

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, MARCH 7, 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 Deputy City Clerk Anthony, the following were present: Chairperson Judy L. Davis, Chair pro tem Billie E. Brooks; Councilperson Dawn S. Pardo; and Councilperson Cedrick A. Thomas. Also present were: City Manager Ruth C. Jones; Deputy City Clerk Claudene L. Anthony; and City Attorney Pamala Ryan.

Mayor Masters and Councilperson Lowe were tardy.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by City Manager Jones.

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda: backup information provided for No. 5 – Resolution regarding grant from Florida Inland Navigation District; a number of additional Community Benefit funds requests were added to No. 11.

Councilperson Thomas stated that he had an additional request for Community Benefit funds to No. 11.

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 Pardo** to approve the agenda as amended.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, 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, FEBRUARY 15, 2012.**

RESOLUTIONS

2. **RESOLUTION NO. 33-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO PALM BEACH COUNTY, ON BEHALF OF THE CITY, FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$225,000 FOR THE FISCAL YEAR 2012-2013 FOR RECONSTRUCTION OF WEST 36TH STREET BETWEEN AVENUE J AND AVENUE K AND WEST 26TH COURT BETWEEN AVENUE L AND AVENUE M; AND PROVIDING AN EFFECTIVE DATE.**

ITEM PULLED FOR DISCUSSION

Deputy City Clerk Anthony 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. 33-12.

MOTION

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

MOTION APPROVED

3. **RESOLUTION NO. 34-12 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 AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT WITH JH SPRAGUE CONSULTING, L.L.C. TO PROVIDE CONSULTATION SERVICES ON THE MARINA PROJECT**

TO FACILITATE THE DEVELOPMENT AND IMPLEMENTATION OF THE MARINA RENOVATION AND DEVELOP AND MONITOR GRANT APPLICATION PROCESSES COMMENCING APRIL 1, 2012; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 001-0203-519-0-3406 IN AN AMOUNT NOT TO EXCEED \$72,000 AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 35-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THREE YEAR AGREEMENTS WITH MCLEAN & COMPANY, LLC., AND THE LAW OFFICES OF GLEN J. TORCIVIA & ASSOCIATES, P.A., TO REPRESENT THE CITY IN THE NEGOTIATION OF LABOR CONTRACTS AND PROVIDE OTHER LABOR SERVICES; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. 36-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL MARINA CONSTRUCTION UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM; AUTHORIZING JH SPRAGUE CONSULTING, LLC TO PREPARE THE GRANT APPLICATION AND REPRESENT THE CITY AS REQUIRED; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING

NONE

AWARDS AND PRESENTATIONS

6. PRESENTATION FROM THE OFFICE OF COUNCILPERSON DAWN PARDO TO CMI, RYBOVICH, JOHNNY LONGBOATS AND IAFF LOCAL 2928 FOR THEIR PARTICIPATION IN COUNCILPERSON PARDO/CITY OF RIVIERA BEACH'S 2011 EVERY CHILD SHOULD SMILE ON CHRISTMAS MORNING TOY DRIVE.

Councilperson Pardo distributed plaques and Certificates of Appreciation to the volunteers who participated in the 2011 Every Child Should Smile on Christmas Morning Toy Drive.

7. **PRESENTATION FROM THE OFFICE OF COUNCILPERSON SHELBY LOWE OF A POSTHUMOUS TRIBUTE TO RAY DONALD LANE, A DECORATED SOLDIER OF THE U.S. ARMY AND FORMER CITY RESIDENT WHO DIED MARCH 4, 2010.**

Councilperson Lowe presented a proclamation to the family of the late Ray Donald Lane.

8. **PRESENTATION BY RIVIERA BEACH YOUTHBUILD TO CHAIRPERSON JUDY L. DAVIS FOR HER UNWAVERING SUPPORT AND COMMITMENT.**

Chairperson Davis was presented with a token of appreciation by Tamar Reno, president of Riviera Beach YouthBuild.

- 8(A) **PRESENTATION BY COUNCILPERSON CEDRICK A. THOMAS TO THE VOLUNTEERS FOR THE SENIOR CITIZENS NIGHT OF ELEGANCE.**

ADDED TO AGENDA

Councilperson Thomas acknowledged members of the Public Works and Parks and Recreation Department who assisted in making the event a success.

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

9. **ORDINANCE NO. 4011 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II ENTITLED "GENERAL EMPLOYEES", CHAPTER 14 ENTITLED "PENSIONS AND RETIREMENT PROGRAMS" BY AMENDING SECTION 14-27 ENTITLED "ADMINISTRATION" SUBSECTIONS (1) AND (2) OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony read the aforementioned ordinance into the record and stated that it was published in the February 19, 2012 edition of the Palm Beach Post.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to adopt Ordinance No. 4011.

MOTION

William Burrs, Canterbury Drive S, stated that he hoped the council would adopt the ordinance but the following revisions should be considered: members should be required to continue taking courses in order to stay current; and that the word "may" in 1b should be changed to "shall".

A lengthy discussion ensued amongst the elected officials, City Attorney Ryan, and Mrs. Perry, Human Resources Director.

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

MOTION APPROVED

ORDINANCES ON FIRST READING

NONE

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.

Margaret Shepherd, Blue Heron Blvd, stated that if residents would discontinue subscribing to the Palm Beach Post they would possibly get the hint. She stated that she enjoyed Marina Day at Bicentennial Park and the Senior Citizens Night of Elegance.

Sylvia Lee Blue, W 1st Street, stated that the leaflets mailed by the Voters' Response were not speaking for her. She stated that it was offensive to her and that residents should feel the same. She stated that she was happy with the progress currently being made in the city and that there was nothing fishy about the elected officials.

William Burrs, Canterbury Dr S, stated that the revision he suggested for the previously adopted ordinance was an attempt to make the city council appointments responsible just as the employees elected representative had to be responsible for obtaining their certification.

Gerald Ward, W 20th Street, stated that members of staff should present an agenda item to the city council advising how such circumstances i.e. the Palm Beach Post should be addressed. He announced that the new Public Works facility was on the agenda for the Planning and Zoning Board Meeting scheduled for March 8th. He announced that the Port of Palm Beach would host a meeting March 15th at 4:00 p.m. to discuss Riviera Beach Heights.

Bruce Guyton, W 26th Court, congratulated Councilperson Thomas on the success of the "Night of Elegance" for the senior citizens and that it was enjoyed by those who attended.

Tonya Hicks Brown, W 11th Street, acknowledged participants in the Haiti Ocean Project currently involved with the students of the Riviera Beach Maritime Academy. She announced that an open house was scheduled April 28th at 11:00 a.m. and May 9th at 6:00 p.m.

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

10. **RESOLUTION NO. 37-12** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE PURCHASE AND INSTALLATION OF A CITY ENTRANCE SIGN ON US 1 IN THE TOTAL AMOUNT OF \$12,410; AUTHORIZING THE USE OF \$6,000 IN COMMUNITY BENEFITS FUNDS TO ASSIST IN PURCHASING THE SIGN; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS IN THE ROAD IMPACT FEE FROM ACCOUNT #303-00-271104 IN THE AMOUNT OF \$6,410 FOR THE REMAINDER OF FUNDS NECESSARY TO PURCHASE THE SIGN; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy City Clerk Anthony 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. 37-12.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Chair pro tem Brooks out.

MOTION APPROVED

DISCUSSION & DELIBERATION

11. COMMUNITY BENEFITS REQUEST

A. SAINT JAMES MISSIONARY BAPTIST CHURCH - ORDER MY STEPS AIDS MINISTRY - \$500 – Billie E. Brooks – *Ministry seeks to battle the aids epidemic through education, prevention and spirituality, offering free testing, support groups, workshops, etc.*

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve the request for Community Benefit funds from St. James Missionary Baptist Church.

MOTION

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

MOTION APPROVED

B. INLET GROVE COMMUNITY HIGH SCHOOL FOUNDATION, INC. - \$200 – BILLIE E. BROOKS – *Provide scholarships to seniors.*

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** to approve the request for Community Benefit funds from Inlet Grove Community High School Foundation, Inc.

MOTION

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

MOTION APPROVED

C. MISS RIVIERA BEACH USA / MISS RIVIERA BEACH TEEN USA - \$1,000 – SHELBY L. LOWE – *Defray costs associated with the 2012 pageant.*

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve the request for Community Benefit funds from the Miss Riviera Beach Teen USA.

MOTION

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

MOTION APPROVED

D. INLET GROVE COMMUNITY HIGH SCHOOL FOUNDATION – \$200 – SHELBY L. LOWE – *scholarships for seniors.*

ADDED TO AGENDA

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve the request for Community Benefit funds from Inlet Grove Community High School Foundation.

MOTION

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

MOTION APPROVED

E. RIVIERA BEACH MUNICIPAL LIBRARY – \$1,500 – BILLIE E. BROOKS – *Raising awareness of Juneteenth, the emancipation and other historical markers.*

ADDED TO AGENDA

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Lowe** to approve the request for Community Benefit funds from the Riviera Beach Municipal Library.

MOTION

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

MOTION APPROVED

F. KIWANIS CLUB OF NORTHSIDE WPB – \$400 – BILLIE E. BROOKS – Assists with back-to-school items for elementary students and other programs for children in the community, as well as, Holiday food baskets for the needy.

ADDED TO AGENDA

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** to approve the request for Community Benefit funds from the Kiwanis Club of Northside West Palm Beach.

MOTION

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

MOTION APPROVED

G. WEST RIVIERA ELEMENTARY SCHOOL – BILLIE E. BROOKS – FCAT tutoring/incentive program.

ADDED TO AGENDA

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve the request for Community Benefit funds from West Riviera Elementary School.

MOTION

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

MOTION APPROVED

H. CITY OF RIVIERA BEACH – \$1,000 – DAWN S. PARDO – *Landscaping at Fire Station #3, located at 5010 North Ocean Boulevard.*

ADDED TO AGENDA

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve the request for Community Benefit funds from the City of Riviera Beach.

MOTION

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

MOTION APPROVED

I. BUSINESS AND NEIGHBORHOOD CRIME WATCH GROUPS – \$4,010 – THOMAS A. MASTERS – *Installation of security cameras.*

ADDED TO AGENDA

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve the request for Community Benefit funds from Business and Neighborhood Crime Watch Groups.

MOTION

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

MOTION APPROVED

J. RIVIERA BEACH CIVIL DRUG COURT – \$1,400 – *Treatment for alcohol and drug addicted residents.*

ADDED TO AGENDA

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve the request for Community Benefit funds from the Riviera Beach Civil Drug Court.

MOTION

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

MOTION APPROVED

K. SENIOR CITIZENS NIGHT OF ELEGANCE – \$500 – *Cover expenses for the Senior Citizens Night of Elegance event.*

ADDED TO AGENDA

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to approve the request for Community Benefit funds for the Senior Citizens Night of Elegance event.

MOTION

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

MOTION APPROVED

L. DEPORRIS P.L.A.C.E. – \$800 – *Adult Literacy Program.*

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to approve the request for Community Benefit funds for DEPORRIS P.L.A.C.E.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT(S)

12. CONFIRM THE REAPPOINTMENT OF THE FIFTH MEMBER, MR. ROBERT CLEVA, TO SERVE ON THE FIRE PENSION BOARD.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Pardo** to confirm the reappointment of Robert Cleva to the Fire Pension Board.

MOTION

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

MOTION APPROVED

DISCUSSION BY THE CITY MANAGER

City Manager Jones stated that Mr. LeDuc had been permanently appointed as the Fire Chief and Mr. Johnson had been permanently appointed as the Public Works Director. She announced that she was advised that three councilpersons would not be in attendance for the March 21st Regular City Council Meeting, thusly the meeting was cancelled. She announced that the Canvassing Board Meeting would be held on April 4, 2012 beginning at 5:30 and at that time newly elected officials would be sworn in. City Manager Jones announced that the month of April was Jazz Appreciation Month and activities would be held throughout the month with a formal presentation taking place at the April 4, 2012 Regular City Council Meeting.

Councilperson Pardo stated that a local publication obtained 240 between the editorial board for the Palm Beach Post and the state attorney which included emails regarding what the city was doing. She inquired if the city manager and the city attorney discussed the possibility of sending a letter to the Palm Beach Post.

City Manager Jones stated that discussion had taken place and it was being requested that either Mrs. Ryan or myself be authorized to write the Palm Beach Post to ask what was being done and how the allegations were going to be addressed.

A lengthy discussion ensued amongst the elected officials.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** authorizing the city attorney/city manager to compose a letter addressed to the Palm Beach Post.

MOTION

Discussion continued amongst the city council.

Councilperson Pardo suggested that after everyone had the opportunity to read the emails then possibly there would be an understanding as to why a letter should be written and maybe it should be presented at the next City Council Meeting.

After a lengthy discussion Councilperson Thomas withdrew his motion and Councilperson Pardo withdrew her second.

MOTION WITHDRAWN

LEGAL DISCUSSION/REQUEST

City Attorney Ryan stated that there had been settlement talks regarding the inspector general litigation regarding expenditures. She stated that it was requested that the municipalities consider paying something toward the inspector general's bill for the current fiscal year.

Discussion ensued amongst the city council and it was determined that there was not a consensus to pay any portion of the inspector general's invoice.

CITY COUNCIL COMMITTEE REPORT(S)

NONE

STATEMENTS BY THE MAYOR AND CITY COUNCIL

Councilperson Pardo announced that the county would be present at the March 21, 2012 Singer Island Civic Association meeting to discuss the coastal erosion.

Mayor Masters commended Councilperson Thomas on a job well done as it related to the Senior Citizens Night of Elegance. He stated that he would increase efforts in securing funding for the Civil Drug Court. He announced that the Office of the Mayor would be sponsoring a Voting Rights Restoration initiative on March 11, 2012 beginning at 2:00 p.m. at Newcomb Hall.

Chairperson Davis announced that the issue the residents and business owners had with the mailings regarding the zip code had been 95% corrected.

Bryan Colton, Center Stone Lane, stated that zip codes would not change but the name of the municipality would be changed. He stated that he appreciated the opportunity to get the matter corrected.

Chairperson Davis continued with announcing that she would be hosting a waste to energy team job session on March 8th at 5:30 p.m. at Newcomb Hall and that

representatives from various entities would be present. She also announced that five homes (four homes in District 1 and one home in District 2) would be painted on March 26th. She congratulated Councilperson Thomas on a job well done for the Night of Elegance for the senior citizens. Chairperson Davis continued with discussing the progression of demolishing J&B Motel.

A discussion ensued amongst the elected officials and the city attorney.

Chair pro tem Brooks congratulated Councilperson Thomas on a job well done for the Night of Elegance for the senior citizens. She announced that she was organizing a team for Relay For Life scheduled for April 13th at 14th in honor of the Bobbie E. Brooks who passed away from cancer. She announced that the Great American Cleanup was scheduled for April 21st.

Councilperson Thomas expressed words of appreciation to those who supported and attended the Night of Elegance for the senior citizens. He stated that he wanted a report on all impact accounts to include the account balance and plan for expenditure.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:08 p.m.

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

APPROVED:

Thomas A. Masters
THOMAS A. MASTERS
MAYOR

Billie E. Brooks
BILLIE E. BROOKS
COUNCILPERSON

ATTEST:

Carrie E. Ward
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

Judy L. Davis
JUDY L. DAVIS
COUNCILPERSON

Cedrick A. Thomas
CEDRICK A. THOMAS
COUNCILPERSON

Dawn S. Pardo
DAWN S. PARDO
COUNCILPERSON

Shelby L. Lowe
SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: J. DAVIS

SECONDED BY: C. THOMAS

B. BROOKS AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

DATE APPROVED: 04/04/2012