

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 4, 2012 AT 6:30 P.M.
MUNICIPAL COMPLEX CITY COUNCIL CHAMBERS**

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE LEGISLATIVE ASSISTANT PRIOR TO THE BEGINNING OF THE MEETING. 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 Davis was present and presided. Upon a roll call by City Clerk Ward, the following were present: Chairperson Judy L. Davis, Chair pro tem Billie E. Brooks; Councilperson Cedrick A. Thomas; Councilperson Dawn S. Pardo; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth C. Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala Ryan.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Councilperson Pardo.

AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Jones mad the following revisions to the agenda: deleted No. 2 – resolution regarding Samadi Engineering Inc. and added No. 11 – request for Community Benefit funding.

Disclosure By Council

(If any Council Member has anything to disclose regarding any item on the Agenda, please do so at this time.)

NONE

Adoption of Agenda

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Lowe** to approve the agenda as amended.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

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.

MINUTES

1. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD, DECEMBER 7, 2011.

RESOLUTIONS

2. RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENTS NOT TO EXCEED \$70,000 FROM THE CITY'S CAPITAL PROJECTS FUNDS TO SAMADI ENGINEERING INC. FOR ENGINEERING SERVICES ON VARIOUS ROAD PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.
ITEM DELETED
3. RESOLUTION NO. 1-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$200,892; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET AND APPROPRIATE FUND BALANCE IN THE AMOUNT OF \$479,108 IN THE PAVING AND DRAINAGE CONSTRUCTION FUND; AND PROVIDING AN EFFECTIVE DATE.
4. RESOLUTION NO. 2-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO SGM ENGINEERING, INC. OF ORLANDO, FLORIDA FOR MECHANICAL DESIGN SERVICES FOR DEVELOPMENT OF DESIGN SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND RELATED SERVICES FOR THE HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEM REPLACEMENT IN THE CITY HALL BUILDING IN THE AMOUNT OF \$21,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE

ORDERS UP TO TEN PERCENT (10%); AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NUMBER 310-1123-519-1-6251 AND PROVIDING AN EFFECTIVE DATE.

5. RESOLUTION NO. 3-12 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 THREE-YEAR LEASE FOR BAYS 12 & 13 AT 6557 GARDEN ROAD FOR THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2014; AND APPROVING THIRTY-SIX (36) MONTHLY PAYMENTS TOTALING \$55,800 TO PALM BEACH COMMERCIAL PROPERTIES FROM ACCOUNT NUMBER 001-0822-521-0-4402; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Brooks** to approve the Consent Agenda as amended.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING

City Clerk Ward urged the residents that lived along the corridor of Military Trail, within the city limits, to review their new voter's registration card, if they have received one, for their polling location. She stated that there may have been some changes and it was imperative that residents be aware of any changes prior to the January 31, 2012 Primary Election. She also advised that as of February 1, 2012, there would be a change in the polling location for the residents of Singer Island. She stated that a new location had not been found and encouraged the residents to provide her with location suggestions.

Councilperson Pardo suggested that the county building located within Phil Foster Park and stated that she would speak with the county commissioner and advise of the outcome.

AWARDS AND PRESENTATIONS

6. PRESENTATION BY PORT OF PALM BEACH CHAIRMAN WAYNE RICHARDS TO PROVIDE AN UPDATE ON JOINT PORT/CITY INITIATIVES.

An overview of the discussions between the Port of Palm Beach, Chairperson Davis, and staff members of both entities was given by **Port of Palm Beach**

Commission Chairman Wayne Richards on the mutual issues and how to achieve mutual accomplishments.

Gerald Ward, W 20th Street, inquired about the public input at the meetings held between the Port of Palm Beach and the city along with the staff members for both entities. He also inquired as to how the meetings were being documented and the involvement of the Community Redevelopment Agency. He inquired about the replacement portion of SR 710 from US1 to Old Dixie Highway which was a part of the required transportation system and was part of the agreement for the Skypass project.

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

NONE

ORDINANCES ON FIRST READING

7. **ORDINANCE NO. 4009 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE II, SECTION 2, "FILING AND QUALIFICATION BY DISTRICTS AND GROUPS," OF THE CITY CHARTER TO INCREASE THE TERM OF OFFICE FOR ELECTED OFFICIALS FROM TWO YEARS TO THREE YEARS; PROVIDING THE REQUISITE BALLOT LANGUAGE TO BE PRESENTED AT THE GENERAL ELECTION TO BE HELD ON MARCH 13, 2012; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR INCLUSION IN THE CITY CHARTER; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Ordinance No. 4009 on first reading.

MOTION

Margaret Shepherd, stated that often times elected officials start projects but often neglected them or put them off due to campaigning season. She stated that this was an issue and proposing extension of terms was a good idea which needed to be placed on the ballot and voted upon by the residents.

William Burrs, Canterbury Drive South, stated that he felt that the effective date was a concern. He stated that he felt that the effective date should be for the following election not effective immediately.

Bruce Guyton, W 26th Ct, stated that the Committee for a Better Riviera Beach was in support of the proposed ordinance. He stated that it was the elected officials who set the tone as to whether or not the city was productive and planned projects were successful.

City Attorney Ryan stated that her office compiled the proposed ordinance at the request of the mayor and was authorized by the city council. She stated that at the time the discussion was held, the question was asked whether or not the amendment could be effective immediately if approved and in a memo dated December 16th she outlined that it was legal to make the amendment effective immediately if approved for the candidates that appeared on the ballot for that election. She proceeded with reading the question as written in the ordinance.

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

8. **ORDINANCE NO. 4010 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING THE UNCODIFIED PROCUREMENT CODE IN ITS ENTIRETY BY REPEALING ORDINANCE NUMBER 2412 AND THE AMENDMENTS THERETO WHICH INCLUDES ORDINANCE NUMBERS 2570, 2916 AND 3027; CREATING A NEW CHAPTER 32 OF THE CITY'S CODE OF ORDINANCES ENTITLED "PROCUREMENT" WHICH SHALL GOVERN PURCHASES OF GOODS AND SERVICES WITHIN THE CITY OF RIVIERA BEACH; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Brooks** to approve Ordinance No. 4010 on first reading.

MOTION

A presentation was given by Ben Guy, Purchasing Director.

Councilperson Thomas stated that he felt that the threshold should be \$20K or \$25K which would allow departments to utilize more local vendors.

Chair pro tem Brooks stated that she agreed and preferred \$25K.

Chairperson Davis inquired as to whether or not this would interfere with the threshold for the city manager.

Mr. Guy stated that threshold was being raised for purchases and contracts.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to increase the procurement threshold to \$25,000.

MOTION

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Pardo dissenting.

MOTION APPROVED

Mr. Guy continued with an overview of the changes to the procurement process.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to change the bid bond performance requirement from \$50,000 to \$100,000.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

Upon a roll call vote by City Clerk Ward, the vote was unanimous to approve the ordinance on first reading.

MOTION APPROVED

COMMENTS FROM THE PUBLIC – 8:00 PM*1– Non Agenda or Consent 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 has 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.

George Carter, Riviera Beach Maritime Academy, stated that the letter was received advising that the school had been graded an A school. He announced that there were still 10 seats available for students living in Riviera Beach.

William Burrs, Canterbury Drive S, stated that he felt, if approved, the extended terms should begin in 2013. He also stated that it was a disgrace that the city would reduce the fines levied against the property where the Schooner Inn was located and gave the property owner time to pay it but yet took the property of individuals who owed far less in fines.

Gerald Ward, W 20th Street, stated that the city was not getting a good show for the A1A beautification project. He stated that a partial construction plan was presented in a public meeting but a complete construction plan was never presented for the public to review. He stated that a special meeting was scheduled by the Port of Palm Beach for

January 9, 2012 and that city staff members should be present at the meeting and any other meeting scheduled by the entity and vice versa.

Terrence Davis, stated that at the last CRA meeting, a lengthy discussion took place regarding the incident that occurred on Singer Island. He stated that he reviewed the mission statement of the Information Technology Division and it was clear that the Mesh Camera System the city invested in and the amount of manpower utilized for this incident and others, like the incident that occurred on Avenue H, needed to be reviewed for cost effectiveness.

Warrie Leonard, W 23rd Street, stated that term limits needed to be considered instead discussion regarding extending the terms. She expressed words of appreciation for the funding provided for the education scholarships.

LaKeisha Gilbert, Avenue Q, stated that the barricade at R J Hendley Avenue and 26th Court was in place for more than a year and half and there were three of the four homes negatively affected by it due to their medical needs. She stated that a petition was signed by the residents of the area that was submitted along with a letter and the barricades had not been removed. Ms Gilbert continued with stating that the American Cancer Society Relay for Life was in need of the city's support and that there was a goal of \$35K for each city.

Public Comments shall begin at 8:00 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 8:00 PM, then public comments shall begin immediately after the item has been concluded.

REGULAR

9. **RESOLUTION NO. 4-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH URS CORPORATION FOR PROFESSIONAL OWNER'S REPRESENTATIVE CONSTRUCTION SERVICES FOR A NEW RIVIERA BEACH POLICE COMPLEX AND VARIOUS IMPROVEMENTS TO EXISTING BUILDINGS LOCATED ON THE MUNICIPAL CAMPUS AND AUTHORIZE PAYMENT TO URS CORPORATION NOT TO EXCEED \$249,680 FROM ACCOUNT NO. 310-0817-521-0-6251; AND PROVIDE AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Resolution No. 4-12.

MOTION

An amended motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve the resolution and amending Section 3B by changing the city's representative to City Manager Jones.

AMENDED MOTION

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Lowe dissenting.

MOTION APPROVED

10. **RESOLUTION NO. 5-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FOR CONTINUATION OF THE JUSTICE SERVICE CENTER IN THE AMOUNT OF \$212,165; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Lowe** to approve Resolution No. 5-12.

MOTION

A lengthy discussion ensued amongst the mayor and city council.

Councilperson Thomas inquired as to whether or not recouping administrative fees were going to be included in the agreement.

An amended motion was made by **Councilperson Thomas** to approve the interlocal agreement with the condition that the city would recoup its administrative fees.

MOTION DIED FOR LACK OF SECOND

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Thomas dissenting.

MOTION APPROVED

DISCUSSION & DELIBERATION

11. **CITY OF RIVIERA BEACH 2012 MLK, JR., SENIOR LUNCHEON ACTIVITIES - \$1,200 - BILLIE E. BROOKS**
The City of Riviera Beach will host the 2012 MLK, Jr., Senior Luncheon and funds will be used to defray the cost of this event.

ITEM ADDED TO AGENDA

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve the Community Benefit Funds request.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

BOARD APPOINTMENT(S)

NONE

DISCUSSION BY THE CITY MANAGER

City Manager Jones requested a Closed Executive Session for January 19, 2012 at 4:00 p.m. to discuss labor employment articles for general and police personnel.

After a brief discussion, it was determined that a session would be scheduled January 24, 2012 at 5:00 p.m. to discuss articles as it related to the labor agreements for the general and police employees.

City Manager Jones encouraged the participation of the elected officials, staff, and residents in the Martin Luther King, Jr. celebration activities which would begin January 13, 2012 and conclude on January 21, 2012. City Manager Jones gave an update on the marina project.

Mayor Masters requested that a public explanation be provided regarding the utility billing issue for Kindred Medical Center.

City Manager Jones provided an update on the utility billing issue for Kindred Medical Center.

Councilperson Pardo stated that she has received complaints from residents of Singer Island regarding their water bill and she would provide addresses so that the issue could be investigated and resolved.

City Manager Jones requested that Jeff Gagnon, Director of Planning and Zoning, provided an update on the A1A road improvement project.

An update on the A1A road improvement project was provided by Mr. Gagnon.

LEGAL DISCUSSION/REQUEST

City Attorney Ryan announced that a Closed Executive Session was scheduled for January 24, 2012 at 4:00 p.m. to discuss Onofrio vs City Riviera Beach and the following would be present: Mayor and City Council, City Manager Jones, City Attorney Ryan, Lonniell Olds, Esq. and Bradley Harper, Esq.

CITY COUNCIL COMMITTEE REPORT(S)

Chairperson Davis stated that she had a report from the Metropolitan Planning Organization meeting but it was covered in the presentation by Port Commissioner Wayne Richards.

STATEMENTS BY THE MAYOR AND CITY COUNCIL

Councilperson Pardo stated that she received complaints from residents on Upper Beach Court regarding speeding traffic leaving the strip mall where the Sands Hotel and others were located. She stated that she wanted staff to determine whether or not a speed bump could be installed on that street. Councilperson Pardo expressed words of appreciation to the supporters of the toy drive.

Chairperson Davis stated that she would be hosting a Voter's Registration Symposium on January 13, 2012, 5:00 p.m. to 8:00 p.m. She announced that the Park Manor Homeowners Association would be hosting a Meet and Greet Membership Drive on January 21, 2012.

Chair pro tem Brooks stated that the lights were out on Old Dixie Highway from Blue Heron Boulevard to W 28th Street. She inquired as to whether or not free tax preparation would be available within the city this year.

City Manager Jones stated that the organization responsible for the services would be contacted to see if they would be providing the service again this year.

Councilperson Brooks proceeded with inquiring about a letter received from the state regarding financial paperwork that had not been filed as required for the housing program.

City Manager Jones stated that the letter was regarding the Housing Authority, who has been contacted and they indicated that they would respond.

Councilperson Brooks stated that the elected officials of Freeport, Bahamas would be attending the next City Council Meeting and during their visit, a round table discussion would be held in an effort to promote a sister city relationship.

Councilperson Thomas requested that the elected officials be advised when serious incidents occur within the city i.e. bomb threats. He stated that the Night of Elegance for Seniors was still in the planning stages and that a tentative had been set.

Mayor Masters expressed words of appreciation for those who supported the bicycle giveaway during the holidays. He stated that he had been informed of unprofessionalism within the organization and he was not happy about it. Mayor Masters stated that he would be looking at some things that he did not act upon last

year and that he had had enough with hearing about the disrespect of employees and department heads toward residents and each other. He stated that all employees needed to understand that respect was expected of all and that he would be exercising his authority to suspend if the need arise.

ADJOURNMENT

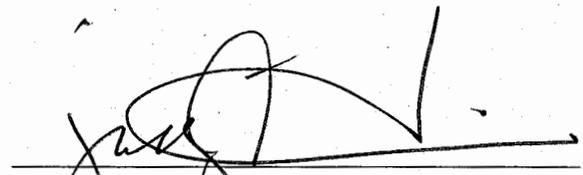
There being no further business, the meeting was duly adjourned at 10:15 p.m.

PLEASE NOTE: A COMPLETE AGENDA PACKAGE AND RECORDING IS ON FILE IN THE OFFICE OF THE CITY CLERK.

APPROVED:

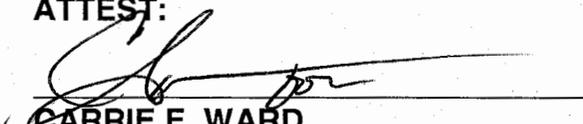


THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

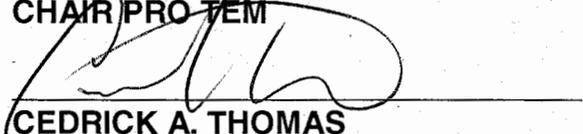
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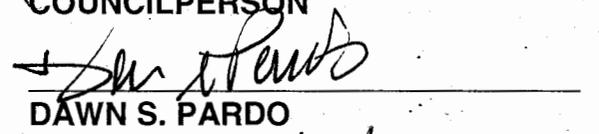
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



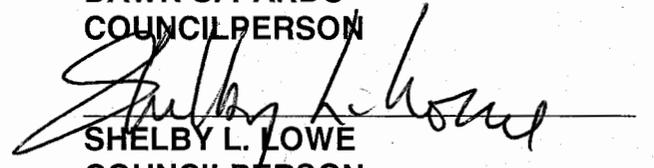
BILLIE E. BROOKS
CHAIR PRO TEM



CEDRICK A. THOMAS
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. BROOKS

SECONDED BY: D. PARDO

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

DATE APPROVED: 01/18/2012