

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 1, 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: Mayor Thomas A. Masters; Chairperson Judy L. Davis, Chair pro tem Billie E. Brooks; 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.

Councilperson Thomas was tardy.

**Invocation/Pledge of Allegiance**

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Chair pro tem Brooks.

**AGENDA Approval:**

**Additions, Deletions, Substitutions**

City Manager Jones made the following revisions to the agenda: added No. 7 – resolution regarding precinct relocation, No. 8 – resolution regarding emergency beach restoration, and No. 9 – request for Community Benefit Funds.

Chairperson Davis stated that Councilperson Thomas requested that No. 4 be discussed at the end of the Regular Agenda.

**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 **Councilperson Pardo** and seconded by **Chair pro tem Brooks** 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, JANUARY 18, 2012.**

**RESOLUTIONS**

2. **RESOLUTION NO. 14-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FOURTH AMENDMENT TO THE GRANT AGREEMENT BY AND BETWEEN THE PALM BEACH COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE CITY OF RIVIERA BEACH EXTENDING THE COMPLETION DATE FOR A WATER TAXI DOCKING FACILITY TO MARCH 31, 2012; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 15-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A TERMINATION AND RELEASE OF LEASE AGREEMENT BY AND AMONG THE CITY OF RIVIERA BEACH, THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY, THE RIVIERA BEACH UTILITY SPECIAL DISTRICT, AND RYBOVICH RIVIERA BEACH LLC, REGARDING DISPOSITION OF THAT CERTAIN SUBMERGED AND UPLAND LANDS LEASE ENTERED INTO BY THE PARTIES; AND PROVIDING AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

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

**MOTION**

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

**MOTION APPROVED**

**PETITIONS AND COMMUNICATIONS FOR FILING**

NONE

**AWARDS AND PRESENTATIONS**

NONE

**PUBLIC HEARINGS**

**ORDINANCES ON SECOND READING**

NONE

**ORDINANCES ON FIRST READING**

NONE

**COMMENTS FROM THE PUBLIC – 8:00 PM\*<sup>1</sup>– 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.*

**Bonnie Larson, W 27<sup>th</sup> Street**, stated her concerns regarding properties being purchased at rock bottom prices by individuals who make little or no improvements to properties and then rent to marginal tenants. She stated that if slum landlords were forced to care for the property like the residents, the esthetics of neighborhoods would be better which in turn would increase property taxes and result in increased revenue for the city.

**William Burrs, Canterbury Drive S**, stated that he was not against the referendum question that would be placed on the ballot but did not like how it was being done. He stated that there should have been two questions one asking for an extension of terms and the second question being the effective date of term extension. He stated that the

referendum regarding the marina was still alive because the judge ruled in favor of the Citizens Task Force and the city appealed the decision. Rev. Burrs also stated that if the governing board did not respect the city clerk, then why the supervisor of elections should respect the governing board and the residents of the city as it related to relocating polling locations.

**Norma Duncombe, Lake Shore Dr,** expressed words of appreciation to City Clerk Ward for the service she has provided to the citizens of Riviera Beach. Ms. Duncombe stated that she hoped the city clerk would be allowed to do her job in the future.

**Warrie Leonard, W 23<sup>rd</sup> Street,** stated that the Citizens Task Force was still operating and fighting for the citizens of Riviera Beach. She stated that it was unheard of a city suing its residents utilizing the residents' funds; and the funds being utilized to conduct a formal event for seniors was also resident funded. Ms Leonard stated that good things were being done but there was a need to focus and review providing services that would benefit the city as a whole.

**Gerald Ward, W 20<sup>th</sup> Street,** stated that he submitted a public comment card on No. 2 of the Consent Agenda which was an amendment to the grant agreement with the Metropolitan Planning Organization for a water taxi dock. He stated that the timeline needed to be deduced to writing and at some point deadlines needed to be honored. He stated that the Palm Beach County Commission would be holding its meeting February 7, 2012 during evening hours with public comments being held at 7:00 p.m.

**Terrence Davis, W 31<sup>st</sup> Street,** stated upon his return from school in 2005 he's seen very little change within the city. He stated that it seemed as though when citizens state their concerns, they're made to feel as though their voices were not being heard. He stated that as elected officials, it was imperative to address the concerns of all residents' not just special groups.

**Margaret Shepherd, W Blue Heron,** stated that she attended a meeting conducted by the Committee for a Better Riviera Beach and was pleased with what she heard. She stated that she's noticed increased police presence throughout the city; and that the individuals appointed to the Housing Authority Board were of quality and was moving forward with conducting business.

**Angela Wynn, W 35<sup>th</sup> Street,** stated that furlough days needed to be discontinued especially with the current economic conditions. She inquired of Councilperson Thomas whether or not he was still working on this issue being that it was one of his goals stated during his campaign.

**Bruce Guyton, W 26<sup>th</sup> Court,** stated that the Committee for a Better Riviera Beach was in support of the governmental body and the committee's goal was to assist in moving the city forward. He stated that he was glad that the question was going to be placed before the voters on whether or not the terms of the elected officials should be extended. Mr. Guyton stated if passed, it would eliminate the yearly political contention

that always occur during election season and that it would also save the city from having to pay for a yearly election.

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

4. **RESOLUTION NO. 16-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE EVENT "A NIGHT OF ELEGANCE HONORING OUR SENIOR CITIZENS" ON MARCH 3, 2012, TO RECOGNIZE OUR SENIOR CITIZENS IN RIVIERA BEACH AND PROVIDING FOR AN EFFECTIVE DATE.**

**ITEM DISCUSSED OUT OF SEQUENCE**

**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. 16-12.

**MOTION**

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

**MOTION APPROVED**

5. **RESOLUTION NO. 17-12 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 BETWEEN MCKINLEY INSURANCE SERVICES, AS AGENT OF RECORD FOR THE CITY OF RIVIERA BEACH TO FACILITATE HEALTH, DENTAL, LIFE SUPPLEMENTAL AND DISABILITY INSURANCE COVERAGES FOR THE CITY EMPLOYEES PERIOD BEGINNING JANUARY 1, 2012 THROUGH DECEMBER 31, 2015; AND PROVIDING 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 Pardo** to approve Resolution No. 17-12.

**MOTION**

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

**MOTION APPROVED**

6. **RESOLUTION NO. 18-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING A FIVE YEAR (5) MANUFACTURING CONTRACT TO THE TOP RANKED**

PROPOSER, TECHNOMARINE, MANUFACTURING, INC., OF REPENTIGNY, QUEBEC, CANADA AND NORTH PALM BEACH FL AS THE PRIMARY MANUFACTURER FOR THE MARINA DOCK REPLACEMENT PROJECT, FOR MANUFACTURING AND DELIVERY OF THE FIXED AND FLOATING DOCK STRUCTURES INCLUDING, GANGWAYS, RELATED STRUCTURES AND COMPONENTS, AS A RESULT OF THE SUBMISSION TO REQUEST FOR PROPOSAL NO. 343-11, IN AN AMOUNT NOT TO EXCEED \$5,048,441.00 AND APPROVING WORK ORDER NUMBER ONE (1) IN THE AMOUNT OF \$1,009,688.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED MANUFACTURING CONTRACT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO ESTABLISH A BUDGET AND MAKE PAYMENTS FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Councilperson Lowe and seconded by Chair pro tem Brooks to approve Resolution No. 18-12.

**MOTION**

Gerald Ward, W 20<sup>th</sup> Street, stated there was concern as to whether or not code requirements had been met on the city level. He stated that in the first paragraph of the resolution it stated that the project cost was \$17 million and inquired as to whether or not the project was listed in the capital plan.

A presentation was given by Ed Legue, Marina Director.

A discussion ensued amongst the mayor, city council, and Mr. Legue.

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

**MOTION APPROVED**

7. RESOLUTION NO. 19-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, URGING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO IMPLEMENT THE PRECINCT CHANGES AS DIRECTED BY THE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE.

**ITEM ADDED TO AGENDA**

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. 19-12.

**MOTION**

Norma Duncombe, LakeShore Drive, stated that an election would be held in March and inquired whether or not the changes were being made in a timely

fashion for registered voters to be notified. She stated that cards were previously mailed by the Supervisor of Elections Office and thusly inquired how this request would affect the previously made changes.

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

**MOTION APPROVED**

**Vivian Havener, E 25<sup>th</sup> Street**, stated that her husband was told by the Supervisor of Elections that the polling location was moved from the VFW because of complaints received regarding the smell of alcohol and smoke at the location.

8. **RESOLUTION NO. 20-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE NEED FOR EMERGENCY COASTAL BEACH SAND PROTECTION SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE FOR THE SEAWINDS CONDOMINIUM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ITEM ADDED TO AGENDA**

**City Clerk Ward** read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve Resolution No. 20-12.

**MOTION**

**Bonnie Larson, W 27<sup>th</sup> Street**, stated that the request was dated for today and she was hoping that there would be a presentation prior to the public speaking. She stated that sand would be utilized but the document did not indicate what type of sand, how much sand would be utilized and how far it would extend. She inquired why the action was being taken for one condominium building and not all of them.

**Gerald Ward, N Ocean Drive**, stated that the backup information indicated structures. He stated that the backyard of the condominium was the responsibility of the property owner. He stated that staff did not need spend a lot of time on this issue because it was not the city's problem.

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

**MOTION APPROVED**

## **DISCUSSION & DELIBERATION**

**A CITY INITIATIVE ENHANCING SECURITY FOR RESIDENTS OF THE YACHT HARBOR ESTATES NEIGHBORHOOD – THOMAS A. MASTERS, MAYOR**

***Request to purchase 4 to 6 cameras to be placed in the Yacht Harbor Estates neighborhood.***

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve the request for Community Benefit Funds.

**MOTION**

**Bonnie Larson, W 27<sup>th</sup> Street**, suggested that new businesses should be required to install security cameras and lighting. She stated that she did not understand how the number of cameras stated in the backup information was sufficient to provide surveillance for an entire neighborhood.

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** stated that the city council authorized the hiring of part-time individuals visiting businesses within the city to determine whether there was a current business license and whether or not the information in the database was accurate; and to date approximately 150 businesses were visited and an additional \$100,000 has been billed.

**LEGAL DISCUSSION/REQUEST**

**City Attorney Ryan** stated that a memorandum was provided on education vs. advocacy as it related to informing the public about the referendum question. She stated that a conversation was held with the general counsel for the Florida Division on Elections and it was advised that the question be aired on Channel 18 with a voice over explaining the factual information.

City Attorney Ryan requested a Closed Executive Session on February 23, 2012.

There was a consensus of the city council to schedule a Closed Executive Session for February 23, 2012 at 5:00 p.m. for the case of Capital Contracting Group, LLC vs City of Riviera Beach.

**CITY COUNCIL COMMITTEE REPORT(S)**

**Chairperson Davis** stated she provided minutes from the meeting held with the chairperson for the Port of Palm Beach Commission, staff members from FDOT,

representatives from the FEC regarding the dual rail tracking; and the next meeting was scheduled for February 14, 2012.

**Chair pro tem Brooks** stated that she would provide a copy of the minutes from the Riviera Beach Development Council Meeting that was held in January. She stated that Ed Chase would be providing a presentation at a future City Council Meeting; and that a business development seminar was being planned for the near future.

### **STATEMENTS BY THE MAYOR AND CITY COUNCIL**

**Mayor Masters** saluted former Fire Chief Richard Wester who was the first fulltime black firefighter in Palm Beach County, the first black fire chief for the City of Riviera Beach, and the first black fire chief for a major municipality in the State of Florida. He announced that he was selected to meet with First Lady Obama and others during her visit to Palm Beach County. Mayor Masters announced that every Friday, the job club has been and will continue to meet in an effort to put citizens back to work.

Mayor Masters stated that he was making a moral appeal to the city council and requested that they reverse their decision on the approval of the resolution regarding the organizational structure that affected the interim finance director and others. He continued with naming the reasons for his request. He continued with requesting that a policy be adopted requiring that no one be left in a position as interim for longer than six months and at that time make the individual permanent or advertise the position in an effort to hire the best applicant within 90 days.

**Councilperson Thomas** stated that he did not support the resolution; however, at this point the only portion of the mayor's request he could support was limiting the amount of time a person could be interim in a position.

**Councilperson Lowe** announced that the 2<sup>nd</sup> Annual Miss Riviera Beach/Miss Teen USA pageant was scheduled on April 7, 2012, for young ladies between the ages of 13 and 26 and that a new competition was being introduced for young ladies ages 5 to 12. He announced that the first Marina Day was scheduled for February 11, 2012, 10:00 a.m. until 2:00 p.m. at the Riviera Beach Marina. Councilperson Lowe announced that the month of April was National Jazz Appreciation Month and that activities were being planned throughout the month. He announced that the city would be celebrating its 90<sup>th</sup> Anniversary and part of the celebration, oral history projects were being conducted with longtime residents of the city and he encouraged those who were interested please contact the office. Councilperson Lowe expressed words of appreciation to the Public Works Department for the repairs made to 26<sup>th</sup> Street and Avenue R and 12<sup>th</sup> Street and Avenue E.

**Councilperson Pardo** stated that she has received complaints regarding parking from businesses at the Ocean Mall and it was determined that employees from Palm Beach Resort in Palm Beach Shores was parking at the Ocean Mall; she stated that a letter

needed to be forwarded discouraging such actions. She encouraged condo residents affected by beach erosion attend the Palm Beach County Commission Meeting scheduled for February 7, 2012 and the item would be discussed at 7:30 p.m.

**Chair pro tem Brooks** announced that residents were honored in the city newsletter for Black History Month in 2011. She expressed words of appreciation to the members of staff who were instrumental in making the luncheon a success. Chair pro tem Brooks expressed words of appreciation to everyone who was instrumental in making the visit by the elected officials from Freeport, Bahamas successful and enjoyable.

**Councilperson Thomas** stated that his voter's registration card had Palm Beach Lakes High School indicated but he did not have the opportunity to speak with City Clerk Ward regarding the issue. He stated that it was already difficult enough to get residents to vote but having the polling location in another city makes it even more difficult. Councilperson Thomas expressed words of appreciation to his colleagues for their support of "A Night of Elegance" an event being hosted for the senior residents. He announced that elected officials from surrounding communities as well as county and state officials would be invited to the event.

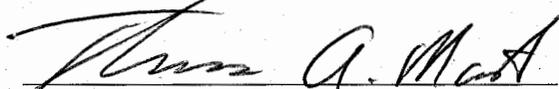
**Chairperson Davis** expressed words of appreciation to everyone who made the Martin Luther King, Jr celebration activities a success. She announced the following new businesses were open in the city: Restaurant Depot, Nearby Storage, and Smart For Life would be opening in the future. Chairperson Davis stated that she would be placing a new sign at the corner of Silver Beach Road and Broadway which should be in place in March. She stated that she has had conversation with the city manager regarding having a short segment on the city's website as to why a company should locate their business within the city.

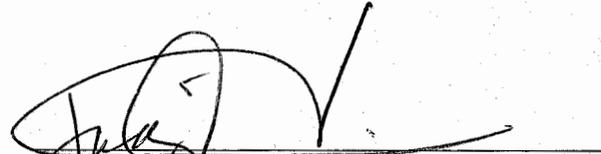
## **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 9:40 p.m.**

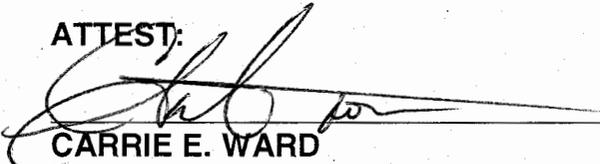
PLEASE NOTE: A COMPLETE AGENDA PACKAGE AND RECORDING IS ON FILE IN THE OFFICE OF THE CITY CLERK.

APPROVED:

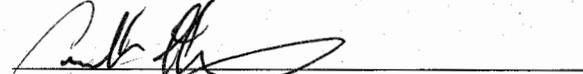
  
THOMAS A. MASTERS  
MAYOR

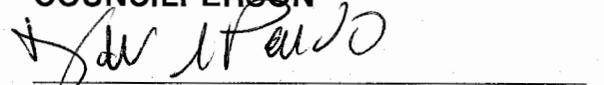
  
JUDY L. DAVIS  
CHAIRPERSON

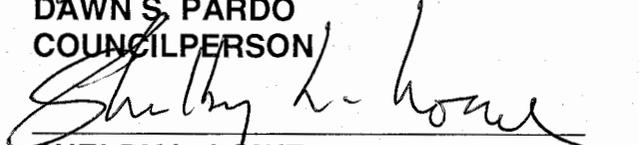
ATTEST:

  
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: C. THOMAS

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

DATE APPROVED: 02/15/2012