then I make you an offer and then you sell it to me, it doesn't seem like that's -- I don't know. That just seems like a weird way to do it.

CHAIRPERSON DAVIS: Uh-huh.

BONNIE LARSON: Because we just had the surplus properties and it wasn't on there, so it wasn't designated as an excess property. And also, can anybody just do that? Just come to the city and say, "That property, I want it and here's what I want to pay for it." Is that how it works and if you'd just explain it. Thank you.

CHAIRPERSON DAVIS: Okay. Um, we'll have Miss Jones address it when -- after the -- after the last speaker, Mr. Lozman.

FANE LOZMAN: Fane Lozman, Singer Island. The property at 1020 W. 30th Street, the offer from the Boca Raton company or LLC down there, was 2,338.36. And for the other property, the offer was 47 -- $4,764.80. I called up the city; I wanted to buy those two properties. I'm gonna go on the record that for the 1020 W. 30th Street, I will pay $3,000, which is over the assessed value. And for the property 1108 W. 34th Street, I will pay $6,000, which is over the assessed value.

Um, I called up the Finance Department. They said it was for the Community Development Department to talk to. I called there. They -- they didn't call me back, just like Miss McKinney didn't call me back all the other times that I've called there. These properties are significantly undervalued. I'm offering the city more than the assessed value, but they're worth a lot more than that. The city's sale of its properties should really be a more competitive process. If you look left or right of the values of the adjoining property, I think you'd be quite stunned as to how high they are.

For example, the property directly next door is also owned by the city and a similar lot and it's appraised at $45,000. So there's some things messed up. Property appraisers make mistakes all the time in assessed values. That's why a better way to do this would be to have some kind of auction process with a starting bid, advertise it and you would be surprised what you can get. But if we're just gonna come in with the assessed value, I will pay more than assessed value to buy both properties. So I think as fiduciaries of the city, you should get the best price you can get. I'm offering significantly higher than what your staff is suggesting you take.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Miss Jones, this property wasn't put on the -- the last -- when we got rid of all those properties, though, this property wasn't done then?

CITY MANAGER JONES: As you will recall, back in August -- I mean, September or August of last year, we conducted a public auction --

COUNCILPERSON THOMAS: Uh-huh.

CITY MANAGER JONES: -- on all of the surplus lots that the city owned. These two properties were on that list.

CITY ATTORNEY RYAN: Okay.

CITY MANAGER JONES: However, at the time, what the persons were offering as a part of their bid, did not meet the minimum threshold established in the policy, which is 85 percent. And so we did not accept that offer as a result of the auction. So, yes. Have we had an auction for all surplus properties? Yes, we have.

COUNCILPERSON THOMAS: Including this one.

CITY MANAGER JONES: These two properties were a part of that particular auction.

COUNCILPERSON THOMAS: Same owner that actually won the original bid and we're just bringing the price up to --

CITY MANAGER JONES: I don't know --

COUNCILPERSON THOMAS: -- is this the same owner?

CITY MANAGER JONES: -- whether it was the original bidder or not. I don't have that list in front of me.

COUNCILPERSON THOMAS: If -- now if it's not the original bidder, then I think that this should go to some type of auction as well.

CITY MANAGER JONES: Yeah. Because we wrote all of the individuals that did not come up to the minimum -- you all had told us to do that.

COUNCILPERSON THOMAS: Right.

CITY MANAGER JONES: To see if they would make us a counteroffer up to the minimum.

COUNCILPERSON THOMAS: Did they do that?

CITY MANAGER JONES: If they're still at their surplus, that meant that they did not --

COUNCILPERSON THOMAS: So how does everybody know that, okay, these properties are now back available for -- 'cause I mean, I -- I --

CITY MANAGER JONES: Our policy says that "an individual that would like to purchase city property, should provide a written request, or the entity representing the property, to the City Manager and so that's how we can --

COUNCILPERSON THOMAS: But how do they know it's for sale? How -- how -- let's take, for instance, anybody that may come to that podium just as the last speaker just did and say, Hey, I didn't know it was for sale, but I would like to offer, you know, something on it as well. How -- how was it advertised to say that this property is now available again?

CITY MANAGER JONES: Well, we get requests for our property all the time because people look at our policy; they abide by the policy; submit us in writing for any of our surplus properties that we have out there.

COUNCILPERSON THOMAS: Are we advertising these properties as surplus?

CITY MANAGER JONES: No. They were just a part of the original list of --

CHAIRPERSON DAVIS: That was that list.

CITY MANAGER JONES: -- surplus properties.

COUNCILPERSON THOMAS: Yeah, I get it. Maybe I'm not -- maybe I'm not explaining it --

CITY MANAGER JONES: No. You're -- you're -- you're --

COUNCILPERSON THOMAS: -- properly.

CITY MANAGER JONES: -- what you're --

COUNCILPERSON THOMAS: I -- I'm trying to figure out, if this was the same person that won the bid but just was too low and you went back to them and said, Hey, listen,

we need at least 85 percent of the value of this and that's the same person that -- that did it, I'm okay. If not, then I think that we need to dispose of this a different way.

CITY MANAGER JONES: We also keep on our website, the listing of surplus property. So someone would know that we actually have properties available.

COUNCILPERSON THOMAS: So we are advertising that we have properties --

CITY MANAGER JONES: Yes. We're not auctioning, but we're advertising.

COUNCILPERSON THOMAS: You're advertising. So --

CITY MANAGER JONES: Yes.

COUNCILPERSON THOMAS: -- okay. Well, then that's different. Okay. I'm okay.

CHAIRPERSON DAVIS: Any other questions or comments?

COUNCILPERSON T. DAVIS: Yes, Madam Chair.

CHAIRPERSON DAVIS: Mr. Davis.

COUNCILPERSON T. DAVIS: The -- the question I have -- well, it's, here's the question. Does this property have any liens on it?

CITY MANAGER JONES: I don't believe we went --

COUNCILPERSON T. DAVIS: Has it ever or does it have any liens?

CITY MANAGER JONES: I'll ask Miss McKinney.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: No.

CITY MANAGER JONES: 'Cause she did the research on the properties.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Right. According to our research, it didn't have any liens on it.

COUNCILPERSON T. DAVIS: Okay. The property where it says 1108 W. 34th Street, when you look at a diagram for that particular parcel, you notice where that box -- it splits right between the structure whether if it's a home or not. Who owns that home?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: On 34th Street --

COUNCILPERSON T. DAVIS: That particular parcel.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: -- the adjacent --

COUNCILPERSON T. DAVIS: -- 1108.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: 34th Street --

COUNCILPERSON T. DAVIS: Yes, ma'am.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: -- the adjacent property.

COUNCILPERSON T. DAVIS: Uh-huh.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Well, the aerial that's in your packet, it's -- it -- the -- the line is big. It's really a vacant lot. It's just -- shows that line going over part of that house next door. Do we know who owns the property next door to 34th Street. Have to look up and see who owns it.

COUNCILPERSON T. DAVIS: Well, I -- I'm trying to find out, that parcel next door, it seems very small. Is this two parcels on one lot?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: No. One of the -- the parcel on 30th Street is 6,000 --

COUNCILPERSON T. DAVIS: No, no. I know. On 110 --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: I'm sorry.

COUNCILPERSON T. DAVIS: -- when you look at 1108, excuse me, 1108 W. 34th Street --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: That parcel is 55,227 square feet and it's -- of vacant property.

COUNCILPERSON T. DAVIS: So you're telling me that structure that's there in that box doesn't exist at all. That's completely --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: That the -- the line is really --

CITY MANAGER JONES: The line is (inaudible) over.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: -- the line is -- should be really --

CHAIRPERSON DAVIS: It's just that they --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: -- scooted over to the --

COUNCILPERSON T. DAVIS: So that line -- how close is that line to that property -- to that building?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Well, that building is set back to the property line, probably 7 ½ feet. It's a typical setback.

COUNCILPERSON T. DAVIS: Typical setback?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: It's -- it's -- yeah.

COUNCILPERSON T. DAVIS: So we don't own that property?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: We don't own the property with the house on it, no.

COUNCILPERSON T. DAVIS: And the property on 1020, when they purchase that parcel, do they get the rest of that parcel? Does it come in -- it is included or just that particular piece?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: They just get 1020. And that's the smaller of the two. I'm sorry. 1020 is 6,098 square feet. It's almost 6,100 square feet on 1020.

COUNCILPERSON T. DAVIS: Why do we -- thank you. Why did we come to -- how did we come to that price of the 85 percent? Why didn't we ask for more?

CITY MANAGER JONES: Well, that's what's in our policy.

COUNCILPERSON T. DAVIS: So we can't get more?

CITY MANAGER JONES: So when they make an offer --

COUNCILPERSON T. DAVIS: Uh-huh.

CITY MANAGER JONES: -- and follow the policy, we don't get into a negotiation with them.

COUNCILPERSON T. DAVIS: But it's up to the board to accept, right?

CITY MANAGER JONES: It's up to the board, definitely.

COUNCILPERSON T. DAVIS: Hmm. That will be all.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Do you --

CHAIRPERSON DAVIS: Any other questions, comments?

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: -- do you still want to know the owner of the property next door to the --

COUNCILPERSON T. DAVIS: No. I -- I was just really concerned, when you look at the -- when you look at the picture, it was almost as if we are --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Oh, yeah. The line -- it's not a good --

COUNCILPERSON T. DAVIS: -- impeding on their property.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Right. We have a (inaudible) line.

COUNCILPERSON T. DAVIS: And I wonder is that some structure --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: We'll have to look.

COUNCILPERSON T. DAVIS: -- that we're gonna have to pay for to demolition or --

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: No. We'll have to punish him later. He did a thick line.

COUNCILPERSON T. DAVIS: That will be all.

CHAIRPERSON DAVIS: You done?

COUNCILPERSON T. DAVIS: Yeah.

CHAIRPERSON DAVIS: Any other questions or comments? Madam Clerk.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: No.

CITY CLERK WARD: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: That motion approved with Councilperson T. Davis dissenting.

CHAIRPERSON DAVIS: Item 9.

8. RESOLUTION NO. 97-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF A NEW PRO-PATCH ASPHALT UNIT FROM ENVIRONMENTAL

PRODUCTS OF FLORIDA BY PIGGYBACKING THE NATIONAL JOINT POWERS ALLIANCE CONTRACT NUMBER 113012-HDI IN THE AMOUNT OF $97,402; AUTHORIZING THE PURCHASE OF A NEW M2 112 FREIGHTLINER CAB AND CHASSIS FROM LOU BACHRODT FREIGHTLINER BY PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NUMBER 13-11-0904 IN THE AMOUNT OF $85,920; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO APPROPRIATE FUND BALANCE IN THE IMPACT FEE FUND ACCOUNT FOR ROADS IN THE AMOUNT OF $91,661; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO MAKE PAYMENT FOR SAME FROM ACCOUNT NUMBERS 411-1417-536-0-6451 AND 303-1127-541-0-6452 FOR THE PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

9. RESOLUTION NO. 98-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, APPOINTING ATTORNEYS COREY SMITH AND DIANE JAMES-BIGOT AS SPECIAL MASTERS FOR CODE ENFORCEMENT HEARINGS, UNSAFE BUILDING HEARINGS AND FOR OTHER CITY HEARINGS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEGAL SERVICES AGREEMENT FOR THE SAME; AUTHORIZING STAFF TO ADVERTISE FOR ADDITIONAL ATTORNEYS TO SERVE AS SPECIAL MASTERS AS NECESSARY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CITY CLERK WARD: Resolution 98-14, a resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, appointing Attorneys Corey Smith and Diane James-Bigot as Special Masters for the Code Enforcement Hearing, Unsafe Building Hearing, and for other City hearings; authorizing the mayor and city clerk to execute the Legal Services Agreement for same; authorizing staff to advertise for additional attorneys to serve as Special Master as necessary; proving for severability and an effective date.

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON DAVIS: Is there a --

COUNCILPERSON T. DAVIS: Second.

CHAIRPERSON DAVIS: Okay. I have -- first let me ask this question. Reverend Evans, is this the item that you want to speak on or do you want to speak on the Public Comments?

REVEREND EVANS: (Inaudible).

CHAIRPERSON DAVIS: Do you want to speak -- well, I'm just asking you right now. Do you want to speak under Public Comments or this particular item?

REVEREND EVANS: Public Comments.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON T. DAVIS: He wanted his item -- he wants -- he misinterpreted.

CHAIRPERSON DAVIS: Well --

COUNCILPERSON T. DAVIS: Yeah. He wants --

CITY MANAGER JONES: He misinterpreted (inaudible).

CHAIRPERSON DAVIS: Hold on. Okay. Nine. Okay. Now what did I do with it? Hold on. Okay. There you are. All right. We're gonna go ahead and call you up, Reverend Evans.

REVEREND EVANS: Chairperson, Council, Mayor and everyone else. Got a few brief statements I'd just like to make.

CHAIRPERSON DAVIS: Okay. Please state your name and address for the record.

REVEREND EVANS: Well, my name is Reverend Arthur C. Evans, Riviera Beach. Pastor emeritus of the Mount Olive Baptist Church after 52 years. And what I want to just talk about regarding code fines and liens. And this is just for your information so that the City Council is really -- is -- and other department heads may consider sitting down with some meetings, along with the voters as well, to see if we can't come up with another method, or some method, a head -- a leader, what have you. The way -- but, of course, I'm quite familiar with the code liens, getting -- getting extensions and so forth because I do it all the time. Just got one today from -- for the (inaudible) and I have no problem getting the extensions. My biggest problem I'm having with it is that, say if a person -- and I've run -- I've run into several people. One of my members called me yesterday and I had to get with Mr. Pollack [phonetic] and he -- he gave us a 60-day extension on that, which worked out okay.

But for someone who has, say -- say, for instance, a $10,000 worth of work to be done and they've been cited by the Code Enforcement and given 30 or 60 or 90-days to do the work. And if they need $10,000 to finish the work, don't have $500, so that means they -- they gotta try to come up with the money to get it. And then if -- after the three months or the two months, you start running $250 a day -- it could be less. But I just figured at $250 a day at one year, then you're going to be $91,250.

And I'm just -- this is one of the things I want Code Enforcement to look at their -- and this City Council -- to look at to see how flexible we can be in terms of setting up a different method as far as yards are concerned or small amount of painting. Now that I'm sure they can work out in 30, 60 or 90 days.

And then I'm also familiar with Code Enforcement, they will -- even if you don't get it then, they'll give an extension for another 30 or 60 days. That works out fine. But if you got something with a big project, then I -- I -- I think you should reconsider that. It may take them a year to finish it but it's better to let them take a year getting the money together to do it than to add another $100,000 on -- on, too, trying to get the repairs

done. And -- and I'm quite familiar with the $100,000 'cause I got over $100,000 on my property on Avenue U. But I'm not worried about that tonight because I gotta get the work finished yet.

But what I want -- what I'm hoping is, is that there can be some discussion on that to help get -- make some changes; soften it up for our elderly, senior citizens, homeowners and not start charging that money.

CHAIRPERSON DAVIS: Okay. You need to wrap it up.

REVEREND EVANS: Okay. Wrap it up.

CHAIRPERSON DAVIS: Okay?

REVEREND EVANS: All right. Well, what I want to do is just say thank you very much and let's -- as a City Council and the citizens, get along. Stop taking things personal. It shouldn't be personal. It should be about all of us. So let's -- let's get along, all right?

CHAIRPERSON DAVIS: Thank you very much, sir.

REVEREND EVANS: That's -- that's my last thought.

CHAIRPERSON DAVIS: Thank you. Bonnie Larson. After her is KaShamba Miller.

UNIDENTIFIED SPEAKER: I'm not (inaudible).

CHAIRPERSON DAVIS: Yes.

UNIDENTIFIED SPEAKER: Okay.

BONNIE LARSON: All right. This came up at the last meeting, number 9, appointing attorneys Corey Smith and Diana James-Bigot, Bigot, I'm not sure how to pronounce it.

CITY ATTORNEY RYAN: Bigot.

BONNIE LARSON: I'm sorry. I'm sorry?

CITY ATTORNEY RYAN: Bigot.

BONNIE LARSON: Bigot. Bigot, no T on the end, okay. As Special Masters and what I heard -- what the questions I remember from last time were apparently Miss Bigot was hired by Pam Ryan, the City Manager and Natalie Moore from Code Enforcement. And apparently it's supposed to come to the Council for a vote to be legal. Now I see there's another name added here in -- in addition to Miss Bigot, we have Corey Smith. That -- he wasn't mentioned as being another one who didn't go through the proper channels last time. And the question that was asked last time was, "What happens to all those cases of the people who stood in front of those magistrates when they were not hired properly?" Can they, like, just dismiss whatever happened to them or what is -- what is the significance of these two people not being hired properly and the cases that came

before them? That didn't get answered last week, so that's my question tonight. Thank you.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: Madam --

CHAIRPERSON DAVIS: Go ahead, Miss Jones.

CITY MANAGER JONES: -- Chair. I just wanted to clarify and add to the statement Miss Larson made. I was not the City Manager that did that appointment and so when you say the City Manager, people think it was current.

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: I just want the record to reflect that I was not the City Manager at the time the decision was made.

CHAIRPERSON DAVIS: Okay. Miss Miller.

KaSHAMBA MILLER: Good evening, Council.

CHAIRPERSON DAVIS: Good evening, ma'am.

KaSHAMBA MILLER: I'm KaShamba Miller, 28th Street, Riviera Beach. Today I stand before on behalf of many Riviera Beach property owners to ask that the Council look at all final orders, liens and administrative fees that have been recorded in the Palm Beach County Clerk's official records since 2005 until 2014. As Miss Larson stated, the information that was revealed during our last meeting, I'm asking that you immediately return all monies paid to the effected property owners if this is something that would fall in -- in lines in which she just discussed. The duties of the City Council includes legally and financially protecting the effected property owners while requiring all employees to strictly comply with the Florida Statute.

Again, I'm asking on -- I'm asking this on behalf of our Riviera Beach property owners that have been effected by this situation, that if it's something that is within your power to reverse and make a wrong right, I believe it's in our best interests as a city to go ahead and make that wrong right. The City Council cannot support any actions that appear to border the lines of breaking city laws which are codified ordinances. It is imperative that the Council follows the Florida Statute. Again, I ask that you think of the Riviera Beach residents that have been effected by this and if this something that we could make right, I really ask that we consider that. Thank you.

CHAIRPERSON DAVIS: Thank you, ma'am. Fane Lozman. Good evening, sir. You have three minutes.

FANE LOZMAN: Fane Lozman, Singer Island. This item is a fascinating item and it peaked my curiosity after listening to Mr. Thomas's questions at the last meeting. I went and did my own legal research by talking to a couple of members of my U.S. Supreme

Court team, in explaining to them the circumstances. Their opinion -- this is only from my lawyers -- is that any action taken by the Special Magistrates is void ab initio. It's invalid from the outset.

Why is that, and one of my lawyers gave me an example. Say you have a state court judge in Palm Beach County and the Judicial Nominating Committee selects him to be a Federal judge and then the U.S. Senator, Marco Rubio, he puts his name in, "This is our pick." That state court judge has to be approved by the U.S. Senate. He has to be confirmed. And once he's confirmed, then he become a Federal judge. He can't act as a Federal judge before he is confirmed.

The same thing is happening here. The fact that this Special Magistrate is a Magistrate down in West Palm, it doesn't matter. Until they are confirmed -- until you sign off on them, they have no legal authority to do anything in Riviera Beach. Okay? I believe your City Attorney knows that or if she doesn't know that, she can easily call up any competent attorneys around town and confirm that. You, yourself, probably have individual lawyers. You can confirm that yourself. Based on this procedural mess-up that this Council did not confirm the Special Magistrate, sign off on it, you are in a horrific situation.

And the horrific situation means you're going to have to return all those liens -- all those fees that have been paid in on liens going back to 2005, with interest. You're also going to have determine that somebody could not afford their lien and they had to sell their house, you know, they need to be compensated. I've already heard rumors around town -- I have not participated in this -- but a class action lawsuit is upcoming from some residents. I mean, you have a real horror show. And again, this is not my opinion. This is the opinion of some lawyers I've talked to. I suggest you get your own independent analysis outside of the City Attorney and say, you know, "What kind of mess are we in?"

Now if the code had been different, where you didn't need to sign off on anything, that's one thing. But just like a Federal judge, he has to be signed off by -- by the U.S. Senate. This Special Magistrate has to be signed off by you. It wasn't. He wasn't signed off. Now, Miss Ryan, obviously wants to minimize the damage 'cause her job is probably over if what people -- if what I say is accurate and what other people are saying are accurate. So you have a major nightmare on your hands.

CHAIRPERSON DAVIS: Thank you, sir. Miss Duncombe. After Miss Duncombe is Mr. Burrs, Reverend Burrs.

NORMA DUNCOMBE: Norma Duncombe. Lifetime resident. It just really grieves my heart when I see something like this. Number one, I do not know the young lady, but I know Mr. Smith, who is well qualified, and to have his name really put on the spot like this. However, sometimes things happen for a reason and we just have to deal with it as it is. What I'm going to say is that I'm really glad that people are waking up. I don't know if anybody remembered back a while -- a while back when I made the statement that the City Council wiped out over -- was it over a million dollars for the rich man who owned the Schoonie [phonetic] Lounge. Nobody reacted. They wiped it out.

Then I listen to Reverend Evans come up here and he's talking about a senior citizen who can barely put food on the table trying to deal with something like this. This -- this -- people -- maybe sometimes things happen for a reason. Now what the Council can do, and you have the right to do it, do the same thing you did for the Schoonie Lounge. Wipe it out, everybody's code violations, and let's start over again. You wiped out -- if it wasn't a million dollars, it was close to a million dollars. And guess what? The little bit that they left on him, I bet you he did not even pay that. It's public record so we can get the information. They can't hold it from us. But I bet he did not respect them enough to pay that.

And I guess the city took -- did the demolition for that building, too. So it's really sad when we think about all of the people who are really struggling, trying to make it, and we have just -- and -- and you have just really stepped on them. And many of them have been here all of their lives and they -- they -- they're doing the very best that they can. Just struggling; trying to make it. So there are three votes up there that you can start all over again. Just wipe out all code violations for a year and let's start over again and treat everybody the way you treated the rich man who owned Schoonie Lounge. Thank you.

COUNCILPERSON GUYTON: Uh-huh.

CHAIRPERSON DAVIS: Thank you, sir, ma'am. I'm sorry. Uh, Reverend Burrs. You don't want to speak? Okay. All right. So that's the end of Public Comments.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: I pulled this item for a couple of reasons. Well, first, I don't think it should've ever been on consent. It should've been an -- an item from the beginning that was going to take some action. But I don't know what decision that was to -- to do that. I have a couple of issues. The first issue I have is in the resolution, if -- if everybody has their resolution with them. I want to first ask the -- does the Special Magistrate -- and this is to Miss Ryan -- does the Special Magistrate have a term that they cannot exceed or is it just that they need to be re-appointed every two years?

CITY ATTORNEY RYAN: Are you reading from the resolution or are you asking me that?

COUNCILPERSON THOMAS: No, I'm asking you a question.

CITY ATTORNEY RYAN: Oh, okay. I thought you were referring to the resolution.

COUNCILPERSON THOMAS: I -- I am referring but I'm just asking that question first.

CITY ATTORNEY RYAN: It depends on which Special Magistrate you're talking about. But the Code Enforcement, I believe that the code provides that the Special Magistrate can serve for no more than two years. And then, of course, a re-appointment -- it would -- they would have to come back to City Council for approval.

COUNCILPERSON THOMAS: So they can serve more than two years, they just have to be re-appointed every two years?

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: Okay. So my issue is not with Corey Smith in this because Corey Smith was brought to the Council for appointment. Now it may have an issue to do with he never had a contract. I don't know what that's all about. But that, to me, can be -- can be done. But in the resolution where it says, and I believe it's the -- the second and third -- I'm sorry -- one, two, three, four, five, six, seven, eight -- the ninth and tenth whereas. The ninth whereas is "Whereas the City Council finds the continued retention of Corey Smith and Diane Bigot as Special Masters for the City and Code Enforcement hearings, Unsafe Building hearings and other City hearings, in the best interest of the City and serves as a -- serves a valid public purpose." In that whereas, I have an issue with Diane Bigot.

The -- the tenth whereas, it says, "The City Council hereby confirms and ratifies staff's appointment of Attorney Diane Bigot in 2008 and re-appoints both Corey Smith and Diane Bigot by agreement. Said agreements are attached hereto." What does this, "The City Council hereby confirms and ratifies," what is the significance of that being inside of this particular resolution?

CITY ATTORNEY RYAN: Okay. Well, let me first, in addressing this question, I would like to just address some of the comments that were made as a part of it. Miss Larson raised the issue about the -- at the last meeting, we were going to come back and resolve the legal issue. I had already spoken about the legal issue and I did tell the Council I would send you a memo. I have provided you with that memo and this resolution was written by me and one of the things that I try to do in my resolutions is to tell the story. And I've told the story about Miss Bigot and Mr. Smith. There were some comments that were made about 2005. The point about the 2005 date is that that's when the Special Magistrate program started. Miss Bigot did not become a Special Master until 2008.

The former magistrates, we believe they were Miss Ansay and I can't remember the gentleman's name. But they're -- they've been gone for quite a while. They were the -- the first Special Magistrates for Code Enforcement. In fact, I think Miss Ansay was for Unsafe Buildings. So let me just -- let me take her name out of that. But anyway, what the -- as I've stated before, the case law provides that the issue of a Special Magistrate -- well, the case law does not talk about Special Magistrates. The case law talks about judges who have been found to be de facto judges when there was some irregularity in their positions.

One of the cases that I cited is a case where a judge was not assigned to a certain circuit but he went to work in a different circuit without the chief judge transferring him. You had criminal defendants. One was a -- a person who was going to be put to death. He challenged that assignment because it was not appropriately done and the Supreme Court of Florida found that, yes, he's correct on that. But because this judge had all of the qualifications, we're going to find that he was a de facto judge and not a technical de jure judge. There have been numerous cases that have followed that --

COUNCILPERSON THOMAS: Miss -- Miss Ryan. I don't want to -- I don't want to get to that part yet.

CITY ATTORNEY RYAN: Oh.

COUNCILPERSON THOMAS: I do want to discuss that.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON THOMAS: But not yet. I -- my question was --

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: -- for that tenth whereas --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: -- the --

CITY ATTORNEY RYAN: -- so --

COUNCILPERSON THOMAS: -- "City Council hereby confirms and ratifies".

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: Why are we being asked to confirm and ratify an appointment from 2008?

CITY ATTORNEY RYAN: Because we're being very technical. It doesn't have to be there but it would -- I would prefer that for going forward purposes, that the Council say, "You know what? Miss Bigot had all the qualifications. Here's her resume and but for the fact, if she had been brought before this Council, we most likely would have approved her."

COUNCILPERSON THOMAS: Okay. That's where I have the problem. She wasn't brought before this Council.

CITY ATTORNEY RYAN: That's correct.

COUNCILPERSON THOMAS: So that is a -- that is an issue for me. I don't want to confirm or ratify something that I feel is wrong. So for the purpose of this particular resolution, I would like the board to consider removing that total whereas. That's first, while the board is -- is thinking about that. The other thing that I want to -- to talk about, you briefly touched on it. In reference to all of the fines and liens that were -- that were derived or as a result of Miss Bigot's service, I don't have an issue with Miss Bigot, the attorney. I -- I don't think that I know her. But I'm sure this is -- for me, it's not about her qualifications.

My issue is if she wasn't -- if she wasn't appointed by the Council and it clearly states in 2235, subsection J as you have in your memo, "That the City Council shall," and shall, to me means, they must -- they shall do it. I think that in some form, that we did not -- we did not do as we should've done as based on our code. We can't violate our code ourselves. My issue with this is that Miss Bigot should have known that she should have needed to be appointed by the -- by the board. So if you're not really taking our codes -- if you don't know our codes, but you're sitting as our Magistrate, that's an issue for me.

So I don't know, does she work for a law firm? Was this her -- just a independent attorney or --

CITY ATTORNEY RYAN: Her resume is included and she has her own law practice. She was the City Attorney for Opa-Locka for many years.

COUNCILPERSON THOMAS: Okay. But -- so she -- she's taken this position based just on her law practice and for whatever referrals or -- or however she it, is -- is based on her -- she's not connected to any other law firm or anything like that?

CITY ATTORNEY RYAN: No, sir.

COUNCILPERSON THOMAS: Oh, okay. Well, what I'm also asking my colleagues, in addition to that tenth whereas, I'm also asking my colleagues to any Code Enforcement actions that were done by Miss Bigot, to be reversed.

CHAIRPERSON DAVIS: What the --

COUNCILPERSON THOMAS: Now let -- can --

CHAIRPERSON DAVIS: Oh, I thought you were getting ready to make a motion or something.

COUNCILPERSON THOMAS: No, no, no. I -- I haven't -- no.

CHAIRPERSON DAVIS: (Inaudible) everybody else. You --

COUNCILPERSON THOMAS: No, no. I'm -- I'm not making a motion at this point. I'm just asking my colleagues to --

JR: Okay.

COUNCILPERSON THOMAS: -- consider this. Any of those actions that was done by Miss Bigot, to be reversed, wiped out, clean. Whether the properties are in compliance or not, I would like this board to just get rid of them all. Whether it's $10 or a million dollars, I want to see them all go.

Now let me tell you why that is. And that could have a rippling effect. And to be totally honest with you, I told and thought about it on both ends. I can't tell you in absolute

honesty, how far that will go; what type of ripple that will be; what financial impact that will be, you know, to the city.

But what I'm most concerned about is I think that we were wrong. I think that it would be the right thing to do is to all these fines, all the liens, whatever's been done by this particular Magistrate, be reversed, period. With -- without question, just take them away. Now I don't know what all that would entail and you would have to do some due diligence -- I'm speaking to the attorney and the rest of the staff now to see what that all entails, but I think we should.

Third, what I would like for us to do is not re-appoint Miss Bigot or anybody that had anything to do --

MAYOR MASTERS: Uh-huh.

COUNCILPERSON THOMAS: -- with this particular --

MAYOR MASTERS: Yes.

COUNCILPERSON THOMAS: -- this particular incident regarding this. This is not a slap on staff and it's not a slap on Miss Bigot. But we have a duty, I believe, to correct something that I think is egregious as this. This was, you know, a -- an issue. And, you know, I've already spoken with Miss Ryan, and -- and gave her my, you know, what my intentions was in regards to -- to -- to her.

But I -- I do think that we ought to take those -- those four things that I asked about into consideration. So let me recap. The first thing I would like for the Council to consider to take out of this is the tenth whereas that's in this resolution, that just merely states that we hereby confirm and ratifies staff appointments from 2008. I have a real issue with that. Now if we want to ratify and appoint anybody from this point on, I have no problem with that and I actually think that it should be. But I have a problem with ratifying something from 2008 that we did not even know exists.

The second thing what I would like for us to do is not re-appoint Miss Bigot or any of the attorneys that are affiliated with that, with the exception of -- of Mr. Smith, who was appointed --

CITY ATTORNEY RYAN: They're the only two. They were the only --

COUNCILPERSON THOMAS: -- by -- by the -- by the Council. Okay.

CITY ATTORNEY RYAN: Yeah.

COUNCILPERSON THOMAS: No problem. By the Council. Thirdly, I would like to forgive, reverse, any and every Code Enforcement fine, citation, whatever took place or whatever was served upon the residents during that time that she presided off of, no matter what the cost is. So I know we have an amnesty program but I'm saying no amnesty, no -- they -- it -- it's just gone. Now if we need to start over, that's fine, and I think that we probably should. But at this point, they need to be gone. They need to be

gone, period, all the way through. So those are my comments on that. And one last thing. I'm concerned -- and this is to Miss Jones -- I'm concerned on -- if -- if we don't have a contract or resolution, how were we expending funds to these particular attorneys. How was that being done?

CITY MANAGER JONES: Well, if I recall for Mr. Smith, he was under the board -- board appointments in accordance with the code -- the code regulations.

COUNCILPERSON THOMAS: Well, Mr. Smith, I'm not so much --

CITY MANAGER JONES: And that's where --

COUNCILPERSON THOMAS: -- because he -- he obviously had some type of resolution. I get it.

CITY MANAGER JONES: Yeah.

COUNCILPERSON THOMAS: He still should have a contract but he had a resolution, so I can understand that.

CITY MANAGER JONES: Yeah, yeah.

COUNCILPERSON THOMAS: What I'm speaking of Miss Bigot. How was she paid if there was no resolution or contract?

CITY ATTORNEY RYAN: Let -- let me answer that --

CITY MANAGER JONES: Okay.

CITY ATTORNEY RYAN: -- Miss Jones. When we hire attorneys, and I -- I have tried to give this explanation before as to why I think this occurred. When we get sued with cases, we enter into -- we get retention letters from the attorneys or I give them a Standards for Legal Services, which operates as a contract. And it says, You are being retained by the City of Riviera Beach for -- for this case. You were charged this hourly rate. You will bill us on a monthly or quarterly basis and it outlines everything. It says you have to have this amount of insurance, blah, blah, blah, blah. It goes down.

And so she got those Standards, just like all the other attorneys instead of being brought to the Council. It was -- I'm assuming it was just a mechanical thing that we did because we do it, you know, we get lawsuits -- we get a lot of lawsuits. And, you know, while -- and I'm gonna ask for the floor again because I do want to address the issue of forgiving the liens. But back to that, so she got a Standards for Legal Services.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: And that's what was --

COUNCILPERSON THOMAS: Please address forgiving the liens 'cause that is one of the --

CITY ATTORNEY RYAN: Okay. Well, you know, I know that you are concerned about your constituents. But I want to also bring to your attention that we are in litigation with several commercial and rental property owners. We have foreclosures with Code Enforcement liens on that we're in active litigation with. We are right now in settlement negotiations with DOT for a lot of money over some of these -- over water and sewer liens, Code Enforcement liens. One of the residents brought up Schooner Inn.

We entered into an agreement with Schooner Inn that they did not -- they breached the contract. And this board authorized us to file suit against Schooner Inn. We are in the process of drafting the complaint right now. If you forgive -- I don't know if -- I -- I believe that Miss Bigot was the Special Magistrate on that case. But you put into jeopardy all of these foreclosure cases, all of the DOT cases, all of -- definitely Schooner Inn. We have developers coming to us right now, to the City Manager's office, who want to purchase property in the city and they are willing to pay the city a substantial amount of money for the liens that were on the property.

And I -- I want to make this comment because I know you already said that you don't, you know, Miss Bigot, you -- you don't have a problem with her qualifications. But Miss Bigot has been a stellar Special Magistrate for this city. The city, and I heard Miss -- well, Reverend Evans talk about the process and refining them. There is always room for that. And I think staff welcomes that.

Because of this incident, I have been in close contact with Miss Moore and the Manager, and we've talked about some of those things. But the city is, you know -- Council's in a -- a quandary, because on the one hand, you want enforcement. I had a meeting with Commissioner Mitchell from West Palm Beach and her interim City Attorney regarding chronic nuisance abatement. This is something that staff has been working with to bring back to the Council to try to deal with Code Enforcement issues in a way that would help the property owners and accomplish the goals of the city.

But doing something like this, and, you know, again, this is -- it's -- it's for the Council to decide. But there will be a lot of ramifications and I would say unintended consequences if you -- you want to help out the -- the elderly; you want to help out some of your residents. But you can't pick and choose and you will be putting the city at a serious financial --

COUNCILPERSON THOMAS: Oh, okay. I -- I heard you say that. But we didn't put the city at the --

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON THOMAS: -- the staff did. So when you come back and say "if we make this decision, then we will be causing these actions," the action is caused by the staff not following the code. If the staff had followed the code and brought the person here for us to be -- for us to appoint them, then everything would be fine. My issue now is you're saying, "Hey, if you do this, it's going to be a huge problem." Well, if we don't do it, it's still going to be a huge problem and it still does not ratify -- let me not use the word ratify -- it still does not satisfy my conscience that we have done something wrong and we need to correct it.

Now if you have another way of correcting it, then fine. But just saying we're going to ratify this, which I am 100 percent, absolutely opposed to, and -- and just going on with it, I -- I just don't think that that's right. We need to forgive these loans [sic]. Now if you want to say, Hey, listen, we just do it for residential -- I don't know how that's going to play out, you know -- you know, in -- in a legal matter, but I'm -- I just can't sit here and just say, "Okay. Well, if you do this, this is going to happen." I know it's going to be some ramifications. But the ramifications should and will fall back on staff. It's no way in the world that you could say, You know what? You gotta fix this, but if you fix it this type of way, you know, you're going to have a problem.

The one thing that really bothers me is that no one from staff, no one from the attorney's office, no one came and said, Listen, this is such an egregious matter, I think that we should do this. We're looking at this. We've contacted other attorneys. We've contacted somebody. Here is what we should do. But it's been left to the decision-makers, the policy-makers to come up with a way to figure this out.

It needs to be done. And all of the -- the -- all of what may come of this, we have to deal with. But I can assure you this, that if we don't deal with it, it's going to still be dealt with in another forum and it's going to be back here and we're going to probably be paying millions and millions and millions of dollars. That's all, Madam Chair.

CHAIRPERSON DAVIS: Any other questions or comments?

COUNCILPERSON T. DAVIS: Yes.

CHAIRPERSON DAVIS: Mr. Davis.

COUNCILPERSON T. DAVIS: Why we ask all these questions to our -- our legal attorney, as been admitted, there was some errors and some things that were done to violate our policies. Asking Miss Ryan at this time, I -- if it feels like it would be a conflict of interest because she's involved into the situation. And her opinion at this time could be treated as biased versus the city or versus her -- protecting her interests versus the city interests. I'm not saying she's doing that.

I like what you recommended, Councilman Thomas, but I think we really do need some legal, outside counsel advice on how we're going to move forward and a financial situation to figure out what's the -- the safest way we can go to protect this great -- I mean, this unfortunate tragedy that -- that is happening before us on this board.

Like you say, it was a problem that we now have to correct. It was -- something wrong was done. We gotta make it right. But who do we get our legal advice from moving forward on this particular situation here. Because we have to make sure that we're making the right thing for the best interests of the process. The process was violated. We all can -- I'm pretty sure we can agree that it was violated.

Now we have a tough decision to make. We need to discuss today on how we want to go and reach out to outside counsel to make a smart, legal decision. As you pertained about eliminating those code liens, wiping them out, how would that effect the cases that we are in -- have pending now that Attorney Ryan has stated that we're in court with

now. How would it effect those cases? How would it effect the cases for those who already paid fines? Do we have to pay them back and interest? I'd just like to hear from the board. What type of recommendation that maybe we can do with reaching out to outside counsel to assist us with -- through this process. Because this is something that's been moving since 2008 and it's piled up over the last six years. And this -- this is a storm we're going to have to weather, but we gotta make sure we move step-by-step to do the right thing with this process.

I'd just like to hear from the board. How do they feel about reaching out to outside counsel some way to help us through this process?

CHAIRPERSON DAVIS: Any other questions or comments?

COUNCILPERSON GUYTON: Well, Madam Chair.

CHAIRPERSON DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Let me first preface my comments -- I don't know, is my mic on?

MAYOR MASTERS: Yeah.

COUNCILPERSON GUYTON: Okay. Okay. Let me preface my comments with the statement that all of us are public servants. We're not perfect servants. If there is an -- an issue identified, we need to deal with it head on. I have not lost -- and I'm not saying that anyone is suggesting this -- I have not lost confidence in our attorney. I still support her. As issues arise, we have to deal with them. Clearly, something was not properly done as it relates to the Magistrate. It has to be dealt with. Our attorney has written a memorandum suggesting how we may deal with it.

Personally, I have no problem with the suggestion that my colleague made with respect to getting an outside opinion that Councilman T. Davis made. But at this point, I'm not ready to take any drastic actions and start doing a whole lot of things without having something else to corroborate that that would be the appropriate move. It may end up being that. I don't know. But that is not at this point what I'm prepared to do. And certainly whatever we do needs to comply with the law. I -- I don't, you know, and I know that there are people who don't like and never have -- never have liked our City Attorney. So they're using this as an opportunity now. This is our chance. We can go get her now. I'm not buying into that.

But I'm not going to cover or condone anything that might have been done wrong. But I'm not fixing to throw my City Attorney under the bus. That is not going to happen. So if the Council would like to get an outside opinion, I would support that. But that is as far as I'm going tonight with respect to this issue.

I won't be supporting eliminating anything, throwing something out. That's -- the -- I -- I just think it's premature. That's just my humble opinion and, again, I still have full confidence in the City Attorney and there are issues that need to be addressed and I'm prepared to do that. So that is as far as I plan on going tonight. If we would like to

decide on getting an outside of opinion of how to deal with this, I'm okay with that. But beyond that -- I won't be supporting anything beyond that. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Thank you, sir. Any other questions or comments?

COUNCILPERSON T. DAVIS: Madam Chair.

CHAIRPERSON DAVIS: Mr. Davis.

COUNCILPERSON T. DAVIS: Councilman Thomas, you stated that you would like to have these things thrown out. I truly support what you -- what you were say -- what you were stating. The major concern I have as we move through this process -- you have my full support on that. As we move through that process, is who is going to represent us on this particular process. This is a very sensitive item. It should have never been on a consent. It should've been on the regular agenda. This item is going to effect a lot of things moving forward, coming up in the future. I mean, because everybody's watching to see how we handle this situation.

I -- you can have all the confidence in all the staff in this city. I give staff confidence. I allow them to do their job. I try to stay out of their way. But I recall when I recently ran for office, and this issue is very relevant to this item talking about a State Statute, there were some things with my Treasury Report that someone had reported to me to the State of Florida. I wasn't -- I codified it. I amended those -- those mistakes. It was me running for office, trying to do the right thing. But people fought and tried to get some fines imposed. Went before the Florida -- Florida State Statute and what they said was, "Even though you violated a law, you're not knowing it, but you messed up and you're going to learn from this mistake and this is what we're going to do to you." That was a lesson for me. They didn't know me from a can of paint. They just treated me as someone who come before their board that violated a policy, a State Statute.

There's been some Statutes violated here. There's no way of hiding behind it I'm not fixing to play politically correct. It happened. No one on this board can avoid it. Unfortunately, Miss Ryan is in a tough situation. I would like to know from Miss Ryan at this time, how did you miss that process?

CHAIRPERSON DAVIS: Let me just say something here.

COUNCILPERSON T. DAVIS: I'm -- hold -- hold on. I have the floor.

CHAIRPERSON DAVIS: Yes, you do.

COUNCILPERSON T. DAVIS: And I'm talking to the attorney. You cannot stop me in the middle of my questioning process, Madam Chair, to do this. I'm asking Miss Ryan how did she -- how did she -- how did we get to this point?

CHAIRPERSON DAVIS: A simple mistake.

COUNCILPERSON T. DAVIS: There was a process. She has -- she did it right with -- with Attorney Smith. What happened on this situation? I'm just asking the question.

CITY ATTORNEY RYAN: And I -- I tried to address this issue before --

COUNCILPERSON T. DAVIS: Okay.

CITY ATTORNEY RYAN: -- at the last Council meeting. I don't know how it happened. As I stated to you, there were several before who were brought to Council -- before any of you were on this Council.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: There was -- there were -- there was Mr. Smith who was brought after. But he was brought under the Unsafe Building Ordinance which we had just really done. And so we looked at that one and we brought him here. If -- and that's why his is not limited to two years. Because under the Unsafe Building Ordinance, it has no cap in your years of service.

I really do not know how it happened. When the issue came up, we researched, we looked through the minutes. I thought it was -- she had been approved correctly. We don't -- it -- it was not -- somebody in the audience said it was deliberate. I take offense to that.

COUNCILPERSON T. DAVIS: There wasn't on the record so just -- just focus on --

CITY ATTORNEY RYAN: Well, I'm putting it on the record --

COUNCILPERSON T. DAVIS: Yeah. To put --

CITY ATTORNEY RYAN: -- because I heard it.

COUNCILPERSON T. DAVIS: Public didn't hear it. So --

CITY ATTORNEY RYAN: Well, they heard it now.

COUNCILPERSON T. DAVIS: Yeah.

CITY ATTORNEY RYAN: It is a -- it -- it -- I do take offense to that. I've said it before. I have worked for this city for a long time. I don't do anything underhanded. I don't hide things. When the issue came up, I didn't wait for you all to bring it up. I brought it to the Council. I brought this issue to the Council and explained the issue. My agenda item explains the issue. Somebody put out an email that I wrote saying exactly what I was going to do. I told the Council I would bring -- at the last meeting, I said how I would deal with this issue. That I would bring contracts to the Council. I told you then and I'm saying it now, that it -- they are de facto Special Magistrates, whether you choose to believe that or not is up to you. I have no problem with the outside counsel. Why would I have a problem with that?

Of course, if you want to have somebody to give you an independent view of it, you most -- of course, you can do it. And if that will make the Council feel better, but I think no matter what the answer is, the Council -- certain members of the Council already feel

-- already know where they want to go. Whether it's legal or not. And you can certainly do that. But to couch it in terms of the legality of it when -- when I've given you a memo that explains the law as I understand it in Florida. One of your members talked about his legal team. Say the names and I'm happy to give them a call. I will give them a call tomorrow.

But, you know, I've expressed at the last meeting, you can look at the minutes, and I've said it tonight, it was an oversight. I don't know how it occurred. My assist -- this was 2008. All we could do is go back and look at the files, look at the minutes, look at the emails.

COUNCILPERSON T. DAVIS: Oh -- okay.

CITY ATTORNEY RYAN: We couldn't find some of the records on some of the others because they're gone. We don't keep -- under public records, you don't have to keep records indefinitely and we don't have the space for it, so we don't.

COUNCILPERSON T. DAVIS: Well -- well, let me ask this question. So what happens? They submit a resume to you -- to your -- the attorney, that young lady. What's her name again? I was -- I don't want to --

CITY ATTORNEY RYAN: Miss Bigot.

COUNCILPERSON T. DAVIS: Miss Bigot. So what -- what happens when that vacancy comes up? She submits it, an -- a resume to you and then what happens?

CITY ATTORNEY RYAN: Okay. In this instance -- well, you want to know what's -- what was supposed to happen --

COUNCILPERSON T. DAVIS: I just want to know --

CITY ATTORNEY RYAN: -- or what happened in this case?

COUNCILPERSON T. DAVIS: -- what happened in this situation?

CITY ATTORNEY RYAN: I was told by whoever the Code Administrator was, that they needed a Special Magistrate.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: And we called certain attorneys to ask if they had any names and Miss Bigot's name came up.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: She, I don't know how she came to us, but we took her resume. And, as I said, with other cases -- we have our -- our attorneys that we use -- we hired her. There's no record that this issue even came up and she was given the typical Standards that we give all of the attorneys for cases.

COUNCILPERSON T. DAVIS: But my question is, okay, so you just hired her and just sent her to work. At -- at no point -- I know with Smith you got it right. You hired Smith, correct?

CITY ATTORNEY RYAN: Right.

COUNCILPERSON T. DAVIS: He came before this board.

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON T. DAVIS: How did you get to that process to get Smith before this board.

CITY ATTORNEY RYAN: As I said, that was under the Unsafe Building procedure and Miss McKinney is over that -- Miss Moore is over Code Enforcement and Miss McKinney is over the Unsafe Building hearings. When -- when the Special Master for the Unsafe Building hearings, I don't know if she quit or whatever. We pulled up -- we pulled out this -- the -- the -- the Ordinance and we did an agenda item and presented Mr. -- Mr. -- Mr. Smith to the Council. There was no -- there was no magic about it.

COUNCILPERSON T. DAVIS: No, no. I'm -- I'm not asking about the magic. I just want to just, you know, I heard a little bit what you talked about in the last meeting --

CITY ATTORNEY RYAN: But I -- but -- right, right.

COUNCILPERSON T. DAVIS: -- in referencing to this process. My just concern was, okay, you got it right with -- with Smith. You know, he was brought before a board and this time, why wouldn't we follow the same thing? Even if -- even if the -- the process is still the same. It's the full -- if the Statute stays the same, why don't we follow the same Statute regardless of --

CITY ATTORNEY RYAN: It's not a Statute. They're different. This is the -- these are the City's Codes.

COUNCILPERSON T. DAVIS: Okay, codes.

CITY ATTORNEY RYAN: And we have different codes and one of the things I talked about was trying to make them say the same thing.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: There's the red lights -- we just passed the Red Light Camera Ordinance.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: And that ordinance says that the Special Magistrate that you use for Code Enforcement, has to be used for Red Light Cameras.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: But each one of them says something different. We were working on proposing to the Council that we hire a Special Magistrate to do Zoning Board of Adjustment issues. I, personally, am in the process of doing an ordinance that completely turns the ZBA into a Special Magistrate process. And that Special Magistrate has to have specific -- a specific resume. It has to be for land use and zoning issues.

COUNCILPERSON T. DAVIS: Uh-huh.

CITY ATTORNEY RYAN: So that was going to be brought to Council. But what I'm concerned about is that we have all of these different ordinances that say different things. And listen, I'm not perfect. I just -- I don't know what happened.

COUNCILPERSON T. DAVIS: And -- and -- and I'm just --

CITY ATTORNEY RYAN: And I -- you know, I don't --

COUNCILPERSON T. DAVIS: -- and I -- and I truly understand that. When, as you move through the process with each ordinance that come before all these codes, do you read every --

CHAIRPERSON DAVIS: Can we please --

COUNCILPERSON T. DAVIS: -- code ordinance as you move --

CHAIRPERSON DAVIS: -- keep it down just a little bit. Thank you.

COUNCILPERSON T. DAVIS: -- through each process, did you read this one?

CITY ATTORNEY RYAN: At that time?

COUNCILPERSON T. DAVIS: Yes.

CITY ATTORNEY RYAN: I have no idea. 2008, I have no idea. But I'm not over Code Enforcement, so I don't regularly look at the Code Enforcement Ordinances.

COUNCILPERSON T. DAVIS: No. My -- my question is, okay, Miss Moore -- Miss Moore, she's not here. But she calls you. She said, Miss -- Attorney Ryan, I need another Magistrate. You -- at some point, do you all sit down and have a conversation about how are we going to hire this person?

UNIDENTIFIED SPEAKER: What --

COUNCILPERSON T. DAVIS: Or you just -- she just call you and say, Hey, you just hire 'em. Do you all ever come together and sit down and talk about your process as you move forward? 'Cause it seems like there's a big separation as you explained it. Does -- do you two get together and say, Hey, you know, let's sit down and figure out

how we're going to do this. Who are we going to hire; what are you looking for; the application process. Do you -- have you all ever done that, you and Miss Moore?

CITY ATTORNEY RYAN: I don't, you know, was Miss Moore here in 2008? I -- you -- Miss --

CHAIRPERSON DAVIS: Yes. Yes.

CITY ATTORNEY RYAN: You know, I --

COUNCILPERSON T. DAVIS: She was here.

CITY ATTORNEY RYAN: -- okay. I -- I don't -- I'm -- I'm -- I won't comment on that because I don't recall us -- I can't recall 2008 with Miss Bigot. But if Miss Moore has an issue about Code Enforcement, then we will talk about it or we will meet about it.

COUNCILPERSON T. DAVIS: No. On this -- on this. Specifically addressing this process here. When you -- if I call you and say, Hey, Miss -- and this -- you -- you handle attorneys --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON T. DAVIS: -- 'cause that's your profession, that's what you do, and she handled the Code Enforcement. All legal documents that are binding through the city and through the Code Enforcement, you all should be on the same accord. Am I correct?

CITY ATTORNEY RYAN: If -- right, yes.

COUNCILPERSON T. DAVIS: You -- you get what I'm saying?

CITY ATTORNEY RYAN: If we're bringing something to Council, absolutely.

COUNCILPERSON T. DAVIS: Yeah. Here -- here -- here's my thing. This is going to be a very expensive lesson. There's no way out of it.

UNIDENTIFIED SPEAKER: That's right.

COUNCILPERSON T. DAVIS: All right.

CHAIRPERSON DAVIS: Please let's keep our comments down, please.

COUNCILPERSON T. DAVIS: This board has to decide -- this is nothing to say that I don't have trust in my City Attorney, but I just have to do the right thing. I can't allow you to represent yourself when we're trying to do something here, okay?

CITY ATTORNEY RYAN: That's fine.

COUNCILPERSON T. DAVIS: All right. I do want to have discussion or to hear from this board on how we're going to move through that process so we can address these issues. But with all that being said, I had a very expensive lesson to learn and at some point in life, we all had in our individual lives, whether it was with our families, with our own personal business. We made some -- and it -- it paid really hard. But there was something in that process that reminded you that this should not ever happen again. What I'm going to recommend at this time --

CHAIRPERSON DAVIS: Um --

COUNCILPERSON T. DAVIS: Hold on. You -- you --

CHAIRPERSON DAVIS: -- you know, everybody hasn't even spoken --

COUNCILPERSON T. DAVIS: -- Madam -- listen. I'm -- I'm --

CHAIRPERSON DAVIS: -- Mr. Davis.

COUNCILPERSON T. DAVIS: -- not fixing to put a motion on the floor.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON T. DAVIS: I said a recommendation.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON T. DAVIS: You know, I -- I'll -- I'm going to stop. I'll just wait and hear -- see what everybody else got to say.

CHAIRPERSON DAVIS: Okay. Any other comments, questions? Mayor.

MAYOR MASTERS: Yes. Thank you, Madam Chair. Madam Manager, you -- you were here at the last Council meeting?

CITY MANAGER JONES: Yes, sir.

MAYOR MASTERS: Okay. You are aware of the discussion and the controversy, if I can use that word, concerning this issue?

CITY MANAGER JONES: I was aware that -- and present for the discussion, yes, sir.

MAYOR MASTERS: Okay. And you heard from different citizens and others concerning the -- these liens, correct?

CITY MANAGER JONES: I heard that today, yes, sir.

MAYOR MASTERS: Okay. Well, today.

CITY MANAGER JONES: Yes, sir.

MAYOR MASTERS: But in the last Council meeting, I think Councilperson Thomas discussed this issue and brought some points up that you are aware of because you were there. So my question is having been there and having heard that discussion, who put this on consent agenda?

CITY MANAGER JONES: The -- the whole placement of the -- the item on the agenda, I'll take the fault for that. The departments put in their respective items. Sometimes I catch them; sometimes there's conversations; sometimes they're not. So out of the 25 items on this particular agenda, I read the content. I don't read what -- I have no problems in accepting responsibility for that.

MAYOR MASTERS: So the -- the answer is that you put it on. As City Manager --

CITY MANAGER JONES: Ultimately, we publish the agenda, yes, sir.

MAYOR MASTERS: No. I'm not talking about that. I'm not talking about publish. Who put this item under consent agenda? I'm just asking this question that -- that do you know? Well, let me ask another question. Do you know who put this on?

CITY MANAGER JONES: Miss --

CHAIRPERSON DAVIS: She put it -- she put it on the agenda, I approved it to go out.

MAYOR MASTERS: Madam Manager. I'm sorry.

CITY MANAGER JONES: The -- Miss Ryan put the item in the system. Every department puts their own items in the -- in the system.

MAYOR MASTERS: Okay.

CITY MANAGER JONES: The agenda is published, well, the draft is presented and -- and cleared. Here are the items to go on the agenda.

MAYOR MASTERS: Okay.

CITY MANAGER JONES: So if you're asking was I aware it was on consent? Yes, I was aware of that.

MAYOR MASTERS: Okay. Madam Chair, did you say you approved it?

CHAIRPERSON DAVIS: Yes --

MAYOR MASTERS: I mean, did you say you --

CHAIRPERSON DAVIS: -- I approved it to go out. There's always an opportunity to pull it off if someone wants to.

MAYOR MASTERS: Okay. I just wanted to know if you approved it.

CHAIRPERSON DAVIS: Yes, I did.

MAYOR MASTERS: Okay. Madam Attorney, I have a question. On -- I apologize for my voice but usually two or three days preaching two or three sermons on Sunday, this is what happens. But I want to ask you about the de facto -- the doctrine of de facto as you have explained it.

CITY ATTORNEY RYAN: Yeah.

MAYOR MASTERS: I understand it. But once again, would you just briefly, for the public understanding of what the de facto doctrine is, can you just briefly state that? 'Cause I want to ask a question about it.

CITY ATTORNEY RYAN: Okay. I'm going to read it. So that --

MAYOR MASTERS: Okay.

CITY ATTORNEY RYAN: -- I'm not --

MAYOR MASTERS: That's fine.

CITY ATTORNEY RYAN: All right.

MAYOR MASTERS: You -- you -- you may.

CITY ATTORNEY RYAN: This -- this is what I wrote in my memo. "The Florida Supreme Court discussed the difference between a de facto -- one who serves in a de facto capacity versus one who serves in a de jure capacity. Stating that, "A de jure officer has the lawful title without possession of the office while a de facto officer has the possession and performs the duties under color of title without technically," I'm sorry, "without being technically qualified to act. In other words, a de facto Special Master or Judge is one who functions under the color of authority but whose authority is defective in some procedural form." And I cited two cases. You want me to keep going?

MAYOR MASTERS: I -- I do.

CITY ATTORNEY RYAN: Oh.

MAYOR MASTERS: To, "Moreover, the official acts of a," the last sentence there.

CITY ATTORNEY RYAN: Okay. And then I cited the Sibley case defining a de facto officer as "one who, while in actual possession of the office, is not holding such in a manner prescribed by law. The de facto doctrine was engrafted on the law as a matter of policy and necessity to protect the interests of the public and individuals involved in the official acts of persons exercising the duties of officers without actually being officers in strict point of law. Moreover, the official acts of a de facto judge are valid and the failure to timely object to a de facto judge's authority constitutes waiver of that issue."

MAYOR MASTERS: Okay. And that's my question.

CITY ATTORNEY RYAN: Case cited.

MAYOR MASTERS: That -- that's my -- my follow-up question. So based upon the moreover, the official acts of a de facto judge, if that had come to the attention of the board in a timely manner, then that would not have waived the issue? I mean, right? If -- if the board had known this in a timely manner --

CITY ATTORNEY RYAN: No. That's not what that means.

MAYOR MASTERS: What does it mean then?

CITY ATTORNEY RYAN: Okay. And I cited the --

MAYOR MASTERS: It says --

CITY ATTORNEY RYAN: -- and I cited the case. Let me give you the example in the case. The criminal defendant who was sentenced to death, raised the issue -- he had a lawyer who -- on another appeal. He said -- he went through and he raised the issue while -- right, like, in the eleventh hour; they were going to put him to death the next day. And his attorney said, Hold up. The judge who was on the case was not appropriately over the case. He could not serve because he did not have the chief judge's sign-off when he transferred -- when he -- allowed him to have this case. And you can do that. You can get a -- an official transfer.

And so he filed an appeal on that issue and the court said, You cannot come back at the eleventh hour. You cannot come back. You had your due process. You can't raise -- you may have been able to raise the issue back then when you were first in court. But you can't raise the issue after the fact; after you have gone through all of these appeals and now you're about to be put to death.

By the same token, I would argue and I'm -- we will have an outside if that is the pleasure of this board -- my position would be all of those liens by all of those past people, Schooner and DOT, property owners, all of those liens. They've come before Miss Bigot; she was the Special Magistrate; she got paid for the work she did; her name is on all of these documents. She's a member of the Florida Bar; she's in good standing. She presided over these hearings as a de facto Special Magistrate. You cannot come back five years later, ten years later, after the Statute of Limitations at the very least -- this 2008 -- you cannot come back now and complain that the City Council did not properly appoint her.

MAYOR MASTERS: Okay.

CITY ATTORNEY RYAN: You have waived that issue. That's why I put that part in there.

MAYOR MASTERS: And I understand that's the part that I'm -- I'm -- I'm really focusing on. Because if that had happened within a month or two and --

CITY ATTORNEY RYAN: Well, that's your opinion.

MAYOR MASTERS: Well, that's what you wrote.

CITY ATTORNEY RYAN: I didn't say anything about a month or two.

MAYOR MASTERS: Well, you said "timely manner". Right?

CITY ATTORNEY RYAN: I'm talking about the -- the timely manner for the individual who had the lien or the fine placed on their property.

MAYOR MASTERS: Okay. So my -- my -- my concern is this. Due process. If we did not have knowledge of this as the board and -- that not -- we were not aware and yet it happened. Now what is judicial error? Is that grounds for an appeal, judicial error? When -- when our judicial department says on the record -- and which I totally believe you -- that you -- it was an oversight. Well, be it as it may, if it is an oversight -- it was an oversight, tell me what is judicial error?

CITY ATTORNEY RYAN: I don't know what you're talking about. But --

MAYOR MASTERS: In the appeal -- when a case is appealed -- let's say you lose a case.

CITY ATTORNEY RYAN: Right.

MAYOR MASTERS: And one of the appellant grounds is judicial error. Is that correct?

CITY ATTORNEY RYAN: Well, it -- it depend -- I guess you're talking about some of the rulings of the judge, yes.

MAYOR MASTERS: Yeah.

CITY ATTORNEY RYAN: Okay. Okay. Okay.

MAYOR MASTERS: Okay. And what does that mean, judicial error?

CITY ATTORNEY RYAN: That the judge made a -- an error in making the decision. They didn't follow the law and you are appealing the issue. That you just -- you have the right to appeal it.

MAYOR MASTERS: Okay. So --

CITY ATTORNEY RYAN: Within thirty days of -- of your case.

MAYOR MASTERS: And the Magistrate acts -- the Special Master acts as a judge, right?

CITY ATTORNEY RYAN: Yes.

MAYOR MASTERS: Thank you.

CHAIRPERSON DAVIS: Any other questions or comments?

COUNCILPERSON T. DAVIS: I'll wait till you're done.

CHAIRPERSON DAVIS: Go ahead, sir.

COUNCILPERSON T. DAVIS: Okay. I don't want to be cut off.

CHAIRPERSON DAVIS: It's okay. You have the floor.

COUNCILPERSON T. DAVIS: Have the floor? Okay. This -- this whole process is -- it just -- it doesn't matter who's qualified, it was just the process. That's like someone working in Water and Utility -- that's like the Water to Utility District Director. He's the director. He hires somebody without running them through HR department, they drive a city vehicle and get in an accident, that doesn't change the process -- the fact that we've been paying him for -- and they didn't go through HR, through the hiring procedure. This is the same thing.

The only difference with this is, is this is contractual. My thing is we have to nip it here with our process. Staff in all departments, must know that we can't continue popping people on the wrist. I'm waiting to see before I say what I have to say, my recommendation, because I don't want to make sure that everyone has some input at this time. But -- and I want Miss Ryan to -- to really understand why -- not understand, just really -- this is why I'm with this, Miss Ryan.

This is a professional decision. At this time, I'm going to make a recommendation and a motion on the floor, to have you suspended for ten days without pay. We have to do something at this time to make sure that all staff know, went wrong is wrong. You cannot change directions and change the rules when you break them, okay? You -- at some point, someone, whether this wins or not, I have to put that on the record. I'm just putting the recommendation and the motion of the floor to have Miss Ryan suspended for violating --

CHAIRPERSON DAVIS: Mr. Davis.

COUNCILPERSON T. DAVIS: -- our code --

JR: I -- I'd like to make some comments.

COUNCILPERSON T. DAVIS: Well, I asked you do you have something to say?

CHAIRPERSON DAVIS: Well, I told --

COUNCILPERSON T. DAVIS: And you didn't say anything.

CHAIRPERSON DAVIS: -- you to go first. (Inaudible).

COUNCILPERSON T. DAVIS: Hold on, hold on, hold on, hold on. You didn't say "go first."

CHAIRPERSON DAVIS: Yes, I did.

COUNCILPERSON T. DAVIS: Madam Chair --

CHAIRPERSON DAVIS: Okay, well --

COUNCILPERSON T. DAVIS: -- with all due respect now --

CHAIRPERSON DAVIS: -- you finished your comments.

COUNCILPERSON T. DAVIS: Now if you keep that up, I'm going to make a motion to remove you as chair if you can't run this meeting right.

CHAIRPERSON DAVIS: Well, you can do so. You can do so.

COUNCILPERSON T. DAVIS: I would like to make a motion to move -- remove --

CHAIRPERSON DAVIS: Mr. Davis, you're out of order.

COUNCILPERSON T. DAVIS: -- Madam Chair, Judy Davis from the chair due to lack of control --

CHAIRPERSON DAVIS: You are out of order.

COUNCILPERSON T. DAVIS: -- in this meeting. Do I have a second?

CHAIRPERSON DAVIS: You are out of order. Fails for lack of a second.

COUNCILPERSON T. DAVIS: I'll get her later.

CHAIRPERSON DAVIS: Now I'll make my comments. I specifically said "go first" and I'll make my comments. First, my first question is how much money would be -- would the total fines be? And my second question would be, based on that figure, where would be -- we be proposing to take the money from? Are you talking about raising taxes or something? Or, I mean, where -- where is it going to come from? I haven't heard anybody say that.

Second, thirdly, there are tremendous amounts of paper that move through these offices. Mr. Davis, please, okay. And -- and mistakes happen. Okay? I remember when there was a time when there was a million dollar check cut at the CRA offices. Council didn't know anything about it. We had to come back and ratify it, over a year later. Because once the city is bound for any kind of services whatsoever, we are responsible -- we have to pay it. Okay?

Now I'm all in favor -- and there, you know, and Mr. Thomas -- and please don't take this the wrong way -- but for the Senior Gala, there were expenses that were expended. Council did know anything about it but we paid it because the city was bound. So, you know, I get HOA leaders from all over the city, who call me all the time about Code

Enforcement issues, okay? And they are telling me they want the city to crack down on people and -- and make them keep up their properties.

So on the one hand, we can sit here and we can ask our City Attorney when it's convenient, when we -- when we really know a legal issue, we'll turn around and say, Miss Ryan, can we legally do this? But then when it's convenient for us and we want to have our way, then her opinion doesn't count whatsoever. So I think this is a political issue.

Now Reverend Dave -- Reverend Evans, love you dearly. You talked about refining our process. I'm all for that. I think that there are some improvements that can be made. But to sit here and, you know, talk about firing the City Attorney and -- and all this kind of stuff, I'm not with that whatsoever. So --

COUNCILPERSON T. DAVIS: Madam Chair, point of clarity. I didn't say "fire", I said suspension.

CHAIRPERSON DAVIS: Or suspend, whatever.

COUNCILPERSON T. DAVIS: Okay. May I ask you a question? Since you brought up the half a million dollars to the CRA, what did you all do to that employee who -- who wrote a check for a half a million dollars?

CHAIRPERSON DAVIS: He was no longer employed.

COUNCILPERSON T. DAVIS: Did you fire him?

CHAIRPERSON DAVIS: He was no longer employed.

COUNCILPERSON T. DAVIS: Did you make -- did you off -- did this board fire him?

CITY ATTORNEY RYAN: He was -- he was already gone.

COUNCILPERSON T. DAVIS: Okay. So you want -- so you did -- if you did -- I just want to know, did you make -- if -- if you're telling me that you're going to allow people to violate any kind of rules and procedures in this city, there's no need for this board to be here if you're not going to do that.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: I'm sorry. Make sure you turn off, um, the mic.

COUNCILPERSON T. DAVIS: Hold -- hold on. I just want to make sure everything gets said on the record. If you're telling me that people can come in this city and work -- we pay them very well. Whether that you like them or not, we still -- when they do good, we have to -- we have to say, Thank you for what you're doing, and keep giving them

the pay raises that they do. If they make a bad decision that has a major impact -- this is not $20,000. This is a multi-million dollar potential class action suit.

UNIDENTIFIED SPEAKER: Right.

COUNCILPERSON T. DAVIS: And you are trying to protect someone. I'm trying to protect 35,000 residents who are homeowners. I made a recommendation. Some people might think I should've made a recommendation to fire Miss Ryan. I made a recommendation for a suspension, ten day suspension without pay. And I think that's warrant considering where we are.

CHAIRPERSON DAVIS: Is that a motion?

COUNCILPERSON T. DAVIS: Yes.

CHAIRPERSON DAVIS: Okay. Is there a second? Dies for lack of a second. Mr. Thomas.

COUNCILPERSON THOMAS: Be it I do think discipline is warranted, not by just Miss Ryan -- not for just Miss Ryan, for who all was involved with this particular issue. I don't, you know, know what would be appropriate. We haven't -- we don't know the level that this is going to -- to be. My feelings of -- of discipline, I've already discussed with Miss Ryan and, you know, what I discussed with her, I still plan on acting in that matter. However, that's only one Councilperson and it will take a board to do whatever needs to be done.

I just want to make sure that we keep the facts and the points where they are. This has nothing to do with a Senior Gala; it has nothing to do with a suspension; it actually really has nothing to do with the fact of who was there that did it; Miss Ryan, Miss Bigot, whoever. The fact is that we have a situation that needs to be corrected and addressed. That's my -- that's my concern.

Now going with the outside counsel -- going with the outside counsel to do what? You know? Going with an outside counsel to say are we at fault? Well, I mean, they're going to use the same case law Miss Ryan did. They're going to use the same, you know, thing Miss Ryan did. And if you get attorneys for somebody else, they're going to argue just the opposite point. This comes down to whether this board thinks that we need to act.

Now I said at the beginning of my statement, I don't really know what the ramifications would be, you know, for this. I don't know how much money it will be. No one has compiled this information to say this is what it will cost the city. Now I heard the Chairperson state that, "Where will we get the money from?" Well, if we collected the money, where did the money go to? You know? So that's my issue.

And let me -- let me just say this, what I believe Code Enforcement should be is for a corrective measure, not punitive. It's silly to have a million dollar or five million dollar lien on a $30,000 house. It's also even more silly to say, Okay. You can't fix this $3,000 issue that you got, but we're going to fine you $250 a day. I get it. It -- it doesn't

make sense, you know? Where are we trying to go with this? So it definitely needs to be revamped.

We have a motion that's on the floor to -- to rehire these people. And nobody said anything about all of those requests that I said, Hey, please look at, you know? Now if you don't think anything is wrong with saying you want to ratify something from six years ago, and, you know, today, something is wrong with that. I don't like saying, We're ratifying something that was wrong. We didn't look at that, you know? We still need to do an analysis to see which one is which. I can guarantee, whether we act or not, legal ramifications are coming.

I'd just rather be on the side of trying to correct what we can correct, period. Whether we act or not, legal ramifications are coming. And I think by not acting, I think -- this is just Cedrick Thomas -- I think we're doing our residents a disservice. We're supposed to be on the side of all of the residents. If we have an opportunity to correct something that's wrong, we should. If Code Enforcement is truly not a punitive measure, we -- we shouldn't care if we gave every dime back. All we want is compliance. We want a beautiful city. We want -- we want the trash not to be out; we want the houses painted; we want the grass, you know, whatever. I mean, a lot of this Code Enforcement stuff needs to put right where it needs to be -- to be in compliance.

So wherever this Code Enforcement money goes to or wherever it went to or whatever was done with it, then that's where we should be getting the money from. The question now remains is, are we going to approve this? And if we're going to approve this knowing that legal ramifications are coming, then I think that we're -- we're -- we're doing ourselves an injustice.

Now, I get it. It's nothing about that's political for me, period. No way in the world is it political. Politics will take care of themselves. Elections will take care of themselves. That -- that happens. Boards go, boards come. Whether I'm here or not at this point, in 2014, I think that this board should do something. I think that we should do something. And I think that Miss Ryan should be a part of the solution of trying to do something that goes beyond saying, Okay, well, we have some cases -- some case law that can protect our position. I get it that's what she's saying.

But I also see in the conclusion in her memo, that she said that she would like to -- well, let me -- let me read it. "As stated previously, the issue of Miss James-Bigot appointment was recently brought to the city's attention when it was raised at a recent Code Enforcement hearing. Without getting into the facts of the case, because the issue was raised at the hearing, the city will be requesting that the order entered into the case be set aside and a new hearing be conducted. Once Miss James-Bigot is properly appointed by the City Council," provided that the City Council do re-appoint her, "otherwise, because of the official acts of the de facto judge" --

CITY ATTORNEY RYAN: And, um, where do these -- where --

COUNCILPERSON THOMAS: It says, "Otherwise" --

CITY ATTORNEY RYAN: Oh -- oh, yes, yes.

COUNCILPERSON THOMAS: -- "because of the official acts of a de facto judge are valid and the failure to timely object to a de facto's authority under Florida law constitutes waiver of this issue. Others who did not raise this issue at their hearings have effectively waived the issue." If we're doing it for one, she's clear -- Miss Ryan is clearly saying that she feels that we should set it aside for this one, why can't we set it aside for all of them that's done? And that's all -- that is all I'm asking. Before you answer, Miss Ryan --

CITY ATTORNEY RYAN: Okay, okay.

COUNCILPERSON THOMAS: -- I'm -- I'm asking the Council -- 'cause this really -- I -- I don't want this to be about Miss Ryan. I want this to be about correcting what I feel is a wrong. If we're willing to set it aside for one, why are we not willing to set it aside for every resident that is going through this? That's all I'm asking.

COUNCILPERSON T. DAVIS: Madam Chair.

CITY ATTORNEY RYAN: Madam Chair. Can I just --

CHAIRPERSON DAVIS: Let her answer first --

CITY ATTORNEY RYAN: Yes.

CHAIRPERSON DAVIS: -- and then we're (inaudible).

CITY ATTORNEY RYAN: I just want to clarify, I'm not disagreeing or -- with anything you're saying, I just want to clarify. The reason I put the waiver issue is because the issue did come up at a hearing and that's when we started researching it. Out of fairness to that person who raised the issue, we are setting it aside because she has not waived the issue but that doesn't mean that we are taking her fines and throwing them in the garbage. The plan was to bring them back in the appropriate way so that we could resolve them appropriately.

I am here to protect this city. You may agree or disagree with the writing of the memo, but this memo and this resolution was -- were both written to protect the city's interests. If you want to do something different, I -- I want to be clear that I don't disagree with that. That's up to this board. But I'm telling you, and -- that, you know, I'm confident in my legal position; I'm confident with the -- the cases I've set out. And you've eloquently stated that this is -- that's not really the issue. The issue is a policy decision by this board. And whatever you need me to do, I will carry out your -- your directive.

COUNCILPERSON THOMAS: I feel that the board should act. I feel that the board should act. This is not about throwing -- well, let me not say throwing under the bus 'cause that would be directly a comment that my colleague made.

CITY ATTORNEY RYAN: (Inaudible).

COUNCILPERSON THOMAS: I -- this is not about -- this is not about just dealing with Miss Ryan because Miss Ryan needs to be, you know, talked to and everybody else,

that time will come. Right now, I am concerned about the residents that have been effected by this, some of which -- some of which -- my -- my mic is acting up again -- but some of which, you know, really don't have the money to continue to -- to take care of these fees. Look, you know --

CITY ATTORNEY RYAN: Mr. -- Madam Chair, if I can just say this.

CHAIRPERSON DAVIS: Go ahead, ma'am.

CITY ATTORNEY RYAN: At any time this City Council can waive any liens. That is -- you know -- that is your --

COUNCILPERSON THOMAS: And -- and that is what I'm trying to get to right now.

CITY ATTORNEY RYAN: And we -- those can be brought --

CHAIRPERSON DAVIS: Are you going to make a motion -- put a motion on the floor?

COUNCILPERSON THOMAS: I -- I'm sorry?

CHAIRPERSON DAVIS: Are you going to make a motion?

COUNCILPERSON THOMAS: I -- I am going to make a motion.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: I just want to make sure that the -- that the -- that the board understands where I'm going with this. I don't want this to turn into something political. We have the power to waive the fees and I think that we should. That is all I'm saying. So if nobody else wants to discuss anything with it --

CHAIRPERSON DAVIS: We already have a -- a --

COUNCILPERSON T. DAVIS: Ma -- Ma --

CHAIRPERSON DAVIS: -- okay, okay. Go to you, first.

COUNCILPERSON T. DAVIS: So -- so we can waive these fees without any legal ramifications on this?

COUNCILPERSON THOMAS: Oh, no.

CITY ATTORNEY RYAN: No.

COUNCILPERSON THOMAS: It's going to be some legal ramifications. I mean, it's -- everybody is going to -- you can waive the fees for somebody --

COUNCILPERSON T. DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- and somebody that waived the fees on still can sue you and say, Hey, they were -- that was wrong.

COUNCILPERSON T. DAVIS: Hmm.

COUNCILPERSON THOMAS: So it's going to be some ramifications. You know?

COUNCILPERSON T. DAVIS: But it -- then is there any validity to it?

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON T. DAVIS: I mean, you can get sued for breathing. But my question is, I'm not fixing to support something that's going to put us in a position and millions and millions of dollars if we get hit again later. This Council changes out whether I'm here or not, it's, you know, I don't want to put no one else in that type of position.

COUNCILPERSON THOMAS: Mr. Davis. In my personal opinion -- and this will be my person opinion --

COUNCILPERSON T. DAVIS: Okay.

COUNCILPERSON THOMAS: -- acting or failing to act, we're going to still end up with some type of legal resolution that's going to need to be --

COUNCILPERSON T. DAVIS: Well, I'm going to wait on you motion.

COUNCILPERSON THOMAS: I'm -- I'm stating that I feel that we should act and err on the side of what's best for our residents. Now that's not going to stop us from -- from getting sued, even by our residents.

COUNCILPERSON T. DAVIS: Uh-huh.

COUNCILPERSON THOMAS: I'm just saying I think that we should, as a board, because we do have the authority to wipe away the liens. And let me tell you why. They're not supposed to be punitive. They're supposed to gain compliance and if you don't, then that comes in. But it shouldn't be -- it shouldn't be looked at as that. Now we can or we can't. I'm only one member of this board and I'm saying that I think that we should. And I -- and let me -- let me put this -- I -- I met with a small group of residents today and we had the same conversation actually. And I told them in that meeting, Hey, I'm not sure what this is going to cost the city, what it's not going to cost the city. What are all the ramifications of this? But I believe that we should act. I believe that we should act because we have the authority and the ability to do just that.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: That's all.

CHAIRPERSON DAVIS: All right. We have a -- Mr. Guyton.

COUNCILPERSON GUYTON: Oh, yeah. I was -- the only thing that I'm -- it's time for us to resolve this. Everybody has said what they need to say. We need to put a motion on the floor 'cause we --

CHAIRPERSON DAVIS: Well, we have a motion on the floor.

COUNCILPERSON GUYTON: Well, we have on the floor but there were people talking about substitute motions, that they weren't going to support the one on the floor. But before the -- we do that, I just wanted to put on record that I've been one advocating to address the Code Enforcement issue as others on this dais. This is not anything new. I don't think anyone up here want to be punitive but I think we need to be rational. I don't -- I don't want to leave the impression that if we don't support wiping out all of the fines, that somehow we have been punitive or insensitive. I've got to be rational in this. I'm taking some legal advice. What's the best way to deal with it? We made some mistakes. It's going to have to be dealt with

But to suggest that if we don't wipe everything out, we're being punitive, I think it's misleading. I personally don't agree with that approach but we are entitled to our own position. But I'm not being insensitive by not knowing what the ramifications are and I jump out there. I'm not doing that. I've agreed to have an outside legal counsel, independent, take a look at it. If the board is uncomfortable with our counsel, I'm not. But I only said that in order to move this issue forward.

So I'm not jumping out there not knowing what the ramifications are and then trying to backpedal and say that, you know, maybe I should have thought about that before I jumped out there. Or maybe I should've known what the full consequences were --

COUNCILPERSON T. DAVIS: Exactly.

COUNCILPERSON GUYTON: And if we get an outside legal opinion to give us -- and, like I said, I'm comfortable with our legal counsel. But if someone not, let's go to a outside legal counsel, get a legal opinion. This would be your consequences; this would be your exposure. Now you make a decision. So --

COUNCILPERSON THOMAS: And I have no problem with the --

COUNCILPERSON GUYTON: Okay. So I'm not -- I'm just --

CHAIRPERSON DAVIS: Okay. We -- we --

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON DAVIS: Hold on.

COUNCILPERSON GUYTON: Yeah. All right. So --

CHAIRPERSON DAVIS: We -- we --

COUNCILPERSON GUYTON: -- let me just end by saying that I am in support of doing what's right to the residents. I am not in support of being premature in my decision of how to handle this. And I think jumping out there is premature right now. Thank you.

CHAIRPERSON DAVIS: Okay. Miss Pardo.

COUNCILPERSON THOMAS: Let --

CHAIR PRO TEM PARDO: Can we call for the vote, please?

COUNCILPERSON THOMAS: Madam -- no.

CHAIRPERSON DAVIS: Okay. We --

COUNCILPERSON THOMAS: I'm going to ask for you to --

CHAIRPERSON DAVIS: Hold on, Mr. -- Mr. Thomas. We -- there's been a lot of discussion. Most of it has come from that end, okay. All I'm saying is I know -- we know where you -- what your position is and I think the maker of the motion was Guyton and you seconded, I believe.

CITY ATTORNEY RYAN: Miss Pardo seconded.

CHAIRPERSON DAVIS: I don't -- Miss Ward has --

COUNCILPERSON GUYTON: Yeah. I don't --

CHAIRPERSON DAVIS: -- that Mr. Thomas second.

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON DAVIS: Okay. So Miss Ryan, do we need to get rid of this motion first and you -- if you --

COUNCILPERSON THOMAS: No. We can do an emotion --

CHAIRPERSON DAVIS: -- if you can make a substitute motion or what?

COUNCILPERSON THOMAS: -- we can do an amended motion or a motion at any time we want to.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: What I'm -- what -- and --

CHAIRPERSON DAVIS: Well, that's what I was kept asking you were you going to put a motion on the floor.

COUNCILPERSON THOMAS: Well, I'm asking you to indulge me for just another minute. The -- the -- it --

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: -- it is -- it is very important. If you don't -- what -- I'm just asking respectfully, can I -- can I have another minute?

CHAIRPERSON DAVIS: Well --

COUNCILPERSON THOMAS: If you say no, then I'm not --

CHAIRPERSON DAVIS: -- someone called for the question but I'm going to go ahead and indulge you for another minute, okay? Go ahead.

COUNCILPERSON THOMAS: Well, I -- I appreciate that. You know -- you know, we -- we act like this -- this is not being shown on TV or something. Just two nights ago, this same board did whatever it had to do on the CRA side to try to fix it. Everybody was like, Whatever we got to do, let's do it so that a few people in a union and another business could do whatever we had to do. And all I'm saying, that's unfair to say that I'm not trying to be punitive. I'm not going to jump out there for it, when everybody saw the same meeting. And it's no -- it's -- it's -- everybody's not aggressive about saying, Look, man, we feel that the residents have been, you know, done wrong. Let's do something. All I'm saying is let's be as vigorous and as vigilant as we was about that, calling extra meetings, getting whatever we need to do to see what we can do to protect the residents.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: I said I don't know -- I'm -- I'm not quite done yet, Miss -- Miss Davis and if you take the floor, I will give it to you because you are the Chair. But what I'm saying is I just think that that's what we -- you know, at some time we gotta say, All right. The residents are first. And that's all I'm asking everybody to do. What I feel that's happening right now is everybody's making it a personal issue. It's -- they're making it a personal issue. I asked for several things outside of this resolution. None of them were discussed except for throwing the -- the fines out. Are we not going to discuss any of those things? Are we going to keep this as it stands, the way -- we have not discussed any of that and versus just calling for the question without any of the discussion on at least the items that I brought up, other than the one that we spent the most debating on, I think it's wrong and it's a travesty.

CHAIRPERSON DAVIS: Okay. Everybody has their own personal opinion --

COUNCILPERSON THOMAS: We didn't discuss it.

CHAIRPERSON DAVIS: I -- I -- I understand that. But the motion on the floor is on the floor already. And because you want people to discuss it doesn't mean that people want to. So, you know, I -- I can't help with you with that one. But anyway, there is a motion on the floor and it's been second. Madam Clerk.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: No.

CITY CLERK WARD: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: No.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Motion approved.

CHAIRPERSON DAVIS: Okay. We're going to --

CITY CLERK WARD: Councilperson T. Davis and Thomas dissenting.

CHAIRPERSON DAVIS: Okay. We're on item 10, which --

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON DAVIS: Yes, sir.

COUNCILPERSON THOMAS: I would like to make a motion at this time. Seeing that that motion was to go along with item 9 as written, I would like to make a motion that we have an outside attorney advise this board on what our options are. Not just the ones that are thought about by the colleagues that decided that they wanted to move forward with it as it stands, but also addressing the ones that have other issues and other concerns.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON T. DAVIS: Second.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON DAVIS: Mrs. Pardo.

CHAIR PRO TEM PARDO: Okay. So who is going to choose the attorney?

COUNCILPERSON T. DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Who are you asking?

CHAIR PRO TEM PARDO: I guess Mr. Thomas since he made the motion.

CHAIRPERSON DAVIS: Hold on one second, Mr. Davis.

CHAIR PRO TEM PARDO: Who's going to choose the attorney?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Miss Ryan can choose the attorney.

CITY ATTORNEY RYAN: Oh, no.

COUNCILPERSON T. DAVIS: No, no, no, no. You might as well do nothing. Let her be the attorney.

CHAIRPERSON DAVIS: Hold on one second, Mr. Davis.

COUNCILPERSON THOMAS: No, it's not that. I'm -- listen -- listen. At what point -- you give -- she knows -- excuse me, Miss Duncombe, please.

CHAIRPERSON DAVIS: Miss Duncombe, please.

COUNCILPERSON T. DAVIS: That's rude.

CITY ATTORNEY RYAN: Thank you, Mr. Davis.

COUNCILPERSON THOMAS: At -- at -- at one point, she -- I mean, she's the one that have to tell us who's versed in this. If you want -- if you don't want to do it like that, then either the manager or the chair can -- can -- can pick an attorney. I just want it be an unbiased attorney, you know, that will give us all of the information that we need to get, not just to support Miss Ryan's --

CITY ATTORNEY RYAN: Of course not.

COUNCILPERSON T. DAVIS: Yes.

COUNCILPERSON THOMAS: -- or anybody's point of view. I want them all because I still want to be able to discuss what I think our exposure is by not acting and going forward with this.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON T. DAVIS: Madam Chair.

CHAIRPERSON DAVIS: Mr. Davis.

COUNCILPERSON T. DAVIS: I think the two selections should come from the City Manager and the chair.

COUNCILPERSON THOMAS: That -- that's fine with me. That's what I have to say.

CHAIRPERSON DAVIS: Okay. It's been moved and second. Madam Clerk.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We have one -- another consent speaker, Mr. Lozman, on item 10. I'm sorry, no. That's not on consent, sorry. All right. Now we are on item 10. So it's --

COUNCILPERSON THOMAS: Madam Chair.

COUNCILPERSON GUYTON: Is it 7?

COUNCILPERSON THOMAS: Public comment.

CHAIRPERSON DAVIS: Oh, shoot. Okey-dokey. Where are they?

CITY ATTORNEY RYAN: Wow.

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

NONE

AWARDS AND PRESENTATIONS

10. PRESENTATION FROM THE OFFICE OF CHAIRWOMAN JUDY L. DAVIS ON THE CITY OF RIVIERA BEACH DEPARTMENTS: CITY MARINA AND THE UTILITY DISTRICT IN RECOGNITION OF THEIR GOOD WORK.

CITY ATTORNEY RYAN: Are we done with public comments?

CHAIRPERSON DAVIS: Yes.

FANE LOZMAN: Fane Lozman. I have an issue specifically with giving a presentation to the City Marina for good work. I confirmed with Dock -- former Dock Master Willis Williams that the pump-out station while I resided at the marina, was inoperative. It didn't work. So all the residents there could not pump out their boats. But don't take my word for it. Reach out to Mr. Williams, call him up --

UNIDENTIFIED SPEAKER: Where is this going?

FANE LOZMAN: -- and he will confirm -- that the representation made by Mr. Legue that that pump-out thing worked, it didn't work. And Mr. Legue came to me one day and we talked about it and he said, Well, it's a dirty little secret, but everybody pumps their sewage in the water. But the point, you can pump sewage in the water if it's treated. You know, Delray pumps out a million gallons an hour probably of treated sewage. But the point is that that little pump-out thing, before the marina was reconstructed, didn't work. Nobody used it and I -- I remember that but I confirmed it with the Dock Master who's responsibility was to work on that thing and he agreed with me it didn't work.

So before you give an award for doing a great job at the marina, maybe you ought to table that award, do some independent research, see if that is true that this machine didn't work -- that sewage was being dumped by every boat in that place --

UNIDENTIFIED SPEAKER: I gotta go.

FANE LOZMAN: -- and then say, you know something, we need to maybe determine, you know -- you know, should this guy still be the marina director if he's make -- if he made this representation on the record to us and we can independently talk to David Napier and Willis Williams and Pierre Smith, say, "Does that pump-out thing work for those three years?" And if they say, no, you got a -- you shouldn't give an award for that.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: All right. I have a question for the City Manager. Is that statement true? Did the pump work or was it inoperative for a couple --

CITY MANAGER JONES: Like you're saying, it --

CHAIR PRO TEM PARDO: -- of years?

CITY MANAGER JONES: Were they --

CHAIRPERSON DAVIS: Come up, Mr. Legue.

CITY MANAGER JONES: -- I would have to ask Mr. Legue because --

CHAIR PRO TEM PARDO: All right. He's not -- he's not the person --

CITY MANAGER JONES: -- the years he's talking out is before --

CHAIR PRO TEM PARDO: Well, you know, that's something serious. So I would --

MARINA DIRECTOR LEGUE: Absolutely -- absolutely.

CHAIR PRO TEM PARDO: -- I would like to know.

MARINA DIRECTOR LEGUE: When I first arrived, the pump did not work.

CHAIR PRO TEM PARDO: And when did you arrive, 2008?

MARINA DIRECTOR LEGUE: 2008.

CHAIR PRO TEM PARDO: Okay, and --

MARINA DIRECTOR LEGUE: We had it repaired numerous times. It -- it was an older pump and it always needed repair. But we kept it as repaired as possible. There were probably weeks when it was down because of repairs. But it worked and we -- I have, you know, you can go to Finance and -- and see the amounts of money that we -- we took in on pump-outs. 'Cause we, you know, for -- for boats that didn't go in the marina, people would come to us for pump-outs. And we had --

CHAIR PRO TEM PARDO: Right.

MARINA DIRECTOR LEGUE: -- a nominal fee for that. So it's -- it's a half-truth, I guess is what -- what Mr. Lozman is saying. It -- it certainly didn't work all the time, 24 hours a day, you know, until we replaced it. The reason we replaced it 'cause it was old and it required a lot of maintenance. But, yes, it did work and we did pump out boats.

CHAIR PRO TEM PARDO: Okay. So you arrived in 2008, like the summer of 2008?

MARINA DIRECTOR LEGUE: June 8th.

CHAIR PRO TEM PARDO: Okay. And when did it start working? Do you recall?

MARINA DIRECTOR LEGUE: Oh. It was probably a few months. We had -- we had a lot going on, you know. There was a lot of things going on.

CHAIR PRO TEM PARDO: Okay. All right. So --

CHAIRPERSON DAVIS: Okay. You can stay there, sir. And this is a presentation item -- we're on item 10. This is a presentation from the Office of the Chair, to recognize departments for their good works. I'm sure you do a lot more than what was just spoken about. So would you please go ahead?

MARINA DIRECTOR LEGUE: I would. Can I get my notes?

CHAIRPERSON DAVIS: Yes, sir.

MARINA DIRECTOR LEGUE: And I did not say it, but good evening. Ed Legue --

CHAIRPERSON DAVIS: Good evening, sir.

MARINA DIRECTOR LEGUE: -- Marina Director. It -- it's -- it's kind of a good segue to be quite honest with you.

CHAIRPERSON DAVIS: Absolutely.

MARINA DIRECTOR LEGUE: Just the other day, and I -- and I think I might have forwarded you guys some -- some photographs of the marina -- but I was -- I was wondering down around the marina, just looking at, you know, the -- the docks and the boats and so forth and when I consider what that marina was like in 2008, compared to what I see today when we walk the docks, it is just absolutely amazing to me what this city has accomplished --

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: -- in -- in a very few years. I mean, you hear all the time, Well, they'll never get it done -- they'll never get it done. Well, Council, you got it done. So you should -- you should be very proud of that I think. The team that worked on this project and -- and I'll talk about two things: projects and -- and just everyday work. And I -- and I also have the pleasure of having a couple of colleagues here. The team that worked on this project, we had a representative from nearly every department in the city, helping as the -- as the major team for this project.

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: And in addition to that, we had three consultants, which was John Sprague. Most of you know -- and of course, John Sprague knows everybody. And Arnold Broussard from Palm Beach Consulting and our engineer, Bill Sadler from Sea Diversified. The marina staff did double duty. We had several things

going on at the same time. But when we were busy with -- with the construction, my staff and -- and we have two of my staff members there.

CHAIRPERSON DAVIS: Yeah. Have them stand -- can y'all stand up?

MARINA DIRECTOR LEGUE: Yeah. Could you guys stand up?

CHAIRPERSON DAVIS: Stand up, please.

MARINA DIRECTOR LEGUE: This is Roosevelt Majit.

CHAIRPERSON DAVIS: Come on and stand behind your director.

CITY MANAGER JONES: Come on up.

MARINA DIRECTOR LEGUE: And -- yeah. Come on up -- come on up. With the three of us here, you're looking at half of my staff. So when -- when I would get busy with doing the construction stuff, these guys were stand in the gap. And they -- and they've done a nice job. And the other thing I want to -- to show them off -- they're hiding behind me -- is -- is the uniforms we now have.

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: So show them your hat. Hats are available at the Ship Store for 19.99. Thank you. Anyway, we completed Phase One and Phase Two of the this project and -- and with doing that, we have 111 new floating dock slips and over 2,000 linear feet of alongside dockage, with state of the art floating docks for vessels from 30 feet to 300 feet. We completed over 1,000 foot of seawall and seawall cap. We completed all the engineering, the final layouts of the new floating docks. We extended the dedication line to the marina. We actually went out closer to the Intercoastal Waterway --

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: -- and gained another 130,000 square feet of marina area. And that was John Sprague and his magic.

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: We negotiated contracts with Marine Tech for the floating docks, Technomarine for some -- some other docks, Ravens with gangways, Marty Murphy did the install. Don Sharkey from Current Connections did all the utilities along with Farmer & Irwin and we had several, several contractors all at the same time. And -- and there were times, I have to tell you, where I didn't think -- and I know Mrs. Davis is grinning there 'cause either did she -- that we were going to make it 'cause it was -- it was interesting. But we got it done.

CHAIRPERSON DAVIS: We sure did.

MARINA DIRECTOR LEGUE: We -- with the assistance of the Utilities Department and approval from Palm Beach Health Department, put in new utilities and -- and the Utilities Department contributed to that effort. With a great team and staff, the city saved over a million dollars in Phases One and Two in contractor mark-up and sales tax by being kind of our own GC, if you will. We -- we competed for and was awarded, were awarded, over seventeen million dollars in grant money for eight -- from eight different agencies over a period of four different years. We developed a grant matrix and a tracking system because we had so many grant going at once, again, it was getting a little confusing. And so far, we have had a full reimbursement from Phase One of approximately twelve million dollars from all agencies.

Under Marina Operations, we developed a financial analysis tool which enabled us to accurately assess the cost of independent revenue streams and this was the tool. And it seems like -- like a hundred years that we used to decide on whether or not to keep the dry stack.

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: You guys closed in -- the dry stack. Decided to close the dry stack; we demolished it. And as a side project, we -- we put in gravel and -- and added 149 parking spaces. We maintained, during the construction, we maintained and actually grew our level of operations during that period. In the last two years, we've had over 1,000 transient nights with -- or, I'm sorry, within the last year -- over 1,000 transient nights and over 300 visiting boats. And the dockage -- we've increased dockage revenues over the previous year's dockage by $65,000 or about 12 percent over last year. And this is be -- when we're running half a marina.

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: We reduced personnel right after the -- the dry stack closed. We reduced personnel and we saved about $80,000 in personnel costs by utilizing part-time personnel. We've developed and on -- and as an ongoing effort, are -- are developing new rate schedules. We've hosted one of the first sailing regattas with over 30 visiting sailboats. One of the first regattas we've done since I've been there and -- and from what I'm told, the first one in over 10 years. We're a host for the Hospice and the K -- KDW Tournaments and we have managed to pull both of those this last year in the midst of everything.

CHAIRPERSON DAVIS: Uh-huh.

MARINA DIRECTOR LEGUE: And -- and you talk about some gracious folks, they -- they're easy to work with and -- and they're a lot of fun. But it was a little tricky but we got through it. I talked about new uniforms. And again, hats are available at the Ship Store. We completed a marketing plan and -- and actively marketed the marina with the emphasis on changing our reputation and the culture of the marina. We are in Facebook; we are on Twitter; we are on other social media, most of which I am not allowed to play with 'cause I'm just -- I need a 12-year old to help me with that stuff.

We are on the web in several places. We are on other websites for other marinas which link us to our website and we're all over the web. In all, and this is a lot of bragging, but it ain't bragging if it's fact. In all, we have more -- a more streamlined and efficient staff operating -- operating a state of the art marina facility that any operator, private or municipal, would be envious of. Our mission statement is to become the best marina in Palm Beach County and then Florida.

And with the hard work of our staff and the team and the leadership you guys have provided, from the Manager's Office and the Council, I'm happy to report that that mission statement is not simply a nice saying.

CHAIRPERSON DAVIS: Hmm.

MARINA DIRECTOR LEGUE: It is becoming a reality, day-by-day. Thank you.

CHAIRPERSON DAVIS: Fantastic. Thank you, sir. And -- and, you know, that's the kind of information -- that's why I -- I'm doing this, because that's the kind of information that our residents want to know. And I'm sure a lot of them out there did not know. So thank you very much for your hard work.

MARINA DIRECTOR LEGUE: You're welcome.

CHAIRPERSON DAVIS: And we really appreciate it. Thank you. And thank you, Council, for indulging me. All right. Next up is Mr. Aurigemma -- Aurigemma from the Utility Special District.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: There it is. Huh? F5? Okay. There we go. Good evening, Miss Davis.

CHAIRPERSON DAVIS: Good evening. And --

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: And Council. Thank. Lou Aurigemma, Executive Director of the Utility District. Before I get into my presentation, just one quick comment and that is contrary to multiple comments stated at recent public meetings regarding my abilities, I just wanted to let you know that is -- as Executive Director, I am knowledgeable and fully informed on all aspects of the Utility District. While I may not have intricate details of the -- of some of the daily operations, I am able to ascertain on any issue that is brought to my attention. So --

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON DAVIS: Yes.

COUNCILPERSON GUYTON: Can I get back on?

CHAIRPERSON DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Let me just say for the record, Mr. Aurigemma, that I have full confidence in you and I appreciate what you do for our city and I have no reservations about your competency.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Thank you. Thank you. Now moving on to the Utility District. We serve customers and our customers serve -- they -- our service area serves approximately 10 square miles and a population of approximately 40,000 people. And that includes -- it's a little bit beyond the borders of Riviera Beach. It includes the City of -- the City of Riviera Beach, the town of Palm Beach Shores and portions of Unincorporated Palm Beach County.

And we have four different divisions within the Utility District. The first is the Water Treatment Plant. And the Water Treatment Plant produces approximately seven to eight million gallons per day and we have 4.3 million gallons of treated water storage located throughout the city. And most of it is in one million gallon storage tanks that are located at Wells Recreation, which is across the street; North Singer Island; we have another storage tank at the marina and then at MLK and Avenue U. Those are our four.

We have a Water Distribution System that has approximately 176 miles of water main. That -- if we laid our water main from end to end, that's like going from Riviera Beach to Orlando. And we're -- we're considered a small city but there's a lot of -- a lot of infrastructure here. And in -- and we also maintain approximately 13,000 water meters.

Our Wastewater Collection System, we have over 119 miles of sanitary sewers. That's like laying sanitary sewers from Riviera Beach to Homestead. In addition to that, we have 50 lift stations throughout the city to -- to pump all this sewage. And then we have another 40 miles, or 37 miles, or sewer force mains, which again is about a distance from here to the -- the Broward County-Palm Beach line.

CHAIRPERSON DAVIS: Uh-huh.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: So with that, you know, we have a lot of infrastructure here. In addition, we have wastewater treatment at the ECR in which we have an 11.42 percent stake. And that treats approximately five million gallons sewage per day.

The programs that we monitor, we -- we are in compliance with all State and Federal water quality regulations. And I'd like to have a little sidebar on this and just note that we, the Utility Special Districts, as well as all community water systems, have stricter water quality standards than bottled water companies.

CHAIRPERSON DAVIS: Uh-huh.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: And we -- we -- we've talked about the water of our system but think about this. One of our largest customers is Pepsi Bottling Company and they produce a product called Aquafina, bottled water. Well, guess what?

CHAIRPERSON DAVIS: Using our water.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: That water is City of Riviera Beach water. So whether it's in Riviera Beach or West Palm Beach or Boca Raton, that's coming from Riviera Beach. Now they go through a process and -- and you know, all their -- all their sodas and everything, that is all City of Riviera Beach water. So you're drinking it whether you know it or not. And it -- and it goes through a different process and -- and you also pay for it. So I just wanted to make you aware of that.

In addition, we monitor our 20-year Consumptive Use Permit and provide periodic reports to South Florida Water Management District and that permit will expire in 2032, which is a long time away. However, that is something that I -- I am following and making sure that we don't get into the previous predicament that happened before I got here.

In addition, we have a Capital Improvements Program and we'll be talking about that a little later this evening. And -- and I have projected five years, 50 million dollars. Now that's -- those are needs for the next five years. A lot of that is unfunded but at least I have to lay it out to -- to see where we're going.

In addition, we also have a Senior Utility Assistance Program and that was approved at the -- the -- earlier this month we approved that for another year and I bring that up every year and we'll keep that going. In addition, we also have an Industrial Pretreatment Program and a Backflow/Cross Connection Control Program. So that, in short, is what we do. And -- and please know that most of our infrastructure is buried. So basically, to the average person, it's out of sight, out of mind, but we do provide a very important service to the city.

CHAIRPERSON DAVIS: Yes, you do. Thank you very much, sir. And I'd just like to announce that because of your hard work, yours and the marina's, this -- this Friday the Chair's Office will be providing lunch over at your conference room --

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Yes, ma'am.

CHAIRPERSON DAVIS: -- in the Utility Special District. And nobody has to come if they don't want to, okay?

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: All will be invited.

CHAIRPERSON DAVIS: I just wanted -- wanted to put that out there.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Okay. Thank you very --

CHAIRPERSON DAVIS: So -- and we will be delivering yours to your office, Mr. Legue, because we understand the circumstances.

CITY ATTORNEY RYAN: You are (inaudible).

CHAIRPERSON DAVIS: Thank you both very much.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Thanks as you just said.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON DAVIS: Yes, Mr. Thomas.

COUNCILPERSON THOMAS: Mr. Aurigemma. Mr. Aurigemma. Mr. Aurigemma. No, this way, this way. Up --

CHAIRPERSON DAVIS: Mr. -- come up.

COUNCILPERSON THOMAS: -- yeah, up here, up here. Yeah. I know the mics aren't working.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Uh-huh. Sorry, Mr. Thomas.

COUNCILPERSON THOMAS: Just as a side comment, hold on one second. Just stay right there. Miss Jones, in this budget year, replace these mics, please .

CITY MANAGER JONES: Thank you.

COUNCILPERSON THOMAS: Just --

CHAIRPERSON DAVIS: Coming within a month.

CITY MANAGER JONES: You have already approved that in the audio/visual that you did --

CHAIRPERSON DAVIS: It's coming.

COUNCILPERSON THOMAS: Okay.

CITY MANAGER JONES: -- the other week.

COUNCILPERSON THOMAS: No problem. This -- yeah. This is -- yeah, okay. So Mr. Aurigemma, I had a opportunity to visit -- I'll never forget the resident -- 1212 26th Street. I was notified by some of your superintendents, actually both of them, they wanted to show me exactly what was going on. I was very intrigued by it. It was a -- they were showing me how the -- the camera video worked where they -- I don't know -- I don't know how they dug six feet in the ground and probably about five feet wide. That had to take them half a day to do but they were there pretty quickly. And I went and I -- I -- I saw that I -- I basically want to, you know, tell you that you need to give them a "Atta boy." The resident was having some real issues with backing up and they went through a extensive amount of tests and showing the pipes to the resident as well. I was -- I was very, very, very, very, very pleased to see the service that was provided.

I can't remember everybody that was out there, but this happened a day or two ago --

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Uh-huh.

COUNCILPERSON THOMAS: -- and I definitely wanted to commend them publicly and I would like for you to -- to commend them and -- and please do feel free to add something, you know, to their -- to their jackets. You know, when -- when somebody does something not so good, we don't have a problem, you know, taking care of that. And they did provide some of the best service that I've seen in a while to the resident at 1212. I also told them that I -- I'll talk to you about maybe getting a high def screen on the -- on the monitor. It seemed like that monitor was -- was using VHS tapes or something. I don't really --

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: They -- they just converted it to compact disk.

COUNCILPERSON THOMAS: Okay, okay. Well --

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: They have done that.

COUNCILPERSON THOMAS: -- that -- that will work. But they did do an outstanding job and I know we can't do that, dig up everybody's yard and put the pipes through there and do all that. But the -- the extensive work that they went through was -- was knowledgeable for me. I did not know that we had the capabilities of doing whatever they were doing out there. But the resident was pleased to know it. She -- she wasn't pleased to know that it was on her side --

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Right.

COUNCILPERSON THOMAS: -- but she was definitely pleased to be able to -- to see. 'Cause after we went through our side, they actually turned the camera around and went through the other side to show them exactly what happened. So at least the resident knows now and they can tell a plumber. But the staff, the crew, the supervisors, everybody who was out there, they did a phenomenal job and I was extremely pleased on how they took the time and treated our residents with care and gave them upstanding service. It's a "Atta boy." I don't know all them that's out there, but I'm -- I'm please asking you to please do something, you know, for them and put something in their -- their jackets.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: So -- so noted, Mr. Thomas, and I will send the message.

COUNCILPERSON THOMAS: Thank you.

DIRECTOR OF UTILITY DISTRICT AURIGEMMA: Thank you.

CHAIRPERSON DAVIS: Thank you very much, both of you. Okay.

11. PRESENTATION FROM THE OFFICE OF MAYOR THOMAS A. MASTERS REGARDING CERTIFICATION AND TRAINING IN MAKING OUR COMMUNITY HEALTHIER.

CHAIRPERSON DAVIS: Item 11 is a presentation from the Office of the Mayor regarding certification and training in making our community healthier.

MAYOR MASTERS: Thank you, Madam Chair. I'd like to ask Councilman Terrance Davis to come down please and -- are we on the wrong -- are we on the right item? Is it presentation, right?

CHAIR PRO TEM PARDO: Yeah, presentation from the Office of the Mayor.

MAYOR MASTERS: And Regina to come and Debbie LeBlanc. I've been off the dais for about 30 minutes. I was -- felt a little -- a little dazed and the fire people said that my pressure was extremely high. So we took medication and I've been resting since then. So I think we can make it through this but I'm not -- if I don't make it through the meeting, you will know why. So for those of you who are viewing and you see my eyes are red, I want you to know they are red because my pressure is pretty high now. So if you hear a rumor that the mayor is on drugs and his eyes was riding red tonight, you know it's another lie. 'Cause I could take a drug test any day and pass it. I can any day.

Okay. A few weeks ago -- and I call 'cause either one -- a few weeks ago, a few months ago, but maybe that might be a good thing. Maybe everybody ought to volunteer to do that that's elected. But let me just say this, a few months ago we were invited, the Mayor was invited and Councilman Terrance Davis was invited and our staff, because they said that were were going to be in a class. It's been like years since I've been in any kind of class that long. And we would be in a class for five -- how many days was it, Debbie?

LEGISLATIVE ASSISTANT LEBLANC-ISAACS: It's five days.

MAYOR MASTERS: For five days about 10 hours a day.

LEGISLATIVE ASSISTANT LEBLANC-ISAACS: Yeah. We had five presenters, two hours each.

MAYOR MASTERS: And we -- and they really worked us. We were at the famous Morehouse College. And it was a -- a workshop as it relates to mayors taking the lead in their communities for healthier living. So we learned a lot. We were blessed by the opportunity so I would like to present on behalf -- this conference was also sponsored by the World Conference of Mayors along with the Morehouse School of Medicine and the CDC from Atlanta, Center for Disease Control.

As you know, I've been blessed to be elected to the second highest position in the World Conference of Mayors. I am the Vice President in that organization. They have mayors from all over the world. So let me present these -- Debbie says these are certificates but when they come this big from Morehouse, I says it's a diploma. But Morehouse School of Medicine, Atlanta, Georgia, Certificate of Completion. This certificate is hereby authorized --

LEGISLATIVE ASSISTANT LEBLANC-ISAACS: Do you want me to read it?

MAYOR MASTERS: Yeah. Come on and read it. To Regina. I don't even feel like putting my glasses on. Just read it.

LEGISLATIVE ASSISTANT LEBLANC-ISAACS: Okay. Morehouse School of Medicine, Atlanta, Georgia, Certificate of Completion. This Certificate is hereby awarded to Regina Williams in recognition of successfully completing the Community Health Leadership Program, Satcher Health Leadership Institute, on August 8th, 2014, and it was signed by Dr. David Satcher, who is the director of his institute and our former attorney --

UNIDENTIFIED SPEAKER: Surgeon General.

LEGISLATIVE ASSISTANT LEBLANC-ISAACS: -- Surgeon General for the U.S. So this is for you.

LEGISLATIVE AIDE WILLIAMS: Thank you.

LEGISLATIVE ASSISTANT LEBLANC-ISAACS: And this is to -- I have one just like it and it reads the same, but it has my name Debbie L. Isaacs. So -- and this one is presented to the Mayor and it also says the exact same thing but I want to have you all know that we endured a very intensive week of study. And we were presented by a slew of diverse professors and people who held doctorates in medicines and they were so informative and it -- I was very impressed by everything that we learned and we're very excited about possibly implementing quite a number of them in order to bridge the gap of the disparities in health services and leadership in our community. And especially here in the City of Riviera Beach.

MAYOR MASTERS: Madam Chair, one of the goals of this conference was to charge every mayor that was there -- the mayors were there with their staffs and other -- couple, few Councilpeople as well -- to go back to the city and to tackle an issue and partner with an organization and help them to grow, go and glow and deal with the health disparity issue that is reflected in the African-American community and the minority community.

So I have promised and I have pledged that the issue that the Office of the Mayor and hopefully joined by others, that we are going to tackle is the issue that a lot of people don't know a lot about. It's called infant mortality rate and the disparity that exists in the African-American community. And having said that, the partner is a Community Voice, which is a well-established organization and Miss Shalonda, who is the CEO from Sickle Cell is going to come as a part of this presentation and share with you what she's doing in the Community Voice and also how we are going to work together to make a difference. Shalonda, last name again?

SHALONDA WARREN: Warren.

MAYOR MASTERS: Shalonda Warren, thank you.

SHALONDA WARREN: Good evening.

CHAIRPERSON DAVIS: Good evening, ma'am.

SHALONDA WARREN: My name is Shalonda Warren, and I am the CEO of the Sickle Cell Foundation of Palm Beach County and the Treasure Coast. And one of our largest programs is called Community Voice. So even though we're called the Sickle Cell Foundation, there are many legs underneath the Sickle Cell Foundation and ways that we support the community.

I do want to start off by saying September is Sickle Cell Awareness month and September is also infant mortality month. Babies are dying and that is a reality. And when babies die before they have their first birthday, that is called infant mortality. Black infant mortality has a ratio of 12.5 percent per 1,000 babies born. White infants are dying at a rate of 5.5 percent and Hispanic at 5.5. So when you look at those numbers, there is a huge gap between black infant mortality and the infant mortality of other nationalities. And you can combine those and it still is not the same as black infant mortality.

And when you think -- when you look at the black community, the disparity is even greater. So when you look at the economic impact, there's an additional factor that takes away or adds to -- adds to that infant mortality number. The Healthy Beginning system is a program that's in place by the Children's Services Council. And about five years ago, they started -- they funded Community Voice in Palm Beach County. And Riviera Beach was one of the first ZIP codes that Community Voice was -- that we -- that we placed the program. We're currently in nine ZIP codes but one -- as I stated, the first, one of the first was Riviera Beach.

Riviera Beach -- well, Community Voice has a program that's called Taking it to the People and it's grassroots. And what we do is we have community educators, Community Voice educators, they come out in the community; they go to churches; they go meetings; they go to different events. And their role is to get people in the community involved to come and participate in the class and get prenatal information and learn how to have healthy birth outcomes. And when they do that, those people are -- they become lay health -- lay -- Lay Health Advisors. So very similar to what the Mayor and team has -- has gone through in Atlanta, we do the very same thing here in Riviera Beach. And we have been doing that successfully for the last five years. What we do is we support behaviors that support a healthy lifestyle, that support healthy pregnancies and support healthy health outcomes -- healthy lifestyles.

All babies have a right to be born healthy. All babies have a right to thrive and survive and the Community Voice Program does everything that it can to ensure that that happens. The fortunate thing is that we have the results to support it. So consistently over the last five years, there has been a decrease in infant mortality right here in Palm Beach County. There's been a decrease in teen pregnancy outcomes. There have been -- there have been a lot of healthy birth initiatives but as part of that, we have seen a wonderful drop year over year over year of the program.

So we're looking forward to that continuing and we're looking forward to partnering with the Mayor. We're looking forward to doing wonderful things in Riviera Beach. One other thing that we have that is unique to our -- our program is we also have a men's

program. And our men's program focuses on men in the -- in the community, men and their involvement in pregnancy, men and -- it goes deeper into domestic violence which is a very serious issue. And there are just so many topics and there's so much more that we can do and we're looking forward to growing the program and with the assistance of the mayor and the city, I'm sure that we're going to be able to see much more happen in your great community.

CHAIRPERSON DAVIS: Thank you.

MAYOR MASTERS: Thank you, Madam Chair. To the businesses of our community and the residents and Councilpeople and other members of the community, if you would like to get involved and help this well-established organization to continue to make a difference, please call us or you can call the city and -- you cannot be a spectator but you must be a participator. So most of the money that we're going to be getting through community benefits, I'm going to be sharing a lot of it with Community Voice because my personal goal is to help purchase a mobile unit that can go into the depressed areas of our -- our community and do something about it and give the type of treatment and information to these young women. God bless and give you perfect peace.

COUNCILPERSON T. DAVIS: Mayor.

MAYOR MASTERS: Thank you.

COUNCILPERSON T. DAVIS: Mayor, really quick.

MAYOR MASTERS: Yes.

COUNCILPERSON T. DAVIS: I -- I -- I want to thank you for extending that invitation to Morehouse College. That was a great experience. I'll tell you, I didn't realize how much work we was going to be putting in once we got there. But the Morehouse College, when they talked about the CDC, the Center for Disease Control, they was more than willing, as we come back, to be community partners with the City of Riviera Beach.

MAYOR MASTERS: Yes.

COUNCILPERSON T. DAVIS: So when we go after national grants, they're willing to be partners so we can strengthen our application process so we -- we can be really competitive going after these community grants with people like, organizations like Community Voice. So that was a great opportunity. And Miss Warren, I want to thank you for what you've been doing. As you know, I'm -- I'm a graduate of Community Voice now for about four years. And recently, I was just at Winn-Dixie and a young lady was there, and normally by -- just say hello and keep it moving. And the young lady was pregnant and she was about five months pregnant and I ran inside and did what I had to do and I came back out and said, "Young lady, are you familiar with Community Voice?" She said, "No." "Are you familiar with Sudden Infant Death Syndrome?" She said, "No." I said, "Can I ask why are you smoking a cigarette on your lunch break?" She said, "Well, this cure -- this curbs my appetite because I can't afford lunch." And -- and that really -- that really hit me.

And I ran inside Winn-Dixie and I bought her one of them Smoothies and said, "How about you -- we -- I swap this Smoothie with your cigarettes?" I want to thank Community Voice for really making me conscious as we go forward towards that. Thank you.

MAYOR MASTERS: Madam Chair, may I give a phone number to the organization for people to call? Community Voice, can you give us your phone number quickly and the website or the email and whatever you have.

SHALONDA WARREN: Thank you. You can reach Community Voice at 561-840-4132.That's 561-841-4132, or visit our website which is www.sicklecellpalmbeach.org and I look forward to seeing all of you in our Community Voice classes. Thank you.

MAYOR MASTERS: Thank you.

CHAIRPERSON DAVIS: Okay. Thank you very much, ma'am. Thank you, Mayor. Okay. We're going to move onto item 12.

PUBLIC HEARINGS

12. RESOLUTION NO. 99-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN APPLICATION FROM JOHN AND BETTYE ATKINS REQUESTING SITE PLAN AND SPECIAL EXCEPTION APPROVAL TO DEVELOP AND OPERATE AN 8,980 SQUARE FOOT 165 CHILD DAYCARE AND PRESCHOOL FACILITY ON A VACANT PARCEL OF LAND, APPROXIMATELY 1.12 ACRES IN SIZE, KNOWN BY PCN 56-43-42-29-01-000-0542, LOCATED ON THE WEST SIDE OF R.J. HENDLEY AVE., NORTH OF W. 26TH COURT AND SOUTH OF W. 28TH STREET, WITHIN THE RM-15 MULTIPLE FAMILY DWELLING ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY CLERK WARD: Resolution 99-14, a resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving an application from John and Bettye Atkins requesting site plan and special exception approval to develop and operate an 8,980 square foot 165 child daycare and preschool facility on a vacant parcel of land, approximately 1 -- 1.12 acres in size, known by PCN 56-43-42-29-01-000-0542, located on the west side of R.J. Hendley Avenue, north of W. 26th Court and sound of W. 28th Street, within the RM-15 multiple family dwelling district.

COUNCILPERSON THOMAS: So moved.

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and second. We have one public comment card. Margaret Shepherd.

MARGARET SHEPHERD: Margaret Shepherd, Riviera Beach. First, Mr. Thomas, thank you for talking about the mics. Thank you, again.

With this, I want to thank Mr. Atkins. Mr. Atkins, some 20-some years ago when I moved here, my daughter I think was seven; she's now 39. That's Summer's -- that's Summer's mother and she was enrolled at Atkins Daycare and I'm so grateful -- I'm so grateful for Mr. Juan Atkins. I think he was away to college at that time. And Sister Raiford was the one that introduced me to that daycare and it's just a -- a wonderful feeling to know that this particular daycare has been nestled in the community all these years and to see how -- well, I call him Juan, I'm old enough to be his mother -- but Mr. Atkins has came back home along with his wife and family and has continued to make sure that they give a good quality education.

I remember when her mother came home, she was about five I think, and she started counting and she went from one all the way up to 500; and then she started saying her alphabets; then she started saying them backwards; then she started giving the days of the month. And I'm like, "Where did you get this stuff?" She said, "I was at my daycare and this is what we do." And I was amazed that, you know, this girl picked it up so well.

So that -- that is a A+ to them and -- and I hope that this Council will make sure that -- that we do them well by making sure that they be accepted here with their new plans. I'm really dying to see it, just how it's going to go. I know it's going to be spectacular because that's the way Atkins family -- that's the way they do -- they go very big. I passed by today and the kids was getting out of school, and the buses was going and I was amazed how things was moving so smoothly. Everybody looked like they knew their place. Nothing was out of order but it was a lot of kids coming and going.

And once again, I want to thank Atkins Daycare for allowing my child to get such a good education. She's now up in Philadelphia and -- and she's a phlebotomist now. She's a supervisor there and she did well. But I -- I contribute [sic] it to her coming here from Michigan, getting into the daycare and I thank the Raifords, Sister Raiford, for really pushing me to put her at Atkins. Well-rounded school. I don't think we can go wrong by -- by welcoming Atkins Daycare into our city with this project.

CHAIRPERSON DAVIS: Thank you, Miss Shepherd.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: This -- this particular business has been in our city for a very long time and they've -- they've done it right. All the years that they've been here, they've been upstanding community partners, community leaders and, you know, we never hear any complaints. They've managed to offer jobs year in and year out. I don't even really see the need to belabor this. Can we just call the question?

CHAIRPERSON DAVIS: Well, does anybody have any questions or comments?

COUNCILPERSON T. DAVIS: I have one.

CHAIRPERSON DAVIS: Mr. Davis.

COUNCILPERSON T. DAVIS: I'd just like to say how excited I am about this opportunity. Atkins Daycare is a place that -- they nurtured me and I graduated from. Mr. Atkins and his family took me in and fed me well, taught me well. It's the place where someone from Riviera Beach, when you have a child, if you're not too sure you want to go, Atkins Daycare is a place that you don't even think about twice. You walk through those doors that you see things are very safe. The way they got their scanner system, when you press a button, you put your finger on there. That would allow us -- people to walk through the door, once you have your security clearance.

I like the way you all have improved with your technology and -- and I will continue to support Atkins Daycare as long as I shall live. And I have a little one, I'm bringing them straight to you.

CHAIRPERSON DAVIS: And -- are you -- you done, Mr. Davis?

COUNCILPERSON T. DAVIS: Yes, ma'am.

CHAIRPERSON DAVIS: Okay. And because this is requiring a special exception, I'm sure everybody probably is going to support it, we need to go ahead and put it on the record so -- so Miss McKinney, go ahead, please.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Okay. I'll try to keep it brief.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: We all know the Atkins family has been operating in the city probably more people than I know, you know, realize that. They're proposing their new facility on R.J. Hendley Avenue, just north of 26th Court and it's a 1.12 acre parcel, which is about 48,000, 49,000 square feet. They were reviewed for a special exception and site plan criteria by city staff who recommended approval and then they were reviewed for the special exception and site plan criteria by the Planning & Zoning Board on July 24th, 2014, and they unanimously recommended approval of the project for the City Council.

The project was advertised in the Palm Beach Post and notifications were sent by U.S. Mail to all the surrounding property owners. Thank you.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: I'd just like to congratulate the Atkins family. They have been a mainstay in our community for a long time and I do note that they have been working on that location for a minute now and I see that things have been resolved and I am excited that they are expanding in our community because it can be nothing but a

benefit to our kids. And certainly like all of the other kudos, I give mine as well. Thank you.

CHAIRPERSON DAVIS: Okay. All right. Madam Clerk.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Absolutely.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Congratulations. All right. We're now moving to item --

UNIDENTIFIED SPEAKER: (Inaudible).

CHAIRPERSON DAVIS: -- Ordinances on second reading, item 13.

UNIDENTIFIED SPEAKER: I got a lot of these --

CHAIRPERSON DAVIS: Okay. Item 13.

ORDINANCES ON SECOND READING

13. ORDINANCE NO. 40-48 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 FIXING THE MILLAGE RATE OF 8.9520 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and seconded. Any discussion?

COUNCILPERSON THOMAS: None from me.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DIRECTOR OF FINANCE & ADMINSTRATIVE SERVCES SHERMAN: Madam Chair?

CHAIRPERSON DAVIS: Oh, Mr. Sherman.

DIRECTOR OF FINANCE & ADMINSTRATIVE SERVCES SHERMAN: We do need to again, once again --

CHAIRPERSON DAVIS: Oh, yes.

DIRECTOR OF FINANCE & ADMINSTRATIVE SERVCES SHERMAN: -- for the public record, read in that the 8.952 mills is 5.2534 percent more than the rollback rate of 8.5052.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF FINANCE & ADMINSTRATIVE SERVCES SHERMAN: Thank you.

CHAIRPERSON DAVIS: Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Item 14.

14. ORDINANCE NO. 40-49 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON GUYTON: Second.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. Any presentations or comments or questions? Madam Clerk.

COUNCILPERSON T. DAVIS: Madam Chair.

CHAIRPERSON DAVIS: Mr. Davis.

CITY MANAGER JONES: No. I just need to reiterate that it is the revised budget --

CHAIRPERSON DAVIS: Right.

CITY MANAGER JONES: -- for Utility Special District.

CHAIRPERSON DAVIS: Okay. Mr. Davis.

CITY MANAGER JONES: Which this -- okay.

COUNCILPERSON T. DAVIS: So Miss Jones, reflecting that backflow position, is there any -- any financial items in that budge that would allow them to contract services to assist with that or --

CITY MANAGER JONES: No. We've -- what I've recommended here is putting the position back.

COUNCILPERSON T. DAVIS: Okay.

CITY MANAGER JONES: So there's no consideration for contracting.

COUNCILPERSON T. DAVIS: Okay.

CHAIRPERSON DAVIS: Okay. Any other questions or comments? Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Item 15.

15. ORDINANCE NO. 40-50 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MODIFYING AND UPDATING THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2014-2015 THROUGH 2018-2019; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON THOMAS: So moved.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and second. We have one public comment card, Bonnie Larson. And Miss Larson, item 16 was deleted from the agenda.

BONNIE LARSON: Bonnie Larson. This is a question I had last time this came up but we didn't get an answer to it so maybe you could answer us tonight. Give us something

to look forward to. In the next year, how much per each district, has been budgeted for street repair and drainage? Not -- not a total amount, but an amount per district. Because if you just give us the total amount, we won't know like what districts are getting what. So per district, how much for street repair and how much for drainage? Thank you.

CHAIRPERSON DAVIS: And Miss Jones, that document, would you please make sure that she gets a copy of it.

CITY MANAGER JONES: Now the drainage --

CHAIRPERSON DAVIS: Yeah.

CITY MANAGER JONES: -- but right now until we finish the other bond issues --

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: -- I mean, there are some other things have to be decided to actually definitely answer her question.

CHAIRPERSON DAVIS: Okay. All right. Any other questions or comments? Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Item 17.

COMMENTS FROM THE PUBLIC -7: 00 PM Non-Agenda Item Speakers (Three Minute Limitation)

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which had been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

Public Comments shall begin at 7: 00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 7: 00 PM, then comments from the public shall begin immediately after the item has been concluded.

CHAIRPERSON DAVIS: Okay. Reverend Burrs. After Reverend Burrs is Miss Duncombe.

REVEREND BURRS: Madam Chair, Council, Mayor --

CHAIRPERSON DAVIS: Please state your name and address for the record.

REVEREND BURRS: --City Clerk. It's Burrs. Listening at this long debate over how you're going to give these peoples their money back and all these type things, I'm not here to try to dehumanize anyone. But you all are not consistence [sic] in your procedures. You are not consistence in your procedures. Mr. -- all of y'all said it's not personal. It's not personal when it come to your personal friends. Fix it.

I -- I heard T. Davis said something about the situation he had to go through as far as his campaign situation. Somebody that prosecuted him to the -- to the hills on that issue. He -- if he made a mistake, he had to suffer the consequences. But when it come to other peoples and they make a mistake, they don't have to suffer the consequences. I'm not suggesting that y'all do anything drastic to Miss Ryan or anyone else. But you're not consistent and anybody could see that. And when you're not consistence with your -- with your employees, then you're being -- you're putting a burden on the citizens.

Now, Miss -- Miss Ryan says that she's gave analysis concerning a gentleman who had committed a crime. He was going to be persecuted and -- to death -- and at the last moment, he made appeal because the judge who sentencing him was not appointed properly. And the judge says, Yes, you were right, but you knew in -- in -- in the past, before this particular time, to bring that issue up. He knew. I can understand that point. But the citizens didn't know about this. So therefore, they could not appeal or say anything about this from -- from the time it started.

So now how are you going to pay them back or how -- existing ramification. And you all -- and I -- I say this constantly when I come to this podium. I don't need not one thing from nobody sitting up there, not a dime, not a favor or anything. I don't need anything from you so I don't have no gripe or no grief with anybody. But you all are not

consistence in your decisions. Now just a few -- few weeks or months ago, y'all wanted to suspend Miss -- Miss -- the City Clerk for ten days for not taking a -- a -- a dinner or whatever -- wanted to suspend her ten days. And that -- and -- and -- two of y'all voted and to do it. But three of y'all didn't go along with it.

But now here's -- you're talking about millions of dollars. I'm not suggesting that you suspend Miss Ryan or whatever. That's your decision. But this don't make sense for y'all to sit there and throw away our city's tax -- tax money the way you do. And like -- and like someone suggested when they was here about the Schooner's Inn. No big deal. Waive his fees and nobody asked, Where are we going to get the money from? Now we debated about a whole hour concerning the citizens of Riviera Beach money when -- when they've been treated unfairly.

CHAIRPERSON DAVIS: Okay. Thank you, sir. Miss Duncombe. After Miss Duncombe is Miss Larson.

NORMA DUNCOMBE: Norma Duncombe.

CHAIRPERSON DAVIS: Good evening, ma'am.

NORMA DUNCOMBE: First of all, I -- I'd just like to say that you have rules and regulations and you want people to respect you when they come in here. And then I look at and listen to you fighting with one another. It's atrocious in terms of how you treat one another. I think it's really sad.

Okay. What I'm dealing with and -- and it really bothers me and it was mentioned before that the City Clerk was suspended and I'd like to thank those three persons who made the decision that it wasn't fair because she did not accept a little two -- two dollar spaghetti dinner, that she would be suspended with pay. I thought it was over. And then I -- someone pointed out this letter to me that the City Manager wrote saying that she stood by her decision. And I thought that was odd because it was disrespecting the decision that you all made. Then I looked down and saw that she didn't know who Danny -- what position Danny Jones was. She listed him as the Deputy City Attorney. And the reason I'm seeing this is because there are some really serious things with this city. If you go on every block, there is a vacant house. And that just -- when you see things like that, it destabilizes the city.

And Mr. Thomas, I have to take -- give you credit for fighting for this because you are absolutely right. It's -- it might be a lot of money, but I remember the governor, you know, when they -- when Digital Domain went broke -- when they filed bankruptcy -- the State lost over 300 million dollars and nobody ever said anything. And it was all our tax dollars. So I'm saying we have some serious things to deal with and we need to get away from the things that, well, you know, you make the statement that's -- and well, people don't come up here to make statements because they don't like you. I think we need to be able to say whatever we have to say and do what we have to do to stabilize the city.

Now what I would suggest is rather than a $2 spaghetti dinner, why don't we set up something where these lots that we're giving to people and these vacant houses we're

giving to people, why don't make those available to city employees, to teachers, to policeman, fireman, other workers that are in the city, first time homeowners? It would be worth it. They have to live in it for at least twenty years unless they die and we give them the opportunity to fix those up. That would -- that would stabilize the city. It would do something for all of us.

When you get up here and say, Well, let me take a picture with you and we're going to give you a spaghetti dinner, that's not doing anything for employees. That's not doing anything. So I think --

CHAIRPERSON DAVIS: Okay, thank you, Miss --

NORMA DUNCOMBE: -- I think --

CHAIRPERSON DAVIS: -- thank you, Miss Duncombe.

NORMA DUNCOMBE: -- I think we need to make sure --

CHAIRPERSON DAVIS: Miss Duncombe, your time is up.

NORMA DUNCOMBE: -- that we do those things that will stabilize the city. Thank you.

CHAIRPERSON DAVIS: Thank you very much, ma'am. Bonnie Larson and then Margaret Shepherd.

BONNIE LARSON: Bonnie Larson. I'd like to say again that when we come here to the Council, you may not agree -- we're trying to make good, solid suggestions to you as things that we see as improving the city and the way it's operated. I have a couple tonight. I looked on the P&Z -- I tried to find the agenda for the P&Z. That is like impossible. On the website, you go around and around in circles. It takes you back and tells you what the P&Z does. You go under agendas and you can't get it that way. You cannot get to the agenda for the P&Z. I think that's a very important thing.

The other thing is, on our city calendar, I think we should list the CRA meetings dates and then have a link to the CRA, because the CRA is part of the city. It's a big part of the city. So just put their meetings on the city calendar, like I said, with a link. Then they can get the total agenda on everything from the CRA website. But make it user friendly.

Disclosure, when we have a disclosure on the agenda, it should be written -- the disclosure includes not only the Council but staff, employees and people involved with general -- with the agenda items. Everybody should disclose, not just the Council.

Oh, when you have a resolution, then you make changes to it, we can never -- we never see it in its written form as it's amended. There should be some way of doing that 'cause if we go back and look at the minutes and we're -- we just see the agenda item or the resolution as it was originally written. We don't ever get the finished version of it

with all the changes that you've made. So I think that's an important thing that people can know what was actually voted upon.

Miss Davis, you mentioned that HOA people are contacting you regarding Code. HOAs have got to take care of themselves. HOA -- you go to your HOA associate, that's not a city situation. So put them back to their -- I have a HOA. So I know what I'm talking about.

CHAIRPERSON DAVIS: I'm not -- I'm -- I'm not talking about the HOAs that you're speaking of. I'm talking about just the local homeowners associations --

BONNIE LARSON: Oh, okay.

CHAIRPERSON DAVIS: -- that exist in the area.

BONNIE LARSON: Okay. I thought you were talking about something else then. Okay. We had a situation where asphalt from DOT got on our property. Chunks of asphalt this large, chunks of asphalt that large. I wrote to Miss Jones and told her about it. I sent her photographs and whatever. This morning, bright and early, who shows up but Alan Winn from Public Works. He was out there with a Bobcat. He took about that much dirt off the front of our property. He couldn't believe it himself. He had a big truck out there scooped up all of that, by himself, in that heat. This morning he came back and worked on it again. He had a crew with him and put in some Bahia grass along the edge there. So I thank him for doing that. You're going to miss him. He's going to retire next year; you're going to miss him because he's a really hard worker. I can tell you that. In that heat, he was working for all he was worth.

Did I understand you say we're now suing Schooner Inn? Did I understand that tonight?

CHAIRPERSON DAVIS: Okay. Fane Lozman. Come on Miss Shepherd. And you gave me two -- two cards.

MARGARET SHEPHERD: Margaret Shepherd, Riviera Beach. First of all, I'm so glad my pastor is here because I declare, I had a lot to say tonight. I really had a lot to say to you all tonight. Each and every one of you. The last Council meeting, I got so many calls with the residents talking about the behavior. It was just like a rambunctious back barroom brawl. It really was. It was something that I just never saw -- I was trying to think have I ever seen anything like that before in my life and -- and I can answer no.

If you all had a meeting somewhere and the aides were asked to leave, it was only appropriate and -- and I wish that chief of staff was here because Rose Anne Brown would've really got it together. That's the type of person Rose Anne was. And you allow someone to come in a meeting and if the chair, who is the chair, made a request, and it seemed like it was a flimsy request, but I think since Mrs. Pamala Hanna Ryan was there and she was trying to -- poor Pam. I feel sorry for her. She's trying to negotiate everything. And if -- if you have -- you're there and you don't want nobody to talk to your significant other half, I think you need to keep them people at home because politics are dirty. They are -- this is a dirty business.

COUNCILPERSON T. DAVIS: True.

MARGARET SHEPHERD: And if you can't take it, you need to get out the kitchen. I want to say to you the mics are horrible. Some of the most horrible mics I've ever seen in my life. And if you want to represent this city, I think you need to do a little bit more. And with that note, to sit here and not workshop it out. Mr. -- Mr. Thomas, you did a fabulous job, fabulous. I think it should be workshopped out because there's a problem. Nobody seems to know where there's a problem at. But there is a problem. And you're right. They're coming after you all with everything. Watching this program now, they're coming after you all with all they got.

Who's problem is it? It's not Pam's problem. Something dropped through the cracks and someone have to say, Let's get in a workshop. Let's, you know, let's, you know, you guys got to fix whatever it is. But to get up there on channel 18 to embarrass yourself, because really you embarrassed yourself. And then call for the suspension of the -- the -- the -- the attorney, you know, that something happened 2008. I can't even remember what happened in 2008. And if you think you -- made yourself look good, I'm telling you, you're really -- listen to channel 18. You really look bad. But I thank Reverend Davis for being here because he saved y'all tonight.

CHAIRPERSON DAVIS: Thank you very much. Fane Lozman and then Miss Havener. Good evening, sir. You have three minutes.

FANE LOZMAN: Fane Lozman, Singer Island. The -- the City Attorney office is not a popularity contest. You expect to get legal and correct legal advice. Tonight, Mr. Thomas, you did not get correct legal advice. The de facto lawyer argument is not correct, based on a conversation I just had with my attorney.

This is not a death penalty case where a Federal judge may be, you know -- it's based in Miami and made a ruling in Orlando. The Charter says, "You must be approved by the Council." You can't go around the code. You just can't do it. And there's a -- and to give you another example of a de facto argument, you want to look at a criminal case, look at James Ryder versus the United States, the Supreme -- U.S. Supreme Court case from '95. And the appellate court had found that these two civilian judges were valid de facto, but U.S. Supreme Court said, "We hold that the judges across were not valid de facto." So the legal advice you got tonight with this de facto stuff and the death penalty, that's hogwash. That's not correct, okay?

And that's what bothers me, is that she confidently gives you legal advice that is wrong. Like she confidently said I would never win my U.S. Supreme Court case. I did win and she spent a lot of money to try to prove a point and she lost. It wasn't a penalty for somebody that signed off on six or eight hundred thousand dollars. Okay? There's going to be a trial next month where you can all see her legal -- her legal advice that she's been giving you all these years is wrong in other areas, too.

So it's not a popularity contest that she's a nice person or not, that her legal advice is poor. That was one reason 2011, two Councilpersons voted to replace her. She should be replaced with a big law firm. North Bay Village has an outside law firm; cities around South Florida have outside law firms. They don't pay twice. They don't pay for a city

attorney and then have every -- everything done by an outside law firm at the same time. So that's something that you should consider with all these legal issues. Just have one outside law firm handling it.

One of the things that bothers me about Miss Ryan is Miss Ryan has taken a vindictive attitude towards me, personally. I read the emails regarding what's going on in Singer Island, where Miss Ryan was involved in the harassment of me by Miss McKinney and by her staff. Okay. Code Enforcement came to my property. I met with them. They inspected and said there's no problem. Yet Miss Ryan coordinated from Miss McKinney, Mr. Ringle and Mr. Gagnon to take three hours out of their work day to come to the property to try to convince DEP that I was cutting down mangroves and Dan Taylor was. Okay? That's not her job to help coordinate harassment from three officials that aren't Code Enforcement. Code Enforcement came out and said I was doing nothing wrong.

So -- so Miss Ryan is a nasty person towards me.

CHAIRPERSON DAVIS: Okay. Mr. Lozman, please.

FANE LOZMAN: She's nasty towards other residents and the legal advice she gave you tonight was 100 percent incorrect. There should be a penalty when you give incorrect legal advice.

CHAIRPERSON DAVIS: Okay. Thank you very much for your comments, sir. Mrs. Havener.

VIVIAN HAVENER: Good evening.

CHAIRPERSON DAVIS: Good evening, Miss Havener.

VIVIAN HAVENER: I'm -- I'm back again about the clean-up.

CHAIRPERSON DAVIS: Okay. State your name and address for the record, sir, ma'am.

VIVIAN HAVENER: Vivian Havener, 245 East 25th Street. I'm here about the clean-up again. The newspaper got the days wrong. So the members of Neighbors United are sponsoring, which I am a member of, are sponsoring a neighborhood clean-up in Monroe Heights. The clean-up will be held from 8 to 12 noon on Saturday, the 20th. That's this coming Saturday. Volunteers will meet at Monroe Heights Park located at 25th Street and Avenue M and then separate into groups to pick up as much trash as possible. Each volunteer will receive a free T-shirt, free lunch and all clean-up supplies, plus four hours of community service. The clean-up is in partnership between Neighbors United, Keep Clean and the offices of Councilman Davis and Mayor Masters. For more information or for registration, all Bernice Wooten of Neighbors United at 309-3370. Registration can be done the day of the clean-up. Those under age 17 need a parent's signature. We hope to see you all there and thank you very much.

CHAIRPERSON DAVIS: Thank you, ma'am.

VIVIAN HAVENER: I appreciate it.

CHAIRPERSON DAVIS: Okay. Our next speaker is Fane Lozman, speaking on Item 10.

REGULAR

16. RESOLUTION NO. 100-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE CLOSING OF WEST 26TH COURT AT THE INTERSECTION OF WEST 26TH COURT AND AVENUE 'R'; APPROPRIATING UP TO $4,000 FOR THE MATERIAL AND SERVICES CONNECTED THEREWITH FROM ACCOUNT #303-0717-541-0-6355; AND PROVIDING FOR AN EFFECTIVE DATE.

17. RESOLUTION NO. 101-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A TWO (2) YEAR AGREEMENT WITH RICHARD S. BERNSTEIN & ASSOCIATES, INC., AS AGENT OF RECORD FOR THE CITY OF RIVIERA BEACH TO FACILITATE HEALTH, DENTAL, LIFE, SUPPLEMENTAL AND DISABILITY INSURANCE COVERAGES FOR CITY EMPLOYEES, AND PROVIDING AN EFFECTIVE DATE.

COUNCILPERSON THOMAS: So moved.

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and second. Any presentation, questions or comments?

COUNCILPERSON GUYTON: I -- I have a question.

CHAIRPERSON DAVIS: Mr. -- Mr. Guyton.

CITY ATTORNEY RYAN: Miss Ryan.

COUNCILPERSON GUYTON: Miss Ryan. You know who -- yes. I -- I -- where are we in the legal --

CITY ATTORNEY RYAN: Thank you, Madam Chair.

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: Yesterday, we -- I didn't call the Council members because nothing came of it. We attended -- as you know, the city has been sued by McKinley Financial Services over the issue of the RFP process and Bernstein being awarded the RFP. Yesterday morning, the judge, who is Judge Bronson, held a hearing on the city's Motion to Dismiss the Complaint as it's -- as it has been presented. She did not rule on

it on the bench. She said she would take our argument under advisement or something -- that's not the word I'm looking for -- but anyway, and she would make a decision.

We do have a calendar call on Friday for the Motion for Temporary Injunction and I'll let you know how that -- what happens with that. But we decided to move forward with this contract. I added a section in the Termination Clause that specifically says that if the court rules against the city on this case, that the -- the -- the contract will be terminated immediately by the City Manager and we'll do whatever the judge says.

In this case, the worst case scenario is that -- and that's -- it's long term -- you know, this case is just starting -- that we would have to go back out for bid. I'm not saying that's going to happen, I'm just saying that's the worst case scenario. In the meantime, the city has to move forward. We need an Agent of Record, although I know that staff has been doing a great job, they are -- they are quite inundated with all the healthcare issues going on. So we felt it would be prudent to just go ahead and -- and move forward with the contract. But I will be keeping you abreast of every issue that -- you know, as soon as I get the order from the court, I will be sending that to you and calling you.

CHAIRPERSON DAVIS: Okay?

COUNCILPERSON GUYTON: Thank you. Uh-huh.

CHAIRPERSON DAVIS: All right. Any other questions, comments? Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Item 18.

18. RESOLUTION NO. 102-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FOR PURCHASE OF MICROSOFT VOLUME LICENSING FOR OUR WINDOWS SERVER USER LICENSES, EXCHANGE SERVER USER LICENSES AND OFFICE 2013 PROFESSIONAL PLUS USER LICENSES AND AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE SAME; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. Do you have anything -- any questions, comments? Madam Clerk.

COUNCILPERSON THOMAS: Yes.

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Where is the chief? Chief -- is the Assistant Chief here?

CHAIRPERSON DAVIS: Chief Williams is back there.

UNIDENTIFIED SPEAKER: The Assistant Chief (inaudible).

COUNCILPERSON THOMAS: Well, I don't want to act as if the Chief can't answer this question, I just probably prefer the Assistant Chief to answer the questions -- I ask the question to.

UNIDENTIFIED SPEAKER: Well, his son can get him 'cause he's close by.

COUNCILPERSON THOMAS: Okay. Yeah. I had a few questions for him. If he's monitoring then, maybe he's on his way walking over now. But while he's --

UNIDENTIFIED SPEAKER: He's in -- he's in the --

COUNCILPERSON THOMAS: He's in the PD?

UNIDENTIFIED SPEAKER: -- in the conference room --

CHAIRPERSON DAVIS: Can you come up, Mr. --

UNIDENTIFIED SPEAKER: Well, we don't (inaudible) get him -- we can get him in the conference room.

COUNCILPERSON THOMAS: Yeah, in the conference room, okay.

UNIDENTIFIED SPEAKER: So we'll get him.

COUNCILPERSON THOMAS: Yeah. I do -- tell him to act like it's a hot call and, you know, come --

UNIDENTIFIED SPEAKER: Sure. (Inaudible).

COUNCILPERSON THOMAS: Come -- yeah. I mean -- I mean, you can handle the Chief. I don't want to think that -- that you can't handle it. I just had -- happened to have the conversations, you know, with him on it and I just want to make sure that we're -- we're covering that in there. You -- you sure he's here, Chief? You -- you sure he's here?

UNIDENTIFIED SPEAKER: I didn't give him permission to (inaudible).

COUNCILPERSON THOMAS: Okay. Oh, there he is -- there he is.

UNIDENTIFIED SPEAKER: See, he's a good man.

COUNCILPERSON THOMAS: He is -- he is. AC, how you doing, sir?

AC: Good evening.

CHAIRPERSON DAVIS: Good evening.

COUNCILPERSON THOMAS: Good evening. How's everything going?

AC: Good.

COUNCILPERSON THOMAS: Yeah. I asked you for a couple of other things you never got back with me on them but we'll deal with that after the -- after the meeting but we did talk about this program in some great length. Is this program identifying some of the things that you spoke with me about in terms of our systems being able to talk with one another and -- is this sort of down the line of where we need to be headed?

AC: Just confirming, you're referring to --

COUNCILPERSON THOMAS: Item 18.

AC: Microsoft Office?

COUNCILPERSON THOMAS: Yes. The -- yes.

AC: It wasn't the one we specifically spoke about but it is something that we use every day, pretty much every employee in -- in the Police Department.

COUNCILPERSON THOMAS: Okay. So, I mean, what I'm asking is, I know that it's a -- that -- that item that we were talking about is a high dollar item. I'm saying is this one of the things that can be incorporated in that versus is this something else that we're just putting on top of the -- the issues that maybe we already have?

AC: I'm not sure I'm following the question.

COUNCILPERSON THOMAS: Okay. We spoke about an overall system that we needed to go to.

AC: Correct.

COUNCILPERSON THOMAS: And what I'm asking is is this on the way to that or do we need to be directing our attention to something else?

AC: Yeah. The system we spoke about is a -- is a -- a suite of software specific to our Dispatch operations and our specific police reporting software.

COUNCILPERSON THOMAS: Right. But you were saying that this particular company could, you know, give us a package for the entire --

AC: Correct. They -- the company that provides our solution -- that -- that we're looking for a solution from provides a city-wide solution that covers all the different facets of government.

COUNCILPERSON THOMAS: Okay. SO what we're doing now, are you saying that it's in no relation to what we're -- what we've previously discussed or --

AC: Yeah. This would be something different. This is really just a -- a normal business suite of software that -- word processing, Excel spreadsheets, that sort of --

COUNCILPERSON THOMAS: So, okay. Thank you, AC. Thank you, AC?

AC: Okay.

COUNCILPERSON THOMAS: Well, Madam Manager, why -- why do we actually have it on here if it's just a normal set of programs or --

CITY MANAGER JONES: Well, see this is -- this is the first time we have purchased Microsoft 13. We've got people working on -- to Microsoft '07, some of them are '10 and so this purchases a suite of Microsoft 2013 so that every computer would have the same Microsoft program.

COUNCILPERSON THOMAS: I -- I got it but why is it here? Is it -- is it because of the dollar amount?

CITY MANAGER JONES: Yes.

COUNCILPERSON THOMAS: And how much is it?

CITY MANAGER JONES: What is it?

DIRECTOR OF FINANCE & ADMINSTRATIVE SERVCES SHERMAN: 92,26 --

CITY MANAGER JONES: Right.

DIRECTOR OF FINANCE & ADMINSTRATIVE SERVCES SHERMAN: 92,962.

COUNCILPERSON THOMAS: Okay. Right. So what I was speaking of is if there's options out there for us to be able to pick up a broad system that can be financed, why are we, you know, spending another 100 grand here when we can just go ahead and get whatever we need?

CITY MANAGER JONES: I believe what -- there's kind of two things working here.

COUNCILPERSON THOMAS: Uh-huh.

CITY MANAGER JONES: There are those things that we will be financing as a result of the IT Master Plan. What this is is your regular straight Excel-type of software in Excel, I mean, in Microsoft that we use every day. So the two are very distinct and different and if we -- we could probably wait and try to finance this later, but you're still having the same problems of the capacity on the server and trying to get everyone moved to the most current Microsoft series of software that's out there.

COUNCILPERSON THOMAS: Okay. Okay.

CITY MANAGER JONES: Yeah. This is just your everyday Word and Excel and Access and stuff.

COUNCILPERSON THOMAS: Okay, okay. I'm good.

CHAIRPERSON DAVIS: Any other questions or comments? Madam Clerk.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay.

DISCUSSION AND DELIBERATION

COMMUNITY BENEFITS REQUEST

19. MOTHERS AGAINST MURDERERS ASSOCIATION, INC. - $1,000 - MAYOR THOMAS A. MASTERS - RESPONSE TEAM PROVIDES RESOURCES TO FAMILIES WHO HAVE LOST LOVED ONES TO ACTS OF VIOLENCE, IN COLLABORATION WITH THE OFFICE OF THE MAYOR, PROMOTE PEACE AND COMBAT VIOLENCE IN OUR COMMUNITIES.

CHAIRPERSON DAVIS: Item 19 is a community benefits request from Mayor Masters for -- to provide resources to families who have lost loved ones in acts of violence in collaboration with the Office of the Mayor.

COUNCILPERSON GUYTON: So moved.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. We have one public comment card, Miss Shepherd.

MARGARET SHEPHERD: Margaret Shepherd, Riviera Beach. I want to thank the Mayor for this particular donation. It makes my heart feel very happy because you always do this, Mayor. And it -- it's something that's appreciative because I deal now with women that has been battered and kind of counsel them and kind of direct them into the right direction. And I made sure that I -- I -- I really -- I didn't know it was going to be on the agenda, but direct him over to that particular office where they have lost a child. So it was really wonderful to see, you know, this -- this type of fund going.

Also if I can go down to number 20, I think that's what I was trying to do, Mrs. Davis, put them together, with the funds for the -- the homeless people really need clothes. You guys would be surprised what they -- they really need. So I want to thank you so much, Mayor for that. Keep up the good work and I have some rum and coke at my house if you want to stop (inaudible) and I get rid of that cold in a heartbeat. So the door is always welcome.

I want to thank Mrs. Dawn Pardo for being on a -- a very good -- what was it the --

CHAIRPERSON DAVIS: Miss Shepherd.

CITY MANAGER JONES: (Inaudible) okay. Okay.

CHAIR PRO TEM PARDO: (Inaudible).

MARGARET SHEPHERD: She know what I'm talking about.

CHAIRPERSON DAVIS: All right. 18 --

MARGARET SHEPHERD: I can't even think about it.

CHAIRPERSON DAVIS: -- I mean, 19.

MARGARET SHEPHERD: But thank you. I'm -- I'm about to leave. I'm ready to go to bed after 25 -- this is really a long, long agenda, Mrs. -- Mrs. Davis. Miss Davis --

CHAIRPERSON DAVIS: I hear you.

MARGARET SHEPHERD: -- it's been a long agenda. You ignored me.

CHAIRPERSON DAVIS: I'm not ignoring you.

MARGARET SHEPHERD: Oh, okay. You were looking up at the -- I'm -- I'm just kidding with you. I can't even -- but I do thank you, but this was a long agenda. I could've went to sleep tonight.

CHAIRPERSON DAVIS: We've been here a lot longer than this.

MARGARET SHEPHERD: I know. I saw the car.

CHAIRPERSON DAVIS: It's not even 9: 00 yet. So we're doing --

MARGARET SHEPHERD: I saw the cars.

CHAIRPERSON DAVIS: -- good.

MARGARET SHEPHERD: I can't even think of the words I want to say to Miss Pardo, but I will get back to you on next week.

CHAIR PRO TEM PARDO: Okay.

MARGARET SHEPHERD: But this has been a long day for all and I thank you, Mrs. Davis.

MAYOR MASTERS: Miss Shepherd --

CHAIRPERSON DAVIS: Thank you very much.

MAYOR MASTERS: -- Madam Chair. Miss Shepherd. I just want to -- come back for a second. Madam Chair, may I --

CHAIRPERSON DAVIS: Go ahead, sir.

MAYOR MASTERS: Miss Shepherd, I want to thank you for those very humble comments but for the benefit of the public, the Mothers Against Murderers Association is that one organization that we have in Palm Beach County that is there for grieving parents, particularly mothers when they lose their children. Somebody has to be there

to -- for them, particularly through gun violence. This organization walks that family through the funeral process. They walk them even after that and they have a Circle of Healing and all the mothers become a member of that organization, they continue to work with them consistently. And I think God for Sister Ann Williams and the fabulous job that she's doing with the Mothers -- Mothers Against Murderers. It was also one of the organizations that the chair and others participated with in the Peace and Feast -- was the Mothers Against Murderers. Thank you, Miss Shepherd.

MARGARET SHEPHERD: Thank you, Bishop Masters. We appreciate it.

CHAIRPERSON DAVIS: Okay. And I've been remiss. I -- I skipped over 18-A. Do you have the resolution for 18-A?

CITY CLERK WARD: Resolution 104-14. A resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving -- approving the Marina Uplands Fund and Interlocal Agreement between the City of Riviera Beach Utility Special Districts and the City of Riviera Beach Community Redevelopment Agency authorizing the Mayor and City Clerk to execute an agreement and providing an effective date.

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second?

CHAIR PRO TEM PARDO: Second.

COUNCILPERSON T. DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Any other questions or comments? Madam Clerk?

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay.

20. CLUB 100 CHARITIES, INC. - $400 - MAYOR THOMAS A. MASTERS - FUNDS WILL ASSIST WITH THE OPERATION OF THE COMMUNITY CENTER, AS WELL AS, THE FOOD PANTRY AND CLOTHING CLOSET.

CHAIRPERSON DAVIS: Item 20 is a community benefit from Mayor Masters to Club 10 Charities in the amount of $400.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON T. DAVIS: Second.

COUNCILPERSON THOMAS: I just want to correct -- it's actually Club 100. I don't want them to think you're giving it --

CHAIRPERSON DAVIS: What did I say?

COUNCILPERSON THOMAS: You said Club 10. You know --

CHAIRPERSON DAVIS: Club 100.

MAYOR MASTERS: You were just giving --

COUNCILPERSON THOMAS: Just wanted to make a joke.

MAYOR MASTERS: -- you were just giving your tithes Miss Davis. That's all.

CHAIRPERSON DAVIS: No, it's been a long day.

MAYOR MASTERS: That's -- that's your 10 percent.

CHAIRPERSON DAVIS: I agree with Miss -- Miss Shepherd. It's been a long day. So any other questions? Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Guyton? Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: That motion passed with Councilman Guyton out.

CHAIRPERSON DAVIS: Okay.

21. NEW DESTINY FAMILY WORSHIP CENTER D/B/A DESTINY BY CHOICE - $4,000 - MAYOR THOMAS A. MASTERS – TO ADDRESS AND PREVENT VIOLENCE IN COLLABORATION WITH THE OFFICE OF THE MAYOR'S INITIATIVES PROMOTING PEACE IN RIVIERA BEACH.

CHAIRPERSON DAVIS: Item 21 is another community benefit from Mayor Masters to New Destiny Family Worship Center, D/B/A Destiny by Choice in the amount of $4,000.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON THOMAS: Second.

COUNCILPERSON T. DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Pastor Thicklin, did you want to speak?

PASTOR THICKLIN: I shouldn't just go, right?

CHAIRPERSON DAVIS: Right. You just, hey --

PASTOR THICKLIN: I was just falling asleep back there now. Good evening.

MAYOR MASTERS: Good evening.

PASTOR THICKLIN: Pastor J.R. Thicklin. First and foremost, I want to say thank you to the Office of the Mayor and thank you to the city for recognizing the fact that violence doesn't go away by itself. Most misunderstood to understand that many people try to separate street violence from domestic violence. And the reality is there is no separation of it. We learn it from home because that's where violence emulate from; our home is our very first teacher. And I want to say that inside of this, I want you to appreciate the fact that we're doing all that we can, really on a cutting-edge level. Our local media might not show it. We get a lot of coverage outside of this area, inside of our -- our innovative ways of approaching violence and eroding violence. So what we're looking to do is continue to not only have the forums, the seminars, the training, what other things that are going to equip our community leaders and officials inside of really curbing this type of violence.

And we can't not do it except we engage the community and we engage the families. And I so appreciate you for understanding that as we continue to do some things that I believe that are going to be very cutting edge and I'm glad to be able to do a lot of these things right here in the City of Riviera Beach.

CHAIRPERSON DAVIS: Okay. Thank you, sir. Okay. Madam Clerk.

CITY CLERK WARD: Councilperson Guyton? Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: That motion approved with Councilperson Guyton out.

CHAIRPERSON DAVIS: Next is Item 22.

22. CITY OF RIVIERA BEACH PUBLIC WORKS DEPARTMENT-$3,500 - CHAIR PRO-TEM DAWN S. PARDO - FOR STREET BEAUTIFICATION IN DISTRICT 4.

CHAIRPERSON DAVIS: It's a community benefit from Chair Pro Tem Dawn Pardo for street beautification in District 4. Let's hear a motion.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON T. DAVIS: Second.

CHAIRPERSON DAVIS: Okay. We have a public comment card from Bonnie Larson.

BONNIE LARSON: Miss Pardo, I'd like to commend you for your use of community benefits from the Waste Management Program. Because when you do something, I've noticed, that it's something that'll -- that's going to last more than a day. It's not a party; it's not, you know, it's not a one-day thing. It's going to be there forever. You put in the bench over there which is nice and you put in the water fountain and those things are going to be there for a long time and everyone in your district can use them and appreciate them, not just today, but from years to come.

We've just redone A1A over there. Now this must be a special project for $3,500 so it says "beautification". Do you -- could you tell us like where that's going to be and -- and --

CHAIR PRO TEM PARDO: Absolutely.

BONNIE LARSON: -- how that's going to spent? Thank you.

CHAIR PRO TEM PARDO: It's going to be on the -- well, it's going to be on Park Avenue on the south side of Blue Heron Boulevard. So we're going to landscape Park Avenue and also Lake Drive, from Blue Heron down to Beach Road. And, you know, a lot of people forget that that little, very stable residential community in there, they've been in Riviera Beach a long time. That was like probably one of the first communities on Singer Island. And they don't get a lot of the things that the people further north get. When DOT came in and did the A1A Beautification Project, you know, that little community didn't get anything.

So that's what we're doing with this. With the $3,500 we're going to landscape -- there's no landscaping over there. So we're going to landscape and we're also going to paint the -- the monuments, those old white deco monuments. We're going to paint those also and then do the landscaping.

And then with the next item, if this one's approved, we're putting funds toward a camera. The last go-around with community benefits, I allocated money toward a camera. And this is the rest of the money. So we're going to install a camera on Park Avenue also.

COUNCILPERSON THOMAS: That's good.

CHAIRPERSON DAVIS: Okay. Any other questions or comments? Madam Clerk.

CITY CLERK WARD: CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Item 23 is another community benefit from Chair Pro Tem Dawn Pardo for -- in the amount of $2,750 for the purchase of a security camera. Is there a motion?

23. CITY OF RIVIERA BEACH POLICE DEPARTMENT - $2,750 - CHAIR PRO-TEM DAWN S. PARDO - FOR PURCHASE OF A SECURITY CAMERA FOR DISTRICT 4.

CHAIRPERSON DAVIS: Is there a motion?

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON THOMAS: Second.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. And -- and Miss Larson, you didn't want to speak on that, did you?

BONNIE LARSON: Yes. I think she -- I think she just answered it, though. That security camera is going to go on Park Avenue, is that what you said?

CHAIR PRO TEM PARDO: Correct.

BONNIE LARSON: 'Cause I know that we had before from community benefits, I think it was Mayor Masters, got a camera for the base of the bridge right there. Who's -- who -- who monitors that -- that camera and what are you looking for?

CHAIR PRO TEM PARDO: The Police Department monitors it. And --

BONNIE LARSON: They watch it like all the time?

CHAIR PRO TEM PARDO: -- and about a year and a half ago, I allocated funds for a camera on the north end of the island. Okay? So we have a camera on the north end --

BONNIE LARSON: Like at the very end?

CHAIR PRO TEM PARDO: -- the CRA -- on the north end -- on the far north end of the island. And the CRA, with the Police Department, installed cameras up and down the Blue Heron Bridge. And that's part of the CRA plan. They put cameras all throughout the CRA.

BONNIE LARSON: Okay.

CHAIR PRO TEM PARDO: The homeowner associations on the west side of A1A --

BONNIE LARSON: Uh-huh.

CHAIR PRO TEM PARDO: -- they have paid for cameras that, you know, provide security --

BONNIE LARSON: Uh-huh.

CHAIR PRO TEM PARDO: -- for their neighborhoods.

BONNIE LARSON: Uh-huh.

CHAIR PRO TEM PARDO: On the east side of Park Avenue, there's a lot of transient motels and, you know, there's been problems from time to time.

BONNIE LARSON: Uh-huh, uh-huh.

CHAIR PRO TEM PARDO: So anyway, so we're going to put a camera there, and --

BONNIE LARSON: Okay. Again, I just want --

CHAIR PRO TEM PARDO: Right.

BONNIE LARSON: -- thank you 'cause --

CHAIR PRO TEM PARDO: And again, it ties into --

MAYOR MASTERS: Madam Chair.

CHAIR PRO TEM PARDO: -- Riviera Beach Police Department.

BONNIE LARSON: Right. Because it is -- when you do something -- I have to say that it's something that benefits the whole community and only our community. 'Cause sometimes when we give away to agencies and things like that, non-profits, that's a good idea, too.

CHAIRPERSON DAVIS: Okay.

BONNIE LARSON: But it benefits -- I haven't done my three minutes yet -- but it benefits people other than Riviera Beach. So if we do something just within the community, let's use that money more and more, if we can, just for Riviera Beach and then we'll get our full value of it. Thank you.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: Madam Chair.

CHAIRPERSON DAVIS: You know, you had filled in duplicate cards, Miss Larson. Miss -- Mayor Masters.

MAYOR MASTERS: Yeah. I just also want to commend and compliment Co-Chair Pardo for the cameras. And, as you know, I used a lot of our money, community benefits, for security cameras. We have four. You were -- I almost forgot. We have -- there are four cameras at the base of the bridge, on the island and several other cameras in businesses -- outside of businesses -- in the areas on the mainland as well and that is so important. Thank you for reminding me of that. But they're still there and they're still operational. Thank you.

CHAIRPERSON DAVIS: Okay. Item 24.

24. 6TH ANNUAL COUNCILMAN CEDRICK A. THOMAS THANKSGIVING TURKEY GIVEAWAY - $6,110 - COUNCILMAN CEDRICK A. THOMAS - PURCHASE OF TURKEYS FOR FAMILIES IN OUR COMMUNITIES.

CHAIRPERSON DAVIS: This is the community benefit from Councilman Thomas for the Thanksgiving turkey giveaway in the amount of $6,110.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON T. DAVIS: Second.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: Madam Chair, let me just make sure that I let everybody know that it's going to probably be quite a bit more than that. So once the -- it falls over, I'll be bringing it back. I actually got an updated invoice today and I'm just pondering, going if I want to stay with the same provider due to the increased cost. So you'll probably see another one of these to complete the amount of money that I'll have to spend.

CHAIRPERSON DAVIS: Okay. All right. Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. Now Item 24 [sic], Discussion by the City Manager.

DISCUSSION BY CITY MANAGER

25. RESOLUTION NO. 103-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING AND APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TARGET AREA BOUNDARY; AUTHORIZING THE CITY MANAGER TO TRANSMIT THE ADOPTED CDBG TARGET AREA AND CORRESPONDING DATA TO THE PALM BEACH COUNTY DEPARTMENT OF ECONOMIC SUSTAINABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CHAIRPERSON DAVIS: We have one public comment card, Bonnie Larson.

COUNCILPERSON THOMAS: So moved.

CHAIRPERSON DAVIS: Second.

COUNCILPERSON THOMAS: Oh, does -- is this is an action item?

COUNCILPERSON GUYTON: Second.

UNIDENTIFIED SPEAKER: Yes.

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON DAVIS: That's what threw me. Okay. Miss Larson.

BONNIE LARSON: Okay.

CHAIRPERSON DAVIS: You want to come on up?

BONNIE LARSON: (Inaudible).

CHAIRPERSON DAVIS: I'm sorry? Come on up.

MAYOR MASTERS: I just need your (inaudible).

CITY MANAGER JONES: Well, while she's coming, I think what she's wanting to know is what the area is and the simplest way to answer that would be Federal Gardens, which is south of Blue Heron. It's start running along Avenue R all the way down to, I guess that's 8th Street. But you've got -- it's the blue section in there but it's Federal Gardens if you were looking at particular subdivision areas.

CHAIRPERSON DAVIS: Okay. Is there a presentation or anything? No? Okay. Any questions or comments from Council? Madam Clerk.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON T. DAVIS: Yes.

CITY CLERK WARD: Councilperson C. Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. Anything from legal?

LEGAL DISCUSSION/REQUEST

CITY ATTORNEY RYAN: No, Madam Chair.

CHAIRPERSON DAVIS: Anything -- any --

CITY MANAGER JONES: Can -- I have one other thing.

CHAIRPERSON DAVIS: Yes.

CITY MANAGER JONES: Very quickly, in anticipation of the vote from the police, as it relates to going to FRAS, I will be polling and checking with your legislative assistants because that time -- because we need to have a workshop to really talk that through and the potential moving to FRAS. We were looking to start as early as September the 29th for a workshop. So we will be working with your legislative assistants, trying to determine if that -- or what other days would be appropriate so that we could start answering your questions. Whenever we have the workshop, we will have someone face timed in from Tallahassee from the FRAS office to be able to answer any questions. But we need to get started on that process.

One last thing, also. On Thursday is the port's regular meeting which conflicts with the demolition activities over on the island. They're -- they -- on the agenda, they have issues related to the City of Riviera Beach. I just wanted you all to know and for Miss Pardo to know as our liason, that one of the outstanding issues you may hear about deals with the police overtime that has not been paid, as well as three or four months from a contract from 2013.

The other item would be Stonerock Shipping and that's the scrap metal area. Stonerock submitted their business tax receipt. Staff met. The request was incomplete and so we were requesting them to do a completed application. They had their president of their -- their company was here in town on last Wednesday. Met with Mr. Sherman and he relayed to him what our desires were as it related to the business tax receipt. What we were made aware of is that they have a receiving office in the building on the west side of A1A --

CHAIR PRO TEM PARDO: Uh-huh.

CITY MANAGER JONES: -- but they store all of their scrap on the east side on the port proper and so we were asking them to do two separate permits. With the receiving

office, we really didn't have a problem with that. So that we're asking them to do two separate permits and then staff wants to meet with them before we make a final determination of being able to issue to them a permit. So those are two items just in case you get calls from elected officials from the port that I know are out there. We worked out all of the water issues that were a part of the port issues and I don't know what else they might bring up. But that's just kind of give you an update as it relates to some of the port issues.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: I -- I have a question for the City Manager. The Scrap Metal Ordinance that we have states that if a, you know, a scrap metal provider or someone wants to store scrap metal in our city, it has to come to the Council. It's a special exception. So what are we going to do about that?

COUNCILPERSON THOMAS: Bring it to the Council.

CITY MANAGER JONES: We will follow whatever our particular ordinance says. We're just wanting them to get us the proper applications first and that's kind of where we are 'cause they're failing to do that. If it is a special exception, by all means, we will follow our process and make sure --

CHAIR PRO TEM PARDO: Okay.

CITY MANAGER JONES: -- that they get before Council. We were also concerned about whether the area shouldn't be covered -- was another issue that we also add.

CHAIR PRO TEM PARDO: Absolutely. Right. It's a hazard.

CITY MANAGER JONES: Yeah.

CHAIR PRO TEM PARDO: It's a hazard.

CITY MANAGER JONES: If -- if you get high winds --

CHAIR PRO TEM PARDO: Even with (inaudible).

CITY MANAGER JONES: -- and hurricane winds --

CHAIR PRO TEM PARDO: Uh-huh.

CITY MANAGER JONES: -- that scrap metal could just --

CHAIR PRO TEM PARDO: Right.

CITY MANAGER JONES: -- blow anywhere.

COUNCILPERSON T. DAVIS: Is that (inaudible)?

CHAIR PRO TEM PARDO: Okay. And --

CHAIRPERSON DAVIS: Miss Pardo, go ahead.

CHAIR PRO TEM PARDO: All right. And I'd like to make you aware -- I became aware of this today with regards to the port. I got an email from someone saying that they just learned that the port has applied to the U.S., FERC, right, the regulatory -- the Federal Energy Regulatory Commission, for a permit to construct a CNG plant on port property -- Compressed Natural Gas -- on port property and CNS gas would be piped to the port and then placed in sea containers for shipment to the Bahamas. CNG, while not a hazard, hazardous gas, is extremely flammable and any incident within the port would result in evacuations of nearby locations.

So I just wanted to bring that to your attention. I don't know if you're aware of it.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: We had told the -- the port previously, months ago, that CNG would be an issue for the city because of the volatility of it.

CHAIR PRO TEM PARDO: Uh-huh.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: You know, it could take out blocks and blocks of area.

CHAIR PRO TEM PARDO: Right.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: So they've been put on notice.

CHAIR PRO TEM PARDO: Okay. Well, you're on notice now that they applied --

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: -- to FERC.

CITY MANAGER JONES: So we will watch that application and, in fact, we probably should be able to get a copy of that application.

CHAIR PRO TEM PARDO: Right.

CITY MANAGER JONES: For they're wanting to do with that. They did ask for a fence permit for the west side as it relates to the area up under the power lines.

CHAIR PRO TEM PARDO: Yeah.

CITY MANAGER JONES: We did give them a fence permit. However, they have to come back for use as to what they want to use that particular property area for. And

just one last thing as relates to the port. All of you are aware that Manny Almira, the Executive Director of the port and I used to hold regular --

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: -- once a month breakfast meetings and now he has been directed that any meeting that he has with me, Richard Pinsky must be present. So needless to say, there may not be many breakfast meetings any more.

CHAIR PRO TEM PARDO: Uh-huh, right.

CITY MANAGER JONES: But I just wanted you all to know that there's a change in that. I'm through.

CHAIRPERSON DAVIS: Okay. Any Committee Reports?

CITY COUNCIL COMMITTEE REPORTS

CHAIR PRO TEM PARDO: Yes, Madam Chair.

CHAIRPERSON DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: Okay. I have a couple of things. You know, I meet with -- I'm on that Northern --

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: -- my Intergovernmental Committee and anyway, one item that has been discussed is the proposed development at Panama Hattie's which is on Ellison Wilson Boulevard and PGA, right at the bridge. Anyway, we became aware of it when -- Singer Island residents became aware of it in the winter -- and at one of the community meetings, we had Commissioner Valeche there and a couple of residents voice their concerns about it. And at the time, you know, it was just, you know, shoved off. You know, nothing was going to happen any time soon.

Well, anyway, the -- Panama Hattie's has closed and a developer is proposing a pretty dense development for the area. A group of different -- the homeowners associations in the surrounding area, Lost Tree Village at the end of Singer Island and the Benjamin School and other properties around there, formed a little group. And they had asked me to participate, so because my residents on Singer Island are concerned, I did attend one of their meetings.

And they're trying to -- they don't want to stop the project, but they would like to move forward -- they would like the developer to move forward with the project that the County approved several years ago, which is more of a -- I would call it like a Sailfish Marina type project. So, you know --

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: -- so this committee will continue meeting and they're hoping to meet with the County because the property right now is still in Unincorporated Palm Beach County. But the -- the City of Palm Beach Gardens would like to incorporate that property into their city. So anyway, I just wanted to make everyone aware that because this will -- if the project moves forward like this developer is hoping, it is going to definitely have a negative impact on people who are trying to head west on PGA Boulevard.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And right now, you know, the bridge goes up every half hour on the half hour. And in the winter, you know, it -- it takes a good 15, 17 minutes to get over the bridge. So if we have that massive development, if you don't make it through that light the first time, you know, it's a -- you -- you know, you're going to spend almost 30 minutes at the light. So I just wanted to make everyone aware of that.

And the other thing that I would -- well, no. That's all it -- for Committee Reports.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: I have one quick Committee Report. All of us serve on some policy committee for the Florida League of Cities. I serve on the Finance, Taxation and Personnel Policy Committee and as you all know, we all have priorities that we try to advance. One of the ones that I pushed for in -- on my committee that impacts the city was the municipal property tax exemption --

COUNCILPERSON T. DAVIS: Uh-huh.

COUNCILPERSON GUYTON: And that's because of the litigation that is going on with the marina north of us. And that did make the final list as one of those that we would be trying to get the Florida League of Cities to advocate for. The other four are the municipal pension reform, local government infrastructure surtax, communication sales tax and luxury bed tax. And we'll -- they're advocating that municipalities should get a piece of those or those taxes -- and the Internet sales tax. And those are the five on the -- that are being advanced from the committee that I serve on.

CITY ATTORNEY RYAN: Madam Chair.

CHAIRPERSON DAVIS: Miss Ryan.

CITY ATTORNEY RYAN: I just wanted to comment on the marina issue. At -- some time back you all asked me to reach out to the City Attorney for Fort Pierce which I did. And the -- the League of Cities, on behalf of the cities, has filed a motion with the court to file an amicus brief which means that they are going to a brief that represents, you know, all of us. He said he'd be in contact with me, you know, as -- as he goes through

and thanked the city. I -- I've told him that my Council is very interested in it. We talked about our different cities and how similar we are. And I advised him that we're very interested in it and want to be a part of it. It -- it will be on appeal at the Fourth District Court of Appeal which is closer to us and I'll let you guys know when that happens. And in the meantime, if they need any help from us, I've let them know that we are here to assist in a -- in any way we can.

COUNCILPERSON GUYTON: Sounds good.

CHAIRPERSON DAVIS: Okay. I'm sorry. You -- you want something?

COUNCILPERSON THOMAS: Yes, ma'am.

CHAIRPERSON DAVIS: Go ahead, Mr. Thomas.

COUNCILPERSON THOMAS: Are we still on Committee Reports?

CHAIRPERSON DAVIS: Yes.

COUNCILPERSON THOMAS: All right.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: As stated by Mr. Guyton, we -- I initially was on some of these boards when I first was elected back in '07. And I took just a small hiatus from being on these -- these State boards -- small hiatus, probably about four years. But I -- I am now back on a board, the Energy board and the only thing that -- that I was pushing this time around, just being newly appointed to the board and I was glad that it did get accepted as one of our issues that we will be dealing with, is the -- the school boards that they don't want to pay the -- the stormwater --

UNIDENTIFIED SPEAKER: Stormwater --

COUNCILPERSON THOMAS: -- fee. I, along with the Mayor of Miami Gardens and their attorney, by the way, was -- was there. We -- we pushed for that together and the League will be making that one of the initiatives. Basically, the school district and Miss Ryan if I'm explaining it wrong, please correct me -- they can issue their own permits and certifications. And they're choosing not to pay the cities, the municipalities, the stormwater fees, basically saying that they really just don't have to.

COUNCILPERSON T. DAVIS: Uh-huh.

COUNCILPERSON THOMAS: Am I -- am I --

CITY ATTORNEY RYAN: You're correct. That -- you're correct.

COUNCILPERSON THOMAS: Right.

CITY ATTORNEY RYAN: There's a case that came out that kind of said it and so they've jumped on it --

COUNCILPERSON THOMAS: Right.

CITY ATTORNEY RYAN: -- and they just refused to pay it. We still, just so you know, we still -- we are still calculating it.

COUNCILPERSON THOMAS: Right.

CITY ATTORNEY RYAN: And there was a case up in Gainesville that -- you guys probably talked about it -- everybody was kind of waiting to see what happened.

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: I don't think it's ever been really resolved.

COUNCILPERSON THOMAS: Well, it hasn't, but we're -- we're asking to -- to do it. The -- the -- the good thing about it was, it did get approved for that particular committee to actually be, you know, lobbying in --

CITY ATTORNEY RYAN: That's great.

COUNCILPERSON THOMAS: -- the -- the -- the legislators. I was happy to see that -- well, Palm Beach County was not the only one that was being affected in that sense. These are members of elected bodies all across the State and there were several municipalities that were getting affected by -- by it. And just a average dollar amount -- what -- what is it that they should be paying us? The school district?

CITY ATTORNEY RYAN: I -- I -- was -- I don't know if Brent Johnson is here. But I think it was -- it's around $30,000 a year that they are not paying.

COUNCILPERSON THOMAS: Right. Right.

CITY ATTORNEY RYAN: For the -- for their runoff. I mean, they are experiencing the same runoff that our citizens experience and have to pay for. But they feel that because they're a governmental entity, they shouldn't have to pay.

COUNCILPERSON THOMAS: Right. So I just want to make sure that the board knows that that was -- it was the only thing that I fought for and I was just happy to -- to get something, being the -- the newbie on the board. They don't let you talk very much. But I was able to -- to get that in so that is one of the -- the initiatives.

The other thing I wanted to say is if there's things that, you know, we have that we're trying to work on, if we can, you know, let the colleagues that are going to that particular group know like this. I think Mr. Davis is on Transportation or --

CHAIRPERSON DAVIS: No, I am.

COUNCILPERSON T. DAVIS: Growth Management.

COUNCILPERSON THOMAS: Oh, I mean, Miss -- oh, Miss Davis, are you on Transportation?

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: Oh, well, she's the Chair so we know we can get some of our issues discussed at least. So I -- I definitely want to make sure that I brought some of those transportation issues up to you. So now that I know that you're definitely the one that's on that particular committee, I would -- I would love to be able to give you some of that information.

CHAIRPERSON DAVIS: Okay. Did you want to give -- okay. Go ahead.

CHAIR PRO TEM PARDO: Yeah. I -- I forgot to mention, you know, I'm -- I'm on the Florida League of Cities, Urban Administration Committee, and at our next meeting, we will determine what our priorities are. But we were able to dwindle them down to five and our number one priority will probably be sober homes again. And I have a meeting in a couple of weeks with Representative Hager. He has agreed to file another bill.

COUNCILPERSON THOMAS: Uh-huh.

CHAIR PRO TEM PARDO: We're going to try to modify the bill and take a different lead on it. And the other thing is we were able to get Vacation Rentals passed last session. But now there's a new company, it's called Airbnb. And it looks like the League may take a position on that and try to put some more language into that Vacation Rental Bill that was passed last year.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: So, yeah, that's it.

CHAIRPERSON DAVIS: Okay. I do --

CHAIR PRO TEM PARDO: I'll have more next month.

CHAIRPERSON DAVIS: Okay. I do serve on the Transportation and Intergovernmental Relations Legislative Policy Committee. And I also chair that committee. We had, I think approximately nine items on -- nine issues. And this group wanted to take a vote whether to prioritize four or five and we narrowed it down to four priorities. And I can only -- I can't remember the last one right now but I will give a -- a more full report at our next -- after our next meeting.

One of the issues that we gave as a priority is transportation funding. And as most of you know, our money to do roads and -- and things like that comes from our gas tax. And because of the smaller cars, the more energy efficient cars, we are not getting as much money in gas taxes as we have in, you know, prior years. So that is an issue that

we're taking up. Another is municipal charter schools and basically, what we decided to do was anything that impacted home rule is what we decided to make a priority.

Municipal charter schools, those municipalities who want a charter school, they feel that they should be able to bring that if they want to and not be governed by the State. Another one is Uber. I don't know how many of you have heard of that but --

CHAIR PRO TEM PARDO: What is Uber?

CHAIRPERSON DAVIS: Uber is a ride for hire company. And they call themselves a tech company but it really is an app that this tech company created. For instance, if you were at a game down in Miami and, you know, 30,000 people there, and if you needed a ride back to the train station, you're going to be waiting forever for a taxi. Well, this app, if you have it on your phone, you can dial up and anyone that is closest to you, they send that person to you. And it's real -- it was really very, very interesting the way that this app works in that -- you know, all of the safety type things came up -- but the -- the way the app works is once they get that ping, okay, for whoever's working, a picture is sent to you of the driver and other information is sent to the driver. So it's kind of --- it -- it makes sure that you're safe and they can't turn down anybody. They have to go to a specific neighborhood if they're called, they can't turn it down.

So it was really very interesting and there's a lot of controversy about it but the one thing that I found that was very, very interesting is that it is a job creator. I'm telling you. This company was in existence since 2010, but it went public in 2012 and they are already in excess of 18 billion dollars. Okay? So -- but there needs to be some regulation because the taxicab drivers are really upset and then you want to make sure that the cars are safe and, you know, insurance and all that kind of stuff. So I'll be following that very closely and I'm sure that -- I'm hoping that there is some middle ground that, you know, everything will work out with that. And that's it for me.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON DAVIS: Yes, Miss Pardo.

CHAIR PRO TEM PARDO: I just want to mention something. I have that Uber app and when I'm in New York --

CHAIRPERSON DAVIS: Yeah.

CHAIR PRO TEM PARDO: -- I use it.

CHAIRPERSON DAVIS: Yep.

MAYOR MASTERS: And I have it, too.

CHAIR PRO TEM PARDO: It's -- yeah.

MAYOR MASTERS: Chief said he had it.

CHAIR PRO TEM PARDO: But the Chief has it.

CHAIRPERSON DAVIS: Awesome.

CHAIR PRO TEM PARDO: And it's great. And in New York City, it's regulated by the -- the Taxi and Limousine Commission.

CHAIRPERSON DAVIS: And -- and --

MAYOR MASTERS: I use it (inaudible).

CHAIRPERSON DAVIS: -- that's where we're trying to go.

CHAIR PRO TEM PARDO: And they have to have a stamp on it.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: You know, on their car.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And the whole bit.

CHAIRPERSON DAVIS: Yeah.

CHAIR PRO TEM PARDO: But, it's great.

CHAIRPERSON DAVIS: And -- and -- that's -- that's -- that's the issue --

CHAIR PRO TEM PARDO: Uh-huh.

CHAIRPERSON DAVIS: -- they just need to be regulated and I'm telling you, anybody who wants to work for them, they do background checks and -- and all of that. And you work the number of hours that you want to work. There are some people who bring home six figures. Okay? So it's a -- it's --

MAYOR MASTERS: I want to work for them.

CHAIRPERSON DAVIS: -- it's a wonderful opportunity. All right. Statements from the Mayor and Council.

COUNCILPERSON T. DAVIS: Madam Chair, I still have to do my update.

CHAIRPERSON DAVIS: Oh, I didn't -- I didn't hear you, sir. Go ahead.

COUNCILPERSON T. DAVIS: I -- I thought you'd get to me at some point. I sit on Growth Management Committee, and one of the things that came up in our discussion was the same issue that came up that you just discussed.

FEMA maps was another one. It's going to be a long, drawn process, the FEMA maps, but we were just told that we're only going to be allowed to do two priorities this year versus three. So it got to a very compromising position because the main focus we want to focus on that affects our city is the sunset at the enterprise zones. And those western communities had a big question, who -- had a huge number of people that sat on their board said, Why should we support something that doesn't affect our communities because they don't have enterprise zones. We got into maybe an hour discussion, trying to get them to understand, which they -- they're starting to get around to understand that. If you all can get together and pay for a study through the three different counties, the neighboring counties, to find out which areas in your neighborhoods are -- how can I put it -- unemployment rates are really kind of drawn. And y'all can combine those little pockets and put them together and create a tri-county enterprise zone. So they heard that, they listened to that. So that's something that's going to come up in our very next meeting because that's the one item that we really need to really be pushing across the board. So the -- the -- those on the eastern side of the -- Florida, were very supportive. So the westerns group, they don't have enterprise zones, they have more like redevelopment districts and things of that sort.

So they're now starting to open up their minds and being very broad to the idea of supporting this initiative. Thank you.

CHAIRPERSON DAVIS: Okay. We're now down to Mayor and Council statements. Mr. Guyton, we'll start with you.

COUNCILPERSON GUYTON: Nothing.

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON T. DAVIS: Nothing.

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: I do. I have something. You know what, I'm going to -- I'm going to talk to the manager first about it. All right.

CHAIRPERSON DAVIS: Okay. Mr. Thomas.

CHAIR PRO TEM PARDO: I'm good, thanks.

COUNCILPERSON THOMAS: Yes. I have some just real quick. Mr. Lawrence Jones asked me to announce the demo and debut. Please join us for the demolition of the west side of the beach court and the exciting debut of the Clean and Safe Ambassadors. It's going to be tomorrow, Thursday, September 18th, from 4: 30 to 6: 30. Directly behind the Greater Gator and the lot adjacent to Island Road. Come and get a taste Riviera Beach has to offer with free food, samplings from area restaurants, live entertainment and more. RSVP to Events at the O'Donnell Agency.com or Lauren at 832-3231. She also wanted me to talk about community service hours that you may be able to get. So at a time that's convenient for you, please talk with Miss Delores Jones. Miss Jones, do you have a telephone number you want me to give? Okay. She

says absolutely not. Just the one that's on here. So you have it. That's all from me, Madam Chair.

CHAIRPERSON DAVIS: Okay. Mayor.

STATEMENTS BY THE MAYOR AND CITY COUNCIL

MAYOR MASTERS: Yes. Thank you, Madam Chair. Just -- just a couple -- few things. Madam Manager, I -- I noticed that -- that there are several department heads and I want to commend them -- they're -- they're in the room -- that stayed through the continuation of the meeting -- continuation of the meeting. I see the Finance Chairman here, I see the Fire Chief, the Police Chief, the Director of Community Development, Miss McKinney. I see the Assistant Attorney to Pamala Ryan and others. And Mrs. Perry, who is personnel and I want to say the -- well, personnel -- I want to say HR. Personnel, HR, same thing.

CHAIRPERSON DAVIS: Uh-huh.

MAYOR MASTERS: But my question is do -- is there a policy for department heads to be in this room when the meeting ends or -- you know, 'cause I see some here and some out there and then some in and out. So is there a policy?

CITY MANAGER JONES: Sir, there is not a policy. Recently, what was decided at the retreat, was that department's heads that were not in here would be in the conference room of the Manager's Office. One other department head asked to still stay in their office because at least in the conference room and the Manager's Office --

MAYOR MASTERS: That's good.

CITY MANAGER JONES: -- and if people are in this building, they could still be doing some work rather than just sitting here. And so that was discussed at the retreat and --

MAYOR MASTERS: Uh-huh.

CITY MANAGER JONES: -- we made that concession --

MAYOR MASTERS: And it's a good --

CITY MANAGER JONES: -- that they should be able to do that.

MAYOR MASTERS: -- and a very good decision.

CITY MANAGER JONES: But there is no policy.

MAYOR MASTERS: Okay. Madam Chair, I would like to ask Director of Recreation and Parks, Mr. Williams, to announce the Jazz in the -- in the Park. Mr. Williams?

MAYOR MASTERS: Well, I don't have -- I don't have it in front of me. I was asking for the department head, John Williams, can you -- will you please come to the mic? Or in the interest of time -- is he -- he's coming?

UNIDENTIFIED SPEAKER: He's coming.

MAYOR MASTERS: We got a lot of our residents are interested and they're going and it's a wonderful thing that we have some type of social outlet in the city. So I don't -- and I don't know who the guest will be tomorrow, I mean Friday. But I'd like for it -- our director to announce any special activities. And while he's coming, 35 -- I wanted to, just for the record, Charity 100, 35 percent of the children that participate in the after-school program, it's from our city, the City of Riviera Beach and we're very thankful for the relationship that we are forging on with the City of Lake Park and -- and with the Sheriff Department and our Chief with the City of Riviera Beach, working together.

Also, I recently discovered, a couple of days ago, that there is a -- a large family of Masters in St. Ann, Jamaica, and we are cousins. So thank you for allowing me to be in the Jamaican family that I didn't know about. St. Ann, just remember me in 2016.

Mr. Williams, could you highlight Friday night for us, please?

DIRECTOR OF PARKS & RECREATION WILLIAMS: Good evening. John Williams, Director of Parks and Recreation. Jazz After Dark will be this Friday, 8 to 12. The name of the band will be Pocket Change.

MAYOR MASTERS: Okay. Thank you. Also as relates to the infant mortality and the Community Voice, one of the things that Assistant Manager, Mr. Perry, Troy Perry, stated that he has a great idea that we all tackle one particular neighborhood and all -- and put all of our resources there as much as possible, until we can make a difference. So I'm going to personally volunteer that we do that with Stoneybrook, that we take the Community Voice there; the after-school program there; the bridges program there, whatever. Because we're not going to just throw Stoneybrook away. We can make a difference with the resources that we have and I'm going to be directly involved in trying to get more resources in there.

Also would like to announce that in about a month, the Office of the Mayor is going to sponsor a job fair only for ex-felons. That we -- we -- which the new word is returning citizens. We -- we need to do that because when people come back, they need work. If they don't get work, sometimes it can create problems for law enforcement. And the only way you can come in that -- in that room, is you have to have a record. And we will have employers there who are committed to hiring our returning citizens. And last but not least, we want to remind you again that we have -- we don't the UVO app, but we do have an app for those of you who are looking for employment, we love for you to go through my app. It's Mayor Masters with no spaces and you will see a link for jobs and hopefully that will help you. May God bless Riviera Beach and know that the -- the best is yet to come. Thank you, Madam Chair.

CHAIRPERSON DAVIS: And I just want to -- there -- there's been a lot of information floating around on -- on the media, I'll just say that -- about Youth Recreation not

spending money the way that it was supposed to be spent. And I'm -- I have here an October 13th, 20 -- October 2nd, 2013, agenda whereby I donated $1,000 to the Youth Recreation Association to assist with feeding 500 youth and senior citizens for the Thanksgiving and Christmas holidays. It did not mention anything about giving away turkeys. So I just wanted to put that out there to clarify some mixed information that's been floating around. And anybody who wants to look at it, it'll be out there on the table. All right.

ADJOURNMENT

CHAIRPERSON DAVIS: Is there a motion for adjournment?

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: So moved.

(CONCLUSION OF MEETING)

APPROVED:

THOMAS A. MASTERS
MAYOR

JUDY L. DAVIS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

DAWN S. PARDO
CHAIR PRO TEM

BRUCE A. GUYTON
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: D. PARDO

SECONDED BY: B. GUYTON

B. GUYTON	AYE
J. DAVIS	AYE
C. THOMAS	AYE
D. PARDO	AYE
T. DAVIS	AYE

DATE APPROVED: 11/05/2014