

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, APRIL 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.**

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

**I. ROLL CALL**

City Clerk Ward was present and presided. Upon a roll call vote by City Clerk Ward the following were present: Mayor Thomas A. Masters; Councilperson Billie E. Brooks; Councilperson Cedrick A. Thomas; and Councilperson Shelby L. Lowe. Also present were: City Clerk Carrie E. Ward, MMC; City Manager Ruth C. Jones; and City Attorney Pamala H. Ryan.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

**CITY CLERK WARD:** We will now do the Invocation and Pledge of Allegiance by City Manager Jones.

**CITY MANAGER JONES:** Shall we pledge? I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

**THE SWEARING IN CEREMONY FOR THE NEWLY ELECTED COUNCILPERSON TO REPRESENT CITY COUNCIL DISTRICT 2; AND CITY COUNCIL DISTRICT 4.**

- 1) **City Clerk announces the City Council District 2 seat and continues by administering the Oath of Office to the recipient; followed with presentation of the 2012 Elections Certificate; presents the City Charter, the Code of Ordinances, the Guide to the Sunshine Amendment/ Code of Ethics for public officers Manual and the Florida Municipal Officials Manual.**

**CITY CLERK WARD:** We're here tonight to do the swearing in ceremony for the newly elected councilperson to represent City Council District 2 and City Council District 4. The City Council District 2 seat, once I administer the oath, will be followed with the

presentation of the 2012 election certificate, presents the City Charter, the Code of Ordinances, the Guide to The Sunshine Amendment Code of Ethics for Public Officers Manual, and the Florida Municipal Official Manual. The first recipient for District 2, the second recipient for District 4; Miss Judy Davis, District 2, and Miss Dawn Pardo for District 4. Miss Davis, District 2.

**CITY CLERK WARD** administered and presented the Oath of Office to Judy L. Davis, City Council District 2 and presented her with her Certificate of Election.

**CITY CLERK WARD:** Congratulations. Would you please sign here? Okay. Okay. Now I will present to you your election certificate. "I, Carrie E. Ward, Supervisor of Elections for the City of Riviera Beach, Palm Beach County, Florida, do hereby certify that Judy L. Davis was duly elected to the office of City Council, District 2, of the City of Riviera Beach, Palm Beach County, Florida, on April the 4<sup>th</sup>, 2012, and certified by the Canvassing Board on April 4<sup>th</sup>, 2012. Witness my hand and cause the official seal of the City of Riviera Beach, Palm Beach County, Florida, to be affixed in the year of our Lord, the 4<sup>th</sup> day of April, 2012. Carrie E. Ward, Supervisor of Elections for the City of Riviera Beach." And Miss Davis, these are your tools to assist you in performing your duties.

- 2) **City Clerk announces the City Council District 4 seat and continues by administering the Oath of Office to the recipient; followed with presentation of the 2012 Elections Certificate; presents the City Charter, the Code of Ordinances, the Guide to the Sunshine Amendment/ Code of Ethics for public officers Manual and the Florida Municipal Officials Manual.**

**CITY CLERK WARD** administered and presented the Oath of Office to Dawn S. Pardo, City Council District 4 and presented her with her Certificate of Election.

**CITY CLERK WARD:** Okay. Now, I will give you your election certificate and it states, "State of Florida, County of Palm Beach, City of Riviera Beach. I, Carrie E. Ward, Supervisor of Elections of the City of Riviera Beach, Palm Beach County, Florida, do hereby certify that Dawn S. Pardo was duly declared to the Office Of City Council, District 4, of the City of Riviera Beach, Palm Beach County, Florida, on February the 14<sup>th</sup>, 2012, as a result of no opposition upon culmination of the qualifying deadline and certified by the Canvassing Board on April 4<sup>th</sup>, 2012. Witness my hand and cause the official seal of the City of Riviera Beach, Palm Beach County, Florida to be affixed in the year of our Lord, during this 4<sup>th</sup> day of April, 2012. Carrie E. Ward, Supervisor of Elections for the City of Riviera Beach." And Miss Pardo, here are your tools.

## **COMMENCE WITH SEATING OF THE NEWLY ELECTED COUNCIL**

### **II. CITY CLERK REQUEST MOTION OR NOMINEE(S) FOR CITY COUNCIL CHAIR COMMENCING APRIL 4, 2012 – MARCH, 2013.**

**CITY CLERK WARD:** Now, I hereby request motion on nominees for City Council Chair commencing April the 4<sup>th</sup>, 2012, through March, 2013.

**COUNCILPERSON:** Madam Clerk?

**COUNCILPERSON PARDO:** Madam Clerk?

**COUNCILPERSON:** I nominate Billie Brooks.

**COUNCILPERSON PARDO:** I second. Do you need a second?

**CITY CLERK WARD:** For nominees. The nominee stands closed. Am I correct? No more?

**COUNCILPERSON:** I don't have anymore at this time.

**CITY CLERK WARD:** Okay. Would you like to take a motion? I'm sorry. Would you like to take a vote on that? Are you okay?

**COUNCILPERSON DAVIS:** I'm fine.

**CITY CLERK WARD:** Okay. So Councilperson Brooks has been elected to serve as your Council Chair for the next year, commencing April the 4<sup>th</sup>, 2012, through March, 2013. I now relinquish the gavel to Councilperson Brooks. And I'll just remain right here.

**III. NEWLY ELECTED CITY COUNCIL CHAIR REQUEST MOTION OR NOMINEE(S)  
FOR CITY COUNCIL CHAIR PRO-TEM COMMENCING APRIL 4, 2012 –  
MARCH, 2013**

**CHAIRPERSON BROOKS:** Okay. Continuing on. Now we are ready to, uh, accept nominations for the Vice Chair.

**COUNCILPERSON:** Madam Chair?

**COUNCILPERSON DAVIS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**COUNCILPERSON DAVIS:** I nominate, uh, Councilman Lowe as Vice Chair.

**COUNCILPERSON THOMAS:** I would also like to enter nomination of Miss Dawn Pardo.

**CHAIRPERSON BROOKS:** Are there any further nominations? And so then we will close on those two names, Shelby Lowe and Dawn Pardo. And are we ready for the vote?

**CITY CLERK WARD:** Yes.

**CHAIRPERSON BROOKS:** Okay. All those in favor of Shelby Lowe?

**COUNCILPERSON DAVIS:** Aye.

**COUNCILPERSON LOWE:** Aye.

**CHAIRPERSON BROOKS:** All those in favor of Dawn Pardo?

**COUNCILPERSON THOMAS:** Aye.

**COUNCILPERSON PARDO:** Aye.

**CHAIRPERSON BROOKS:** Aye.

**CITY CLERK WARD:** Dawn Pardo received three?

**CITY CLERK WARD:** Shelby Lowe received two. So Dawn Pardo will be the next Chair, Chair Pro Tem.

#### **NEWLY ELECTED CITY COUNCIL CHAIR PRESIDES**

#### **IV. SPECIAL PUBLIC COMMENTS**

**CHAIRPERSON BROOKS:** All right. Now we will move on to special public comments, and I do have one -- oh, I'm sorry. Do we need to --

**COUNCILPERSON DAVIS:** They don't have to -- we can do it at the next meeting.

**CHAIRPERSON BROOKS:** What's that, dear?

**COUNCILPERSON DAVIS:** No, you can remain in your seats tonight if you choose.

**CHAIRPERSON BROOKS:** Oh, yeah. This is fine. This is fine. This is fine. I don't wanna be moving around. All right. Next we will have special public comments, and I have two cards, one from Sylvia Blue. Miss Blue?

**SYLVIA BLUE:** Good evening. Madam Chair, congratulations. Congratulations to you and congratulations to Miss Pardo and members of the Board. I would like to make a special presentation to two of our former Chairs, Miss Judy Davis and Miss Dawn

Pardo. My comments are very, very brief. I respect you equally, so your gift and presentation is equal.

**CHAIR PRO TEM PARDO:** Oh, thank you so much.

**SYLVIA BLUE:** Here in the City of Riviera Beach we like to show our appreciation for leadership. This is what we call leadership. Um, you have a choice of colors, of course. They're about the same height and they cost the same amount of money. Congratulations to both of you. We're really, really proud of both of you. And Miss Brooks, you get an orchid next year.

**CHAIRPERSON BROOKS:** Thank you.

**SYLVIA BLUE:** Thank you.

**CHAIRPERSON BROOKS:** Thank you. Thank you.

**COUNCILPERSON DAVIS:** Thank you.

**CHAIR PRO TEM PARDO:** Thank you again.

**CHAIRPERSON BROOKS:** Okay. Next we have Bruce Guyton.

**BRUCE GUYTON:** Actually it's the Committee for a Better Riviera Beach, and if I can ask the members who are here to join me to the podium, I would appreciate it. And I don't know why the two ladies went back up there, but –

**CHAIR PRO TEM PARDO:** I need to put more lipstick on. I think we're going to be doing a lot of kissing.

**COUNCILPERSON DAVIS:** Get up again.

**BRUCE GUYTON:** My name is Bruce Guyton, and I serve as the Interim Chair of the Committee for a Better Riviera Beach. Um, we are joined by our very competent Chair who carried us through some very contentious times, Miss Sylvia Blue. Isn't she somewhere?

**AUDIENCE:** She's right here.

**BRUCE GUYTON:** Okay. Um, on behalf of the Committee for a Better Riviera Beach, we would like to congratulate Miss Judy Davis and Miss Dawn Pardo. As you know, Miss Dawn Pardo went unopposed. Miss Judy Davis won her election, and we supported Miss Judy Davis fully. We also supported Miss Dawn Pardo, but she didn't have an opponent, so that saved us some work.

And fortunately, the referendum that the Committee for a Better Riviera Beach to extend the council term from two years to three years also passed. So on behalf of the

Committee for a Better Riviera Beach, we'd like to present to Councilwoman Dawn Pardo and Councilwoman Judy Davis three roses which symbolizes each year for the new three-year term. And we'd like to thank you very much. And -- and that also symbolizes the stability and continuity that we as a committee have been working for, and we'd like to, um, say that we will continue to support the full council, and we wish you very much luck in your next terms. Thank you very much.

## **V. MAYOR AND CITY COUNCIL COMMENTS AND REMARKS**

**CHAIRPERSON BROOKS:** Okay. Now we're at the Item Number 6, where we have the Mayor and City Council comments and remarks, and I will start with our Mayor.

**MAYOR MASTERS:** Thank you new Chairwoman Mrs. Brooks. Um, certainly I -- I guess I can use the word, welcome back, because they were residents of the city, but certainly we are pleased to have this continuity and to continue to move this city to a greater height and a deeper depth.

First let me make my comments germane to Mrs. Pardo. It has always been a pleasure to work with you, even before I became mayor. In all of the elections I think there was only one time that we may have disagreed on a major issue, but nine out of ten we were there together on the issues that continue to affect all the people of Riviera Beach. I can also say that I don't know anyone, perhaps in the County, that seemed to work as hard as you do in representing the residents of the area that you represent, in addition to the City. But you're always there and you always make sure that the island is represented when need be. I appreciate that, because you know, you've got to stand up for what you believe and fight for what you believe, particularly when it's right, and you've done that. And it's an honor to continue to work with you and your family. We're ready to go forward.

And to former Chair, Judy Davis, who I probably wake up at least once a week before 9:00, but as a friend I continue to look forward to your leadership and your support, and in this community you continue to represent and work hard for our seniors and those that are handicapped, blind, and others. I'm looking forward to your continued leadership and support, as well, to move this city to a higher height and a deeper depth as we continue to put our residents back to work and as we continue to redevelop and welcome new businesses in the city. I don't know anyone who continues to do that as you've done, and particularly in your district, and joining us in cutting the ribbons and promoting new businesses. So here we are again. Let's go forward. Thank you former Chair Davis.

**COUNCILPERSON DAVIS:** Thank you, Mayor. Thank you.

**CHAIRPERSON BROOKS:** And next, Mr. Lowe, Councilman Lowe?

**COUNCILPERSON LOWE:** Just welcome back. Thank you.

**CHAIRPERSON BROOKS:** Miss Pardo? Comments.

**CHAIR PRO TEM PARDO:** Thank you, Madam Chair. I would like to first of all just thank all of the residents for supporting me, especially the residents in District 4. This is my second term going unopposed, so you know, I think I'm doing something right, at least representing them, and I hope I'm doing something right representing everyone in Riviera Beach. When I ran for this seat in 2008 I told everyone I was going to be here one term, and that was going to be the end of it, but here I am on my third term now.

But I think everyone can see that there is a tremendous amount of momentum in the city. In the past, I would say, five years or so we have built a foundation, and we're getting ready to build on that foundation now. So these are very exciting times and I would like to thank each and every one of my fellow council people. I think we all work very well as a team. We don't necessarily agree on every issue, but we agree on the important issues, and the issues of moving the city forward. So I look forward to once again representing the residents, our employees, and like our governor says, "Let's get to work." Thank you.

**CHAIRPERSON BROOKS:** Miss Davis?

**COUNCILPERSON DAVIS:** I'd also like to send a heartfelt thanks to all of those who, first of all, my family, the many friends and supporters who supported me during this election. It was a tough one. There was a lot of negativity and negative propaganda, but I am just so very thrilled that the real voters did respond. So thank you very much.

**CHAIRPERSON BROOKS:** Next I'll have you. Mr. Thomas?

**COUNCILPERSON THOMAS:** Yes, yes. First, I'd like to congratulate you, Miss Davis, on your re-election. You worked hard and I'm sure that you're gonna continue to do that and as such, it's good to be working back with you again. Miss Pardo, I'd like to echo those sentiments to you, as well. Glad to have you back, as well.

**CHAIR PRO TEM PARDO:** Thank you.

**COUNCILPERSON THOMAS:** I want to say thank you to the residents and all of the community organizations, regardless of what community organization that you are affiliated with. We appreciate you taking time to take part in your government experience. That makes us all better. You know, that shows democracy at work, and I think that has been, you know, a beautiful -- it's been a beautiful election. Everything stayed peaceful and it didn't tear up the city like it normally does, and that shows progress. And I'm very happy to see that.

I just want everybody to stay engaged. We still have a lot of work that we have going on here, and we just want everybody to continue to be a part of it. So welcome back, my colleagues, and citizens, please stay engaged. That's all.

**CHAIRPERSON BROOKS:** Thank you. I'm going to be a little bit unusual here. I'm going to thank my husband for coming out tonight, the Reverend Henry Salter. Yeah, he's -- he's -- he's been so patient through all of this. We're still newlyweds, for those of you who don't know, and of course it's been a challenge for him to have to give up his

wife. And lately he's even been representing me when I could not go to certain affairs. So honey, I want to thank you. Got to keep home happy, y'all. So y'all hug him on the way out.

Um, I really want to congratulate Miss Davis and Miss Pardo on your return here to the Council, and I -- I just charge each of you to continue to do what you do best, and that is to serve the needs of the community. And I certainly want to thank you all for giving me the opportunity to serve in this position as Chair, and I shall try to meet the expectations of me as a leader. And we will continue as a team to move forward.

To the Mayor, let us continue, you and I, to forge together in developing the relationship with our sister city. And, you know, we have this idea that we want to develop tourism between the two cities and economic development in terms of trying to get businesses to see how they can work with each other, so we will continue. That will be our goal, to continue that this year, Mayor.

**MAYOR MASTERS:** Yes.

**CHAIRPERSON BROOKS:** And to the City Manager, I want to say to you that whatever I can do in this position -- certainly as the Chair there are certain inherent powers that come with the Chair, and I want to use that to help you realize your goals, especially in the area of developing private/public partnerships. We will work very hard on that.

And to the citizens of Riviera Beach, I certainly want to thank you for voting for the three-year term. I know that it is going to mean so much to the City. It certainly let's everyone know that we are a stable government, and that this will make it better for people who are looking at this city to come into for business to say, okay, you know, there is continuity there. We know that when we negotiate with or talk with these councilpersons, they will be there for three years, and that means a lot. So I -- I do thank you for that vote. And now, moving on --

**MAYOR MASTERS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**MAYOR MASTERS:** I had a couple of comments that I forgot. May I make them?

**CHAIRPERSON BROOKS:** Okay.

**MAYOR MASTERS:** On point here.

**CHAIRPERSON BROOKS:** All right, sir.

**MAYOR MASTERS:** I also want to thank the electorate for giving us the three-year terms, because as you know, this issue was defeated in every city this year that it was on the ballot except our city. So it tells us that our residents understood how important

that issue was and germane to moving the city forward. It won in every precinct. It won with the absentee ballot vote, as well.

I also want to make a comment as it relates to the opponent who ran a race. Challenging the incumbent is always challenging to go against an incumbent. I did first time, and I lost. But I was determined that I wouldn't lose anymore elections, and we won the next time, the next time, and the next time. So I'm saying to TD Davis, be encouraged. You are a young man and it makes my heart very glad to see you and other young people get involved in the political process and in our government.

And I can say to you, based upon my moving around in the city during the election times that you were very strong among the young people. At one point, as I talked to different people, almost everybody that was your age said they went to school with you. So I said, Wow, he went to school with everybody in Riviera Beach. But be encouraged, and I do want you to know, as I approach 60 years of age, I'm more serious now about passing the torch and helping our young people to take these seats.

And I look forward to working with you and our young people, and I do want you to know that there is a place for you in the Masters administration, on a board or a committee, because I want to continue to see you grow, go, and glow. Thank you, Madam Chair.

**CHAIRPERSON BROOKS:** You're welcome. Thanks for your comments, Mayor. Now we will get down to our agenda for approval. Uh, Miss Jones, are there any additions? I know we had one. Any additions?

#### **AGENDA APPROVAL**

**ADDITIONS, DELETIONS, SUBSTITUTIONS/ DISCLOSURE BY COUNCIL  
(IF ANY COUNCIL PERSON HAS ANYTHING TO DISCLOSE REGARDING ANY  
ITEM ON THE AGENDA, PLEASE DO SO AT THIS TIME.)/ADOPTION OF AGENDA**

**CITY MANAGER JONES:** Yes, Madam Chair, there is one under Discussions and Deliberations, Item Number 14.

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** It's a community benefit request for \$300 to go to Neighbors United in support of the Great American Clean-Up of Monroe Heights.

**CHAIRPERSON BROOKS:** Yes.

**CITY MANAGER JONES:** And we'd like to add that.

**CHAIRPERSON BROOKS:** And thank you for adding that on, because the affair is taking place very shortly, and we do need those funds. Um, Disclosure by Council of -- is there any person here that has anything to disclose regarding any item on the agenda? If so, please do it at this time. None? Then we move for adoption of the agenda.

**COUNCILPERSON:** So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON BROOKS:** Okay. Ready for the vote.

**CITY CLERK WARD:** Councilperson Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

**CITY CLERK WARD:** Councilperson Thomas.

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** The vote passed unanimously.

### **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 OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 7, 2012.**

### **RESOLUTIONS**

2. **RESOLUTION NO.\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE TWO (2) VEHICLES UNDER THE 2012 FLORIDA SHERIFF'S ASSOCIATION**

CONTRACT #11-19-0907, FROM BARTOW CHEVROLET OF BARTOW, FLORIDA; AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM THE POLICE DEPARTMENT CAPITAL MOTOR VEHICLE ACCOUNT NUMBERS 001-0823-521-0-6451 AND 001-0825-521-0-6451 TO BARTOW CHEVROLET IN THE AMOUNT OF \$64,936.00; AND PROVIDING AN EFFECTIVE DATE.

3. 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 PAYMENT TO PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF \$57,371.79 FROM ACCOUNT #001-0817-521-0-4102, AND AUTHORIZE THE INTERIM FINANCE DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS TO APPLY FOR STATE OF FLORIDA MANDATED \$12.50 FUNDS BEING HELD IN ESCROW BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF \$28,785.00; AND PROVIDING AN EFFECTIVE DATE.
  
4. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE "KEEP AMERICA BEAUTIFUL" CAMPAIGN BY SPONSORING A CLEAN-UP IN MONROE HEIGHTS ON APRIL 21, 2012, TO PROMOTE LITTER REDUCTION, SUPPORT RECYCLING, PRESERVE AND PROTECT OUR ENVIRONMENT AND HELP MAKE OUR NEIGHBORHOODS MORE LIVABLE, AND PROVIDING AN EFFECTIVE DATE.
  
5. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF ATTORNEY'S FEES AND COSTS IN CAPITOL CONTRACTING GROUP, LLC, VS. CITY OF RIVIERA BEACH, CASE NO.: 50 2008 CA 036376XXXX MB IN THE TOTAL AMOUNT OF \$450,000; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT ON BEHALF OF THE CITY AFTER RECEIVING A GENERAL RELEASE IN FAVOR OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

**CHAIRPERSON BROOKS:** Okay, Miss Clerk.

**CITY CLERK WARD:** Resolution 4212, a resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, authorizing settlement of attorney's fees and costs in Capitol Contracting Group, LLC versus City of Riviera Beach, Case Number 502008-CA-036376 MB in the total amount of \$450,000, authorizing Gallagher Bassett to make payment on behalf of the City after receiving a general release in favor of the City and providing an effective date.

**COUNCILPERSON DAVIS:** So move.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON BROOKS:** Okay. Ready for the vote?

**COUNCILPERSON DAVIS:** Um, discussion.

**CHAIRPERSON BROOKS:** The discussion now. I'm sorry. First we have public comment cards from Bonnie Larson?

**BONNIE LARSON:** Good evening. Bonnie Larson. And congratulations to Miss Davis and, of course, Miss Dawn Pardo tonight.

**COUNCILPERSON DAVIS:** Thank you.

**CHAIR PRO TEM PARDO:** Thank you.

**BONNIE LARSON:** I read this online tonight, because I didn't -- I was interested in what it was. It's called the 32<sup>nd</sup> Street Roadway and Underground Utility Improvements. That's the name of the thing. Anyway, what it seems to be, what I got out of reading it was that the City hired a company by the name of Capitol Contracting Group. They hired them to do some work which was having to do with underground utilities. There was a disagreement and it went to court. Riviera Beach accused them of not -- oh, they were talking about the storm water drainage pipes were at the wrong elevation. If those pipes are at the wrong elevation, there's no fix where you -- they have to be at the right elevation in order to work properly, so the whole thing is down the tubes right there.

Riviera Beach also accused them of improperly connecting the storm water pipes, which really doesn't make any difference if they're not gonna work anyway, and improperly installing various inlets. I don't know what inlets are. But that was the deal.

It went to court and the court said everyone did a little bit wrong here, but they sided in favor of Capitol Contracting Group, and we -- they could have made Riviera Beach pay up to \$800,000 to -- made us pay Capitol Contracting Group up to \$800,000. Now, that's in addition to the cost of the project. The project was \$565,000. Riviera Beach and this company apparently had an arbitration and whatever and worked it out so that Riviera Beach paid \$450,000 to this company.

My question is, so -- okay, so the cost was only \$565,000. That was the cost of the project. Then we had to hire an outside engineer for 140,000. Then we had to pay 450,000. We're -- not included in here is the cost of our attorneys, and we never go to court with just our attorneys. We always have outside attorneys. So I'm adding up, this is a million dollars, probably a million and a half dollars, for a project which would only cost \$564,000 in -- in the beginning.

My question is, why wasn't this inspected as it went along? That -- that elevation is -- the project should have stopped right there. We don't have a City Attorney. And I keep asking, Why don't we have a City Attorney? The answer I got when I asked that last time was it has to be LAP certified, that it's hard to find an engineer with a LAP

certification. Now we found out that doesn't exist. It's -- that's a long story, but that is not the reason. The person does not ever have a LAP certification.

My point being, had we had a City Engineer, we could have gotten away with \$565,000 and just made them fix the problem. We could have hired a fleet of city engineers for a million and a half dollars. So this cost us a lot of money.

Now, this was on the consent agenda. Consent agenda, I'm wondering why it was on there, too, because that's for mundane, everyday events. It was impossible to understand it just from the agenda. That's why I had to read the back-up.

But again, why don't we have a City Attorney? And what's gonna happen because we are now, like, probably at a million and a half dollars for this situation? I know what would happen in the corporate world if this happened, if someone didn't do the inspections properly on -- on a job such as this. What happens in Riviera Beach? Who is held responsible when these inspections were not made? Because this is costing us a ton of money.

So my question is, who's responsible and what is Riviera Beach gonna do to make that person, department, or whatever, responsible for costing us this much money? Thank you.

**CHAIRPERSON BROOKS:** Thank you, Miss Larson. Mr. Ward?

**GERALD WARD: Gerald Ward, 31 West 20<sup>th</sup> Street.** Obviously, uh, Miss Larson has some valid points, but I think she's missing the point in that you are currently authorizing another \$450,000, and she correctly said it's only a \$560,000 contract to start with, which went to a jury. The award was split between the City and the contractor. I would suggest that you look and see again that \$89,000 was the cited award to the contractor. \$450,000 is a very large amount of money for fees and costs. I can't quite imagine how long this trial was. You need to listen to your attorney as to the length of the trial. Then you need to grill Miss Jones as to actually what the payments were to the contractor after you sorted out this.

The job apparently went on schedule as the back-up says, so it does not look like that it is near the \$450,000. And you need to grill and find out whether we could come up with even a better deal by going to a hearing on fees and costs versus continuing this process of paying. Again, \$450,000 on a \$560,000 construction cost, of which the - - the award by the jury was somewhere in the less than 90,000, but Mrs. Jones and Miss Ryan need to explain exactly what was paid. You had this item before you in settlement of the construction contract costs several months ago, if this is only fees and costs.

**CHAIRPERSON BROOKS:** Okay. Now, we're ready for Board discussion and I do want Miss Ryan, if you would, to comment on this, or Miss Jones, or the both of you.

**CITY ATTORNEY RYAN:** Okay. Well, I'll -- Madam Chair, I'll comment on the legal aspects of it. It was a two-week trial. One of the claims that Capitol made, which made it difficult to settle this case, because we tried, was that they argued that we owed them \$2.6 million for lost profits on other jobs that they could not get because we ruined their reputation. They would not come off of that large amount of money. And we spent --

you know, lawyers are expensive. We spent a considerable amount of time in discovery and the case, as you can see, started in 2008 and just got resolved in 2011. And it was a very contentious trial.

As I stated, it lasted for two weeks, and we believe that because of the nature of construction, the judge could award up to the \$800,000, because they get what's called a multiplier. So even if we were able to argue that their fees should be lower, say around \$300,000, it is within the judge's discretion to award anything from 0 to 2.5 multiplier, which would mean 300,000 times 2 or 2.5, which is 600 to \$800,000.

And that's one of the reasons, with a lot of angst that we proposed the settlement to the Council, because the judge sent us back to mediation on the fees. He did -- we had a full-blown hearing on prevailing party, because the jury -- we said that the jury really split the baby on it. I mean, they got \$89,000. These are people who were asking for \$2.6 million and they got \$89,000. However, the court did find that they were the prevailing party, because they ended up dropping that aspect of it right before trial started. So he looked at the remaining claims and decided that they were the prevailing party and thus entitled to the attorneys' fees. So, even at mediation it failed, and the parties continued to talk. And that's how we ended up with this compromise of \$450,000.

It is a lot of money and we are troubled by it, but after losing sleep, talking about it, meeting with the Council, meeting with the attorneys, reading the case law on this issue, we believe that if we go -- if we allow the judge to make a decision on this, that we could very well lose up to \$800,000. So that's the legal aspect of it.

**CHAIRPERSON BROOKS:** Thank you. Miss Jones, did you want to add anything or any or any other comments?

**CITY MANAGER JONES:** No. Miss Ryan has summarized what has taken place. As she mentioned, this case started back in 2008. Since this particular case we have looked at how we do business, particularly in our construction area.

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** Checklists have been developed in order to ensure that when we're going to make these kinds of changes that we know well in advance as to what we need to do and take place. So administratively we have put in the checks and balances that were identified as a result of the case --

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** -- and what's taken place in that. And the individuals that worked on this particular project were aware of the issues that all of us had, Miss Ryan and I both had as it relates to that, and that issue also has been addressed.

**City Attorney Ryan:** I want to make one more comment. When the City discovered that they had not properly laid the drainage work and the inlets -- I'm still not sure what inlets are -- we went back to them. We tried to get them to fix it, and they refused. Even though they sued -- they stopped working and they sued the City -- we did not sue

them -- but we did come back to Council, staff came back and said, "We have got to fix those inlets because eventually -- it may be five years from now, it may be ten years, but that road is going to fail. So the City -- the City Council approved spending the \$139,000 to fix the road.

So the road is perfect now. There shouldn't be any problems, but we felt that it -- staff felt very strongly about making the road safe for the residents. And so, you know, we spent the extra 130 to get that done, as well.

**COUNCIILPERSON LOWE:** Madam Chair?

**City Attorney Ryan:** I wanted to add that.

**CHAIRPERSON BROOKS:** Yes, Mr. Lowe?

**COUNCIILPERSON LOWE:** Miss Ryan stated that we approved the \$139,000. Do we -- do we have record of that?

**CHAIRPERSON BROOKS:** There is a record. There would be a resolution.

**COUNCIILPERSON LOWE:** Yeah. I want to see that before -- before we approve this settlement, because I want to look back at the transcripts and the record from that date and make sure it was made clear at that time that we were under a lawsuit and we were in jeopardy of being sued by going out and replacing this -- and replacing the road. Because honestly, I don't remember approving this. So I would like to see that. And I guess the fact that we repaired the road triggered the lawsuit, or vice versa, or --

**CITY ATTORNEY RYAN:** No. They filed the lawsuit first.

**COUNCIILPERSON LOWE:** Okay.

**CITY ATTORNEY RYAN:** And when the -- they refused to come back and fix the road, that's when our engineer met with staff, and we made -- staff made the decision that we needed to go back and repair the road, because they obviously were not going to. And a court will never force you to do specific performance. The court would never force them to fix the road.

So it was a decision that had to be made on this end whether or not to leave it the way it was, with us knowing in the record that the inlets were improperly done, and potentially having a lawsuit in five years or ten years if a resident drove down that road and it failed on them. And that could happen in multiple ways. Or it -- you know, it could have gone 20 years without failing. Who knows? We didn't know.

**COUNCIILPERSON LOWE:** Did we get a second opinion from another engineer? Because I remember during the discussion there was a difference of opinion on whether they felt the road was improperly done or not. So what action did we take? And the point that I'm trying to bring out is that, you know, I don't recall us approving a change order or anything in effect regarding this particular item.

**CITY ATTORNEY RYAN:** Well, it wasn't a change order. It was a new company. I'll have to ask Miss McKinney what the name of the company was. There was a new construction company that did the work, so it wasn't a change. A change order would have been with the regular -- with the contractor, Capitol Contracting. They refused to do the work. So the City went out for bid again to get someone to repair the work, and -

**COUNCIILPERSON LOWE:** Did we know at that time it would end up costing us 450,000, or we were in jeopardy of being sued for 2.2 million?

**CITY ATTORNEY RYAN:** We were already in the lawsuit, and there's -- you know, with litigation there's always the chance. There's always a chance. But fixing the road didn't cost -- is not the reason for -- was not the reason for the lawsuit. The City had to make a decision on whether or not to fix the road. That would not have stopped the lawsuit.

**COUNCIILPERSON LOWE:** Okay. So what's the reason for the lawsuit?

**CITY ATTORNEY RYAN:** Because --

**COUNCIILPERSON LOWE:** They said we slandered or --

**CITY ATTORNEY RYAN:** Right. That was one of their claims.

**COUNCIILPERSON LOWE:** Okay.

**CITY ATTORNEY RYAN:** But they also claimed that the City would not pay them their final payment, the City insisted that they repair the road, and they filed the lawsuit saying that the City was in breach of the contract and that the City ruined their reputation, and therefore they filed a lawsuit for \$2.6 million.

**COUNCIILPERSON LOWE:** Well, how -- how much would we have spent at that time to honor the contract?

**CITY ATTORNEY RYAN:** If they had --

**COUNCIILPERSON LOWE:** How much did they owe? How much did we owe them on that final payment?

**CITY ATTORNEY RYAN:** We owed them approximately \$60,000, and we would have happily have paid them that.

**COUNCIILPERSON LOWE:** Okay.

**CHAIRPERSON BROOKS:** That it, Councilman Lowe?

**COUNCIILPERSON LOWE:** Well, I still need to see, um, that transcript of that meeting where we authorized this, and I do want to know if all of those points were made, and

that the Council was made aware of the severity of -- of that particular issue with the streets. Because it seemed like something could have been done before we got to this level, and we're -- we paid them for the road and now we're, you know, we're --

**CHAIRPERSON BROOKS:** Right.

**COUNCILPERSON LOWE:** -- gonna pay for another road, and we need more than one road fixed around here. So that's my questions.

**CHAIRPERSON BROOKS:** Any other comments? Okay. Ready for the vote?

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** No.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** That vote passed with Councilperson Lowe dissenting.

6. **RESOLUTION NO.\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF RIVIERA BEACH PROVIDING GRANT MATCH FUNDS FOR AN ECONOMIC DEVELOPMENT ADMINISTRATION AGENCY GRANT; A FLORIDA INLAND NAVIGATION DISTRICT WATERWAY ASSISTANCE GRANT AND A FLORIDA FISH AND WILDLIFE COMMISSION FLORIDA BOATING IMPROVEMENT GRANT FOR THE MARINA REPLACEMENT PROJECT AND PROVIDING AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Councilperson Thomas.

**COUNCIILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Unanimous vote.

**PETITIONS AND COMMUNICATIONS FOR FILING**

**CHAIRPERSON BROOKS:** Okay. We're down to, um, Petitions and Communications for Filing.

**CITY CLERK WARD:** We have none.

**AWARDS AND PRESENTATIONS**

**7. PROCLAMATION FROM THE OFFICE OF THE MAYOR BY COUNCILPERSON SHELBY L. LOWE PROCLAIMING APRIL AS JAZZ APPRECIATION MONTH (JAM) IN THE CITY OF RIVIERA BEACH.**

**CHAIRPERSON BROOKS:** Okay. Awards and Presentations? Item 7.

**CITY CLERK WARD:** Proclamation from the Office of the Mayor by Councilperson Shelby Lowe proclaiming April as Jazz Appreciation Month in the City of Riviera Beach.

**COUNCIILPERSON LOWE:** Where's the Mayor? I don't know. The Mayor's always asking people to read for him.

**MAYOR MASTERS:** You're younger than me. Go ahead and read it.

**COUNCIILPERSON LOWE:** Where -- where is the proclamation? I can't read it by heart.

**COUNCILPERSON DAVIS:** In the City Clerk's hand.

**COUNCIILPERSON LOWE:** Okay. Let's do this. This evening we are going to proclaim this month as Jazz Appreciation Month, and let me start off with a little bit of information before we read the proclamation. We just got notice that our event is being

covered by the Smithsonian Institute in Washington, D.C., so we're proud of that and we're proud of the hard work that Mrs. Cobb has done, the library staff, and getting the word out on this event. And if you want to find out more about it, just go to the Smithsonian website and they list jazz events for all of the states in the United States, and when you click on Florida you'll see us listed and our entire calendar for the month.

"Proclamation, Jazz Appreciation Month. City of Riviera Beach, Palm Beach County, Florida. Whereas jazz is an indigenous American art form that was born in the late 1800s in New Orleans, a rhythm mix of African culture combined with the harmony of Western European culture, and whereas jazz has developed, spreading around the world and drawing on many different national, regional, and local music cultures, giving rise since its early 20<sup>th</sup> Century American beginnings to many distinct styles, and whereas the U.S. Congress has declared jazz as a musical style that is a rare and valuable treasure, and whereas the Smithsonian Institute with regard to jazz as the most significant musical culture to emerge in the United States, has an annual month-long celebration of jazz held in April, and whereas April was chosen as the celebration month so that the schools could participate, and because it is the birth month of a number of leading figures in jazz such as Duke Ellington, Ella Fitzgerald, Bessie Smith, Johnny Dodge, Billie Holiday, Charles Mingus, Lionel Hampton, Jerry Mulligan, Shorty Rogers, Tito Puente, and Herbie Hancock, and whereas the purpose of the annual celebration is to encourage people of all ages to participate in jazz by studying the music, reading books about jazz and jazz musicians, listening to jazz on the radio and recordings, attending concerts and supporting institutional jazz programs. The Mayor will take over from here.

**MAYOR MASTERS:** I want to certainly commend and compliment my fellow colleague, Councilman Shelby Lowe, for giving leadership to this month that's nationally recognized as Jazz Month in the United States, and I'm just so proud that he didn't allow it to pass us by. It is certainly consistent with our theme as the best waterfront city in which to live, work, and play, and it is consistent with the fact that we don't only wait once a year to celebrate jazz, but we do it every month with Jazz In The Park. And note that none other city in Palm Beach County can say that. But once again, Riviera Beach continues to give leadership.

And also to the library for their leadership in this event, as well. And now Smithsonian Institute, nationally, will be there to witness this great event by the City of Riviera Beach.

So I am proud and humble as the Mayor of the City of Riviera Beach here on this day proclaim April -- the month of April as Jazz Appreciation Month, to be celebrated annually in the City of Riviera Beach, and I encourage all residents to honor the contribution that jazz has made in the lives of all Americans. Therefore, I witness my signature and the Office of the Seal of the City of Riviera Beach. As the Mayor of this City I do here now proclaim annually, starting this month, as Jazz Month Appreciation. I, Mayor Thomas A. Masters certify. And signed also by the illustrious City Clerk,

**CITY CLERK WARD.** Thank you.

**CHAIRPERSON BROOKS:** Thank you, Mayor.

**COUNCILPERSON LOWE:** Now I can get to my part. In line with Jazz Appreciation Month, I just want to recognize a former Council Member who brought the jazz event to the City and worked hard to establish Riviera Beach as a destination place. And we thank him and we want to recognize him, and that's former Councilman Don Wilson, and everybody who was responsible back then for bringing that event to the City.

And I also want to thank the Parks & Recreation staff. They have been keeping the music alive every month with Jazz In The Park, Jazz After Dark In The Park, however you want to do it. But anyway, it's still -- it's still jazz.

And I want to make one comment. I was watching TV, I think it was last week, and I don't know if everyone's familiar with that "Unsung" program. It comes on BET. And I happened to catch the particular episode where Denise Williams was the artist that they focused on, and they went over her life and her experience with the music. And lo and behold, we've been blessed to have her here, coming here this month. And I want to thank the Parks & Rec Department. They've done a great job with our jazz program, and keeping -- keeping the good music coming. And I just want to recognize everybody who's helped in that respect, as well. So thank you.

We're doing things in Riviera Beach. You just got to catch up with the groove. All right? Don't forget to get a flier. We have several events this month, and I'll announce them at the end of the council meeting. Oh, and come on up?

**CHAIRPERSON BROOKS:** Okay. Mr. Wilson? Former Councilperson Don Wilson.

**DON WILSON:** Madam Chair and members of the Council, some years ago Riviera Beach did what was necessary to posture itself in America in recognizing jazz as not only America's first member of --

**CHAIRPERSON BROOKS:** Pull your mic down, sir. Yes, that's better.

**DON WILSON:** I'm sorry. Not only as America's first art form, but throughout this world jazz has done much for many of the people. And by many of the people are mentioned by the aforementioned speakers. If he were here tonight, Julian Adderly, a Floridian, just south of us in Fort Lauderdale, would tell you, "Mercy, mercy, mercy." And it's good to be merry. It's good to be merry. But it's better to be merry and wise. And you're showing much wisdom in supporting the council people, Mr. Lowe and Mr. Thomas, and others if you will continue to push Mrs. Cobb's efforts as well. Thank you very, very much for allowing us to be here and to help Riviera Beach become the real city, the true city in which to live, work, and play. Thank you and God bless you.

**COUNCILPERSON BROOKS:** Thank you, Don. Ms. Cobb, did you want to speak? Okay. Moving on now to Item Number 8, Presentation by Riviera Beach Maritime Academy on the Haiti Ocean Project.

**8. PRESENTATION BY RIVIERA BEACH MARITIME ACADEMY ON THE HAITI OCEAN PROJECT.**

**TONYA HICKS:** Thank you, Chair Brooks.

**CHAIRPERSON BROOKS:** Oh, you're welcome.

**TONYA HICKS:** My name is Tonya Hicks. I'm the principal of the Riviera Beach Maritime Academy and we bring at -- I'm sorry -- 251 West 21<sup>st</sup> -- at West 11<sup>th</sup> Street, and we bring you greetings, Mayor Masters, Council, other city officials, and most importantly, citizens of Riviera Beach.

The Riviera Beach Maritime Academy is an A-rated top five science high school, and tonight we're back to share with you a little bit more information on the Haiti Ocean Project, a project that could have international implications. And it's one of several high level hands-on projects that the school is currently involved in. Without further ado I'll introduce one of our Language Arts teachers, Miss Jamie Aquino, and some of our students from the Academy.

**JAMIE AQUINO:** Hi. Good evening and thank you for allowing us to come here and speak with you tonight.

**CHAIRPERSON BROOKS:** Good evening.

**JAMIE AQUINO:** My name is Jamie Aquino and I'm a Language Arts teacher at the Riviera Beach Maritime Academy and -- I'm sorry. I'm just gonna pull up a PowerPoint really quick. No, not that one. Sorry. Um, I wanted to first introduce my students who have been working with me on this project. The Haiti Ocean Project is a project that focuses on marine science, education, and ecotourism in Haiti. And I'd like to introduce my students at this time. Curtis Hazzell, Cassandra Miranda, Alex Hoffman, and John Michael Campbell. And they'll introduce themselves briefly.

**CURTIS HAZZELL:** Hi. I'm Curtis Hazzell. I've been doing a lot of research in Haiti. I've also been -- had the fortunate opportunity to go to Haiti and do research with Miss Aquino, hopefully more where my fellow students will be able to go with me, also, and here's the rest.

**CHAIRPERSON BROOKS:** Thank you.

**CASSANDRA MIRANDA:** Hi. My name's Cassandra Miranda. I am also -- I'm working on a concept for the building that will be built in Haiti. It's a marine education facility/aquarium. And I've been working on the design that will be built in Haiti.

**CHAIRPERSON BROOKS:** Thank you.

**ALEX HOFFMAN:** Hi. My name is Alex Hoffman. I'm a senior at Riviera Beach Maritime Academy. I'm currently working with Cassandra on the designs for the building, and working on the concept model. And that's about it.

**CHAIRPERSON BROOKS:** Thank you, sir. Thank you.

**JOHN CAMPBELL:** Good evening. My name is John Michael Campbell. I'm a student at Riviera Beach Maritime Academy. I'm a junior. I'm the video editor of the project and I'm working with Miss Aquino and working with the Haitian government on promoting this project. Thank you.

**CHAIRPERSON BROOKS:** Wonderful. Thank you.

**JAMIE AQUINO:** Haiti is the poorest country in the Western Hemisphere, with the worldwide reputation of being dangerous, dirty, unstable, and having severe environmental degradation. Once a popular tourist destination of the '50s and '60s, it currently has very little tourism. We hope to change the public perception of Haiti, help the economy, and bring a successful tourism operation to the country through our Haiti Ocean Project. I have a brief PowerPoint that I just want to show you to highlight some of the things that we're doing in Haiti. How do I do this? Do I just -- oh, okay.

One of the things that we're focusing on is education, and that's very important to me as an educator and to my students, as well. We are working with the children in Haiti to educate them about the marine life that exists there. I've been going to Haiti now for seven years developing this project, and I'm very proud of what I've accomplished with these kids who have lived in Haiti their whole life and never really knew about the ocean or what was even in it. So it's really opened their eyes to learn about another part of their country that they didn't really even know about that was actually in their own back yard. So that was -- you know, that is something that's really, really important to us.

These kids who go to school basically, the majority of them live in small dirt, mud, cement houses with no electricity or water, so the opportunities for them are -- I'm sorry -- the opportunities for them are very limited. And they love to learn, and so this project has really given them a chance to learn more about things that they didn't know about prior to.

Research is also another -- I guess I don't need this at the moment -- but research is another avenue that we feel is important, because for us to develop --

**CHAIRPERSON BROOKS:** We can't hear you.

**JAMIE AQUINO:** -- ecotourism -- oh, is it working now? Okay. I'm sorry. For us to develop ecotourism we need to study the species that exist in the waters, so in November I brought Curtis Hazzell, one of my students with me, and I'm gonna have him talk briefly about what we did there and what we're going to do in the future.

**CHAIRPERSON BROOKS:** Excuse me. Who -- who is that in the water? Is that one of your students? Is that you in the water?

**CURTIS HAZZELL:** Uh, no, that's Mary. And then that's me coming up on the boat. On the right -- on the picture on the right? Or --

**AUDIENCE:** Yeah, down at the bottom.

**CURTIS HAZZELL:** Yeah, down on the bottom right, that is Mary. She's a photographer with Shark Savers, an organization we've been working with for a long time with the project. And up on -- coming up on the boat is me. We were doing some actual whale diving, sperm whales.

**CHAIRPERSON BROOKS:** Wow.

**CURTIS HAZZELL:** (Unintelligible) exact. There's an abundant amount of sperm whales in Haiti, actually, and, um, we've been getting in the water with them. There's some pictures in there, also, of us doing some research. On the bottom left is me. Right there I was doing GPS coordinates so we could track where the whales are headed to and how -- if they're going there because of fish populations or going there for breeding or et cetera. So, uh, research is a major part of the project, and it's a part I've been working strongly with, along with logistics, trying to get more students down there with me.

We've also been working with some celebrities like Guy Harvey, and Wildlands, trying to get them to come down and do some research with us, along with the University of Miami, also. So research is gonna play a key major role and it's gonna tie into education and some ecotourism. So any other questions, or --

**CHAIRPERSON BROOKS:** Any questions?

**CHAIR PRO TEM PARDO:** Impressive. You're doing a great job.

**CURTIS HAZZELL:** Thank you.

**JAMIE AQUINO:** Thank you.

**CHAIRPERSON BROOKS:** Yes, you are to be -- is this the -- you -- is this the end of the presentation?

**JAMIE AQUINO:** We have about four more slides. Is that okay?

**CHAIRPERSON BROOKS:** Okay. All right. Continue. All right.

**JAMIE AQUINO:** Okay. Ecotourism is what really the end result of all this is to establish Haiti as a destination, like other Caribbean countries where people can come and explore the ocean, learn about the species and really just relax and get away from their, you know, daily lives in other parts of the world. We have discovered such amazing beauty there, underwater reefs, pilot whales, dwarf sperm whales. I mean, things that you would find in other parts of the world, but people didn't really realize that it existed right there in the waters of Haiti.

Our focus is a better future for Haiti for the kids, for the whales, for the dolphins, for the country. We're also working with the government to establish legislation to protect the species, and that's me and Curtis. We were with the Minister of Agriculture

of Haiti when we went in November, and he is working with us to establish laws to protect the species, as well. So that's really vital to developing this project.

Another really exciting thing that we're doing is we're developing a -- or we're building a facility that will have the first aquarium ever in Haiti. And Cassandra and Alex have been really instrumental in this, and Cassandra's gonna talk for just a minute about who she's working with and what we're actually doing.

**CASSANDRA MIRANDA:** Hi. I've been working with internationally known architect Peter Seligman. He's the man in that picture in the upper left-hand corner. We've been -- I'm speaking with him, and he's been helping me and Alexander with designing the building. We've come up with many concepts and one that we are really going towards now is in the shape of a pirate ship. So it's going to be really cool, and the building, we want it to be unique. There's no other aquarium -- there's no aquariums in Haiti, and that's going to be incorporated into the building.

We want to bring in ecotourism into Haiti, and all of the designing and the technology that we're going to incorporate into this building is going to help that, so that we can build a better economy for Haiti and its people.

**CHAIRPERSON BROOKS:** Thank you so much.

**JAMIE AQUINO:** The last few slides I'll just briefly show you, but our location for the project, we've been given some acreage on this peninsula, and we are going to build our facility there. It's about 40 miles west of Port-au-Prince. It's in a town called Patiquewav [phonetic] on the southern peninsula, and it's beautiful country, beautiful locations, so we're fortunate to have this property to build our facility there. We have a pontoon boat that is currently at our school at Riviera Beach Maritime Academy that has been serviced and we are waiting to ship that to Haiti. We're currently raising money to ship the boat, as well as raising money to bring more students to have the experience Curtis had to develop the project further.

And we have a website, [haitioceanproject.net](http://haitioceanproject.net), which is something that students put together, and they are proud of showcasing what they're doing. And this last picture is actually of the whales that we were in the water with, um, just a few feet from them. So that was a pretty impressive thing.

And we're just really proud of the project and I'm really proud of what the students have done, because without them this wouldn't be happening. So we're -- we're thankful for the time we had to talk to you about this and hope you will check out our website and learn more about our project. Thank you.

**CHAIRPERSON BROOKS:** Well, thank you. We're so proud of you and what you're doing with these young people. This is an awesome project. Any other comments?

**TONYA HICKS:** Just wanted to close, um, Chair Brooks, by saying that again, this is just one of many high level projects that the Riviera Beach Academy students are involved with. We do have an open house coming up on April 28<sup>th</sup>, and those of you who are uncles and grandparents and parents of school -- or involved with school-age

children that are entering high school or in high school and would like to be a part of projects like this, we want you to come by and see our facilities and become a part.

It looks like I saw Attorney Richards raise his hand over here to donate to the project, as well. I'm just teasing him. But -- and also another open house on Wednesday, May 9<sup>th</sup>, at 7 p.m.

**CHAIRPERSON BROOKS:** So that's April 28<sup>th</sup>?

**TONYA HICKS:** April 28<sup>th</sup>, which is a Saturday.

**CHAIRPERSON BROOKS:** What time?

**TONYA HICKS:** At 11.

**CHAIRPERSON BROOKS:** Uh-huh. Okay.

**TONYA HICKS:** 11 to 2, approximately. And then Wednesday, May 9<sup>th</sup>, at 6 p.m. So we do welcome the citizens of Riviera to come out and see our facilities and hopefully join us for the academic year next year.

**CHAIRPERSON BROOKS:** All right. Thank you very much.

**CHAIR PRO TEM PARDO:** Madam Chair?

**CHAIRPERSON BROOKS:** Uh, comments from the --

**CHAIR PRO TEM PARDO:** I have a question for you. What is the cost to send one of your students over to Haiti?

**JAMIE AQUINO:** It's about a thousand dollars for a week for a student to go there, including airfare and accommodations. So that's, I'd say, a rough estimate. And I know for -- for us when we went in November, you know, we always try to get the most out of our experience. But you know, obviously there are some expenses involved, but I would say that's about a good estimate of what it would cost to send a student over there, airfare, accommodations, food, everything that would be included in the whole trip. So --

**CHAIRPERSON BROOKS:** About 1,000.

**COUNCILPERSON:** Shots?

**JAMIE AQUINO:** Oh, yeah, immunizations, as well. You need a few of those.

**CHAIR PRO TEM PARDO:** Okay. All right. Thank you.

**COUNCILPERSON THOMAS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Mr. Thomas?

**COUNCIILPERSON THOMAS:** I have another question. When -- when is the next time that this group will be visiting the Haiti area?

**JAMIE AQUINO:** My goal is to bring some students down this summer. And of course, that's what we're actively raising money to do is to bring a group down, because we have the property now. We want to work towards developing this facility, and we have some kids in Haiti that are waiting for us to return to move this project further along. So that's my goal. We're out of school and the kids have time.

**COUNCIILPERSON THOMAS:** Do you have a -- a date? I mean --

**JAMIE AQUINO:** I'm looking at mid-June, maybe like a week after school gets out, uh, bringing some students down. That's our -- that's our target. That's what we're shooting for.

**COUNCIILPERSON THOMAS:** And how many students are you trying to have go over?

**JAMIE AQUINO:** I'd like to actually bring the four students that you see here with me. Of course, I'd like to bring more, but that would be my goal would be to bring them with me. Curtis has already gone, as we mentioned, but the other three haven't, and having them go would be very valuable to move the project forward.

**COUNCIILPERSON THOMAS:** Okay. Thank you very much..

**JAMIE AQUINO:** Thank you.

**MAYOR MASTERS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Mayor?

**MAYOR MASTERS:** Thank you. As you know, the City of Riviera Beach has certainly been endeared to Port-au-Prince and Haiti. The manager authorized the opening of our fire stations a few years back when there were devastating hurricanes in Haiti, and as you know, Reverend Jesse Jackson asked me to go over. And then with the earthquake, we were blessed to carry about 30 doctors and nurses to Haiti and do what we had to do for a couple weeks over there. So I said that to say that we have a very warm relationship with Haiti, and we will continue to do that and do whatever we can.

It's the poorest nation in this hemisphere, this part of the world. So please count the Office of the Mayor in. Anything that we can do to promote this project and give leadership from the perspective from the Office of the Mayor, please call us and count us in. And Mr. George Carter and the principal are to be commended for such hard work.

**CHAIRPERSON BROOKS:** Yes, very much.

**MAYOR MASTERS:** Thank you.

**CHAIRPERSON BROOKS:** Thank you. Thank you, Mayor. I know Commissioner Wayne Richards says ditto, that he'll -- he has a compassion for Haiti, as well. Very much so. Okay. Now, we -- any other comments? If not we'll move on to Public Hearings, Item Number 9.

### **PUBLIC HEARINGS**

9. **RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM THE CITY OF RIVIERA BEACH FOR THE CONSTRUCTION OF NEW PUBLIC WORKS FACILITIES LOCATED AT 2391 AVENUE L; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY CLERK WARD:** Resolution 44-12, a resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving a site plan application from the City of Riviera Beach for the construction of new Public Works facilities located at 2391 Avenue L; providing an effective date.

**CHAIRPERSON BROOKS:** And do we have a motion?

**COUNCILPERSON THOMAS:** So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON BROOKS:** Okay. We do have two public comment cards. I'm sorry. We have one. That's from Mr. Ward. Mr. Ward?

**GERALD WARD:** Gerald Ward. 31 West 20<sup>th</sup> Street. You have a budget of \$4.5 million roughly, a little bit more than that, which is in our capital budget, and it's broken up with funding sources from capital, as well as a million six from the storm water fund. Storm water and CRA are the two profit centers, it seems, right now in the City that have positive balances. You have a contract out for almost 450 -- a liability of \$450,000, whereas the budget for design services is only 275,000. You do not have in Your back-up an estimate, a current estimate.

Now, obviously capital budgets are dated in this city at least back through last fall or earlier. So you need to have the architect, the design professionals, come up with is this site plan that you're saying you're going to approve tonight in the value of the budget estimates for the facility.

If you take a look at the plans, there's extensive landscaping. There's no mention of whether the clean-up of the existing site from the environmental conditions -- it's been a dump. It's common in Public Works operations that you have a lot of stuff that you've got to collect around the city, and you temporarily store it. So there is no

evaluation in this process here as to whether the place is going to be clean or somebody's gonna come back and say, Hey, we've got another \$150,000, or some other cost, to clean up the property so we can put these buildings on it.

There's no sign-off by the fire department, nor the police department. Guess what? This is a 24-7 operation facility for them. They need fuel. They have a fuel facility. But is it going to satisfy their full needs? The agenda item summary should show sign-off by them.

Rec & Parks, as I mentioned, the landscaping is extensive. I'm not sure we want to put as much money into landscaping around a Public Works facility, particularly since it's in an industrial area; certainly not the back lots of the facility.

Utilities also uses this place and also serves it, and I don't see our new Deputy City Manager's sign-off, either. So ask a few questions before you get through.

**CHAIRPERSON BROOKS:** Thank you, Mr. Ward, for your comments. Comments from the Board? Miss Davis? Oh.

**COUNCILPERSON DAVIS:** Okay. I was about to say "manager." Mrs. Jones, Mr. Ward says that Police and Fire didn't have a sign-off, but does that mean that they were not involved?

**CITY MANAGER JONES:** This site plan that you have before you went through the appropriate review process. P & Z approved the site plan. It will continue to be accessible to all of the particular entities that need to get fuel and anything else that need to be done. So it was vetted through everyone possible.

**COUNCILPERSON DAVIS:** Through everyone. Including Fire and Police is my question.

**CITY MANAGER JONES:** They really --

**COUNCILPERSON DAVIS:** Well, the only --

**CITY MANAGER JONES:** Long as --

**COUNCILPERSON DAVIS:** -- reason I'm asking --

**CITY MANAGER JONES:** The key is that it is accessible and that, you know, for the entry for them to get fuel.

**COUNCILPERSON DAVIS:** Okay. All right. My other question is, I'm looking at -- going a little bit further back -- at this page that says "March 8<sup>th</sup> Planning & Zoning Board Meeting." And as I read going down to New Business, it looks as if this was a presentation to the Council. Was it a P & Z meeting or was it a City Council meeting? When I look on the back page it has here questions that were asked by me and others, but -- what?

**CITY MANAGER JONES:** No, this is -- this is a Planning & Zoning Board meeting, yes.

**COUNCILPERSON DAVIS:** It's a Planning --

**CITY MANAGER JONES:** Yes.

**COUNCILPERSON DAVIS:** Who's Miss Davis?

**CHAIR PRO TEM PARDO:** Marie Davis. Marie Davis.

**COUNCILPERSON DAVIS:** Oh, Marie Davis.

**CHAIR PRO TEM PARDO:** Uh-huh.

**COUNCILPERSON DAVIS:** Oh, this is a recent one, March 8<sup>th</sup>.

**CHAIR PRO TEM PARDO:** Yes.

**COUNCILPERSON DAVIS:** Okay.

**CITY MANAGER JONES:** March 8<sup>th</sup>.

**COUNCILPERSON DAVIS:** Yeah, that confused me. Okay. Thank you. My appointment. Yeah.

**CHAIR PRO TEM PARDO:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Miss Pardo?

**CHAIR PRO TEM PARDO:** All right. Do you think we can have a presentation on this?

**CHAIRPERSON BROOKS:** Yeah, okay.

**MARY MCKINNEY:** Sure. Mary McKinney, Director of Community Development. And this is our -- where our existing Public Works facility, which is located at 2391 Avenue L, which as you can see on the aerial there, it's outlined in yellow, and I'm sure you're all aware of where it is and what it looks like. The project was approved for replacement through the city's capital project budget for a total of \$4,575,000, and the architect Song & Associates was approved by Resolution 74-11 for construction documents and related services for the new Public Works area.

The project will include two new buildings for the Public Works facility. The one story structure will be 18,000 square foot, and that will be for Administration, and 14,000 square foot Maintenance building. And you can see them up on that diagram there, the Administration building and the Maintenance building. The locations of the new Administration and Maintenance building allows for the existing site to continue to operate while the new construction is taking place. And the facilities will remain open

**CHAIRPERSON BROOKS:** 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.

**COUNCILPERSON DAVIS:** Madam Clerk -- oh, I'm sorry. Madam Chair, move consent.

**CHAIRPERSON BROOKS:** Okay.

**COUNCILPERSON THOMAS:** Second.

**COUNCILPERSON LOWE:** Uh, Madam Chair?

**CHAIRPERSON BROOKS:** Ready for the vote?

**COUNCILPERSON LOWE:** I'm sorry. I -- I wasn't keeping up. I'd like to pull Item 5.

**CHAIRPERSON BROOKS:** Okay. I guess we can do it. I will go ahead in a second. Okay. Item 5. Need a motion.

**COUNCILPERSON DAVIS:** I already -- oh, okay.

**CHAIRPERSON BROOKS:** To pull Item 5.

**COUNCILPERSON DAVIS:** So move consent with Item 5 pulled.

**COUNCILPERSON LOWE:** Second.

**Chairperson Brooks:** Okay. That's been -- we've got a second to take out Item 5, Resolution -- I don't have the number here.

**COUNCILPERSON DAVIS:** 4212.

**CHAIRPERSON BROOKS:** 4212. So we need a motion? I mean, we have -- we need a vote. I'm sorry.

**CITY CLERK WARD:** Council -- I'm sorry. Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

and accessible by way of the present drive aisles and there will be new parking layouts, material storage areas, drainage and landscape areas all included in the plan.

The construction plans are done and have been submitted to our Building staff. And the rest of the City staff will do preliminary comments on them so that when the City Council is ready to award the bid we will already have reviewed the plans. And the comments will be ready, so the construction will be able to start fairly quickly.

The Planning & Zoning Board did review the plan on March 8<sup>th</sup> and recommended approval. Staff also recommends approval. Representatives from Song & Associates, who prepared the plan for the City and worked very closely with City staff are also here this evening, and of course the Public Works Director and the Purchasing Director are here, also.

**CHAIR PRO TEM PARDO:** Okay. Miss McKinney, I have a question for you. Do you know how much administrative space we have currently over at the facility?

**MARY MCKINNEY:** I think that I'm going to let the representative from Song come up and address that.

**PETER GILSTAD:** Good evening.

**CHAIR PRO TEM PARDO:** Good evening.

**PETER GILSTAD:** Peter Gilstad, Song & Associates. The existing Administration area is -- I wouldn't say that it's equal, but it is pretty close to what is programmed now. With the new program, though, we have additional conference space, additional work space, a conference room that would be more appropriate. So in terms of staffing, there is -- I don't believe there is any increase in staff what they have now and they have funded and projected. It is really an expansion of support spaces.

**CHAIR PRO TEM PARDO:** And within (unintelligible) --

**PETER GILSTAD:** So the existing -- the new Administration building really includes a lot of support spaces for staff, including a training room, locker rooms and showers, that is really above and beyond. So administratively it's about the same size.

**CHAIR PRO TEM PARDO:** Okay.

**CITY MANAGER JONES:** It also includes the administrative offices for Purchasing, so it's not just Public Works. It's both of them.

**CHAIR PRO TEM PARDO:** Uh-huh. But that's what we have right now.

**CITY MANAGER JONES:** Right, so --

**CHAIR PRO TEM PARDO:** Over there. Okay. So did we think about possibly, you know, expanding it, making it a little bigger in case, you know, the city grows and we

have to, you know, maybe hire some extra people? I don't want to be in the same situation where we have people on top of each other again. Have we --

**CITY MANAGER JONES:** In the event we were to grow, it would not be in administrative staff. It would be in your street staff, which are your workers, which would be using the locker rooms, but they wouldn't be in the office Administration space.

**CHAIR PRO TEM PARDO:** Okay. So we're not --

**CITY MANAGER JONES:** Or the people in the field would be --

**CHAIR PRO TEM PARDO:** Okay.

**CITY MANAGER JONES:** -- where you would do the expansions.

**CHAIR PRO TEM PARDO:** All right. Remember that. Administration won't be growing. Okay. And then the other thing is the parking.

**CITY MANAGER JONES:** Not at the rate we're going.

**PETER GILSTAD:** Yes.

**CITY MANAGER JONES:** I know we have a lot of trucks and I see on one side, and I'm not sure which side I'm looking at, but we have space for the buses, and then we have large vehicle parking. And then I guess in front, on the other side, it looks like more parking along the motorized gate. So is that staff parking, and then in the back where it says "large vehicles," will that be all where the pick-up trucks are and --

**PETER GILSTAD:** Generally, the layout of the parking area is --

**CHAIR PRO TEM PARDO:** Uh-huh.

**PETER GILSTAD:** -- visitors onto the north side. So as you enter the first drive aisle --

**CHAIR PRO TEM PARDO:** Uh-huh.

**PETER GILSTAD:** -- the first drive aisle, this is really designated for visitors.

**CHAIR PRO TEM PARDO:** Okay.

**PETER GILSTAD:** Staff starts here.

**CHAIR PRO TEM PARDO:** Uh-huh.

**PETER GILSTAD:** And it's really spread out around the different various buildings, so that they can really park where they need to adjacent to their area of work. This is

designated and this is designated as -- what's loosely out there is a queuing space either for waiting to be serviced or after service. And yes, these larger row of parking are designated for the larger trucks; not pick-up trucks, but in fact, the dirt haulers and the buses.

**CHAIR PRO TEM PARDO:** Okay. So where are the pick-up trucks going? And do we have enough parking space over there? Or are the pick-up trucks going to be wherever there's vacant space they're gonna park?

**PETER GILSTAD:** Well, again, the pick-up trucks are -- are going to be staffed as they need to and parked as they need to around the Shops and Maintenance. The number of parking spaces is per code and as a component of a sustainability credit is that they like us not to go -- not to exceed the local ordinance for parking as a normal course of events. But it's been reviewed by staff and it seems to be adequate.

**CHAIR PRO TEM PARDO:** Okay. So do we have the same amount of parking or more parking than we currently have? Because again, if we're going to do this facility, you know, I really think we should do it right. And instead of having vehicles parked everywhere and anywhere, they should be in a designated spot.

**PETER GILSTAD:** You know, there are. There's so much -- there's so much open space.

**MARY MCKINNEY:** Right. Because a lot of the spaces aren't marked now --

**CHAIR PRO TEM PARDO:** Uh-huh.

**MARY MCKINNEY:** -- now they'll be marked and the proposed number of spaces is 77.

**CHAIR PRO TEM PARDO:** Okay. What do we have now? Do you know?

**MARY MCKINNEY:** Well, it will be approximately the same. It's -- maybe it's -- maybe they're a bit less, but the way it is now, there's not really any defined structure to where the parking is or a laid out designated area. They pretty much park where they need to in relation to the Maintenance building. So I think we evaluated it based on the uses and the number of staff and any type of visitors that may be going there and we felt that 77 met -- was beyond the number that was required by the City's code for parking.

**CHAIR PRO TEM PARDO:** Okay. And then my last question is the showers. You mentioned that we're going to have showers. Do we currently have showers?

**MARY MCKINNEY:** Have we got showers in there?

**PETER GILSTAD:** Yes. There is a facility in the Public Works area for showers.

**CHAIR PRO TEM PARDO:** Okay. And it's uni-sex or -- I'm asking.

**PETER GILSTAD:** No, I --

**CHAIRPERSON BROOKS:** Good question.

**PETER GILSTAD:** I believe they're -- no, they're men and women.

**CHAIR PRO TEM PARDO:** Okay. All right. Thank you.

**CHAIRPERSON BROOKS:** Any other comments, questions from the Board, from the Council?

**COUNCILPERSON THOMAS:** Let me -- yes, Madam Chair, please. There --

**CHAIRPERSON BROOKS:** Mr. Thomas?

**COUNCILPERSON THOMAS:** There will be separate lavatories and not like it is right now, right? It's not separate.

**PETER GILSTAD:** Yes, sir. To answer the question, there will be men and women, both public and staff. And then there is another section for the Maintenance and Shop staff, and the field crews to have their own separate showers. So men and women, shower, locker, toilet rooms to serve them.

**COUNCILPERSON THOMAS:** Okay. Sounds good.

**CHAIRPERSON BROOKS:** Any further comments? Ready for the vote?

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Pro Tem Prado?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Unanimous vote.

**ORDINANCES ON SECOND READING**

**NONE**

**ORDINANCES ON FIRST READING**

10. **ORDINANCE NO. \_\_\_\_ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO ONE-YEAR AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF ADULT ARCADE AMUSEMENT FACILITIES, FREQUENTLY REFERRED TO AS INTERNET CAFES; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF ADULT ARCADE AMUSEMENT FACILITY; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**CHAIRPERSON BROOKS:** None. Okay. Ordinances on First Reading?

**CITY CLERK WARD:** Ordinance Number 40-12, an ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, enacting a moratorium for up to one year as to the filing and/or receiving of any applications for the establishment of adult arcade amusement facilities frequently referred to as arcade amusement facilities, referred -- frequently referred to as Internet cafes; providing for legislation findings, intent and purpose; providing for a definition of adult arcade amusement facility; providing for the boundaries subject to the moratorium; providing for severability conflict; and providing an effective date.

**CHAIR PRO TEM PARDO:** So moved.

**CHAIRPERSON BROOKS:** Do I have a second?

**COUNCILPERSON THOMAS:** Second.

**CHAIRPERSON BROOKS:** Okay. We have one public comment card for Mr. Ward.

**COUNCILPERSON THOMAS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**COUNCILPERSON THOMAS:** While Mr. Ward is coming, Miss McKinney, are we asked -- are you asking for an additional moratorium? And if you are, then see as to

why we're going for another one? Did we not get the information that we needed on the first one?

**MARY MCKINNEY:** Well, we're asking for an additional year and everyone in the State has -- was waiting to see what the State Legislature would do this year. And the House had worked very diligently on it; however, the Senate did not take any action on it. Everyone in the County has just about adopted a moratorium, and we were actually one of the first. And -- and other cities called and borrowed our ordinance, used it as a template for theirs. So -- and Palm Beach County just recently, in the past few weeks, adopted the moratorium that we adopted a year ago.

So what we're want -- hoping is when the Legislature comes back in session that they will provide regulations for these so that not only we, but every other state, county, and municipality will be able to follow the State legislation. So that's why we're asking for another year.

We haven't had anyone that's requested even being considered and I think that everyone that's involved with these types of facilities understands that there is a significant issue with them. Um, our City Attorney just had an article about Seminole County prohibiting Internet cafes, adult arcades, and that's working its way through the court system. So everybody's watching that to see how that works out, too. So --

**COUNCILPERSON THOMAS:** Well, I'm a little concerned because we still have one operating and I'm -- well, I'm just going to say it's been two individuals, another business in this city who would, you know, like to have one of those opened, as well. If, you know, we're going to continue this, then I think that we need to have the other one closed down. I don't think we need to allow it to continue to operate and not allow anybody else the opportunity to be able to participate in that type of business.

**MARY MCKINNEY:** Okay. And we will get with our city attorney to find out exactly what action we need to take, and I -- I agree with you. And so we'll take that back and see what we have to do to do that.

**COUNCILPERSON THOMAS:** Okay.

**CHAIRPERSON BROOKS:** Thank you. Mr. Ward? Oh.

**COUNCILPERSON THOMAS:** No, that wasn't Mr. Ward. That was Mr. Thomas.

**CHAIRPERSON BROOKS:** No, I know who you are.

**COUNCILPERSON THOMAS:** Okay. Okay.

**GERALD WARD:** Well, if you were chair you'd cut it out. Gerald Ward, 31 West 20<sup>th</sup> Street. I would tell you that it's not just this moratorium, but if you're going to enact and stifle businesses, you can't just throw one year on top of another. In -- in previous moratoriums, you've got a couple that are two years or so. Where is a monthly report to

you? Where is a time frame for action? If you read Section 4, it's supposed to be moratorium and direction to staff.

Well, what have you had happen for the last year? You don't have any actions. Maybe you need to have the other two open up and get more tax revenue. And I have no idea whether I'd ever use one. I suspect that I wouldn't even walk in the door. But the problem is, for each person who wants to do business in the town, you get a reputation that you turn things down and put them in moratoriums for undefined times.

So start requiring each of the moratoriums -- ask the question right now. How many do we have currently in progress? How much of that has caused tax revenue to go down in the town? And it's nice to know that have one of these operating, because I assume that by a monthly report, that you would have had what were the impacts of the one that's in business.

I haven't heard a lot of people talk about that. I hear a lot of people talk about State Road A1A's problems today. So find out. Ask some questions.

**COUNCILPERSON LOWE:** Madam Chair?

**CHAIRPERSON BROOKS:** Thank you. Yes, Mr. Lowe.

**COUNCILPERSON LOWE:** Yes. What -- what are some of the impacts? And -- and I have to agree with Mr. Ward on this particular incident that -- um, instance. The State hasn't decided, so you know, why would we -- why would we take this position? And we imposed a year moratorium, and in that year what have you found out, and what -- you know, what kind of impact has this had?

**MARY MCKINNEY:** Well, it hasn't -- I don't see, or we don't see any negative impact to the City, because we haven't had anyone else approach us about these, because --

**COUNCILPERSON LOWE:** Because we had the moratorium.

**MARY MCKINNEY:** -- every -- but we --

**COUNCILPERSON LOWE:** How is someone --

**MARY MCKINNEY:** -- we and --

**COUNCILPERSON LOWE:** -- supposed to approach us when you had the moratorium?

**MARY MCKINNEY:** Well, they can make inquiries. They can still make inquiries. We haven't had anyone even make an inquiry. We aren't -- but we aren't alone. I mean, this is really the whole State of Florida.

It's really hedging on the edge of is this gambling, and are we going to allow gambling to operate? And we actually have a section of our code that prohibits that. So there is some -- we already have some foundation that this may be an issue for the City as far as getting into gambling operations. However, I think that we're being prudent in

watching the State Legislature, because everyone will have to follow the state law. So we aren't going to create a law or laws that may be in conflict and put us in a position to have other lawsuits. So –

**COUNCILPERSON LOWE:** How do you see that?

**MARY MCKINNEY:** Well, if we're –

**COUNCILPERSON LOWE:** If you -- if -- if there's no law, and we're waiting on the -- you know, the Senate refused -- uh, didn't hear this -- this -- or didn't address this issue at the State level, and the little bit that I did read about this issue was, you know, there's a lot of uncertainty.

**MARY MCKINNEY:** There is a lot of uncertainty.

**COUNCILPERSON LOWE:** But it doesn't, you know -- yeah, but it doesn't -- I mean, holding another moratorium is -- in my opinion I think it's just -- it's just too much. And we have a lot of empty storefronts around here. And I -- it hasn't determined whether or not it's gambling or not. And it's --

**MARY MCKINNEY:** No, that hasn't been determined in court yet.

**COUNCILPERSON LOWE:** Okay.

**MARY MCKINNEY:** But based -- based on a professional opinion of it, most professionals are of the opinion that it does border on gambling and will probably fall into some definition and regulations of gambling when it is out of the State.

**COUNCILPERSON LOWE:** Okay. So let's have the moratorium till we get the State ruling.

**MARY MCKINNEY:** The Police Chief would like to speak to us, also.

**COUNCILPERSON LOWE:** I know. Okay. But let's have a moratorium until the State gives its ruling. Why you want to impose a one year?

**MARY MCKINNEY:** Well, it doesn't have to be the whole year. It's up to one year.

**COUNCILPERSON LOWE:** I understand that. I've been through these several times.

**MARY MCKINNEY:** Okay.

**CHAIRPERSON BROOKS:** Chief?

**CHIEF OF POLICE WILLIAMS:** Congratulations, Madam Chair.

**CHAIRPERSON BROOKS:** Thank you.

**CHIEF OF POLICE WILLIAMS:** And, uh, Mrs. Pardo and Miss Davis --

**COUNCILPERSON DAVIS:** Thank you.

**CHIEF OF POLICE WILLIAMS:** -- on your re-election.

**CHAIR PRO TEM PARDO:** Thank you.

**CHIEF OF POLICE WILLIAMS:** Good to see you there. Clarence Williams, Police Chief, City of Riviera Beach. The moratorium positions us to do a number of things. Currently we are without regulation of this particular activity, albeit legal. There has been some history of abuses of the operating privileges connected with these kinds of establishments, i.e., real gambling going on. The --

**COUNCILPERSON DAVIS:** So --

**CHIEF OF POLICE WILLIAMS:** -- activity that we've had --

**COUNCILPERSON DAVIS:** -- is that documented?

**CHIEF OF POLICE WILLIAMS:** Oh, yes.

**COUNCILPERSON DAVIS:** Okay.

**CHIEF OF POLICE WILLIAMS:** Yes. Not in our city. In other -- in other municipalities, not in our city.

**COUNCILPERSON DAVIS:** Okay.

**CHIEF OF POLICE WILLIAMS:** The operation that we currently have in place, we have taken steps to examine it and I have to report that it has been and appears to be legitimate in terms of its operation. That particular operation got in under everyone's radar, and they are operating without a process that would have permitted them to do so. But they're there now, and so that's the one that we have.

The question becomes, whether the -- where do these places operate, and under what conditions. Currently we are unable to determine where they operate. So one could open up in a residential neighborhood. One could open up any place you would grant them a license to open up. So what the moratorium positions us to do is to examine the activity to determine its legitimacy, and we appear to be moving in that direction.

The Legislature is appearing to act on whether or not this is an activity that needs to have broader State and governmental regulations and oversight. And in the interim,

for us, those things have taken place and the additional time will allow us to identify, you know, where and under what conditions they operate in our city and what venues.

**COUNCILPERSON DAVIS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Miss Davis.

**COUNCILPERSON DAVIS:** Where -- as a person who -- I don't really know a whole lot about the arcades. I don't even know how -- where one is in our city. I -- I didn't know we had one here. But where -- what is the location of the current one?

**CHIEF OF POLICE WILLIAMS:** The current one is in the 5900 block of Military Trail currently, 59 or 6000 block of Military Trail.

**COUNCILPERSON DAVIS:** Okay.

**CHIEF OF POLICE WILLIAMS:** In one of the strip mall areas there.

**COUNCILPERSON DAVIS:** Okay. So what -- is it like they have machines in there or --

**CHIEF OF POLICE WILLIAMS:** They have -- they have machines. If you enter, it looks like a casino to some degree. You know, they have the machines there. They just don't pay --

**COUNCILPERSON DAVIS:** Oh, so it's not real money?

**CHIEF OF POLICE WILLIAMS:** -- they don't pay off in monies, no.

**COUNCILPERSON DAVIS:** Oh, okay.

**CHIEF OF POLICE WILLIAMS:** And they payoff in things of value that are other than money.

**COUNCILPERSON DAVIS:** Uh-huh.

**CHIEF OF POLICE WILLIAMS:** And in those instances where there have been violations, the activities that have been discovered is, of course, is payoffs in money --

**COUNCILPERSON DAVIS:** Okay.

**CHIEF OF POLICE WILLIAMS:** -- and other kinds of things in other municipalities where they've struggled with this issue.

**COUNCILPERSON DAVIS:** Okay. And are there other impacts like parking issues?

**CHIEF OF POLICE WILLIAMS:** Well, with any business there -- there are those kinds of impacts, and that's why --

**CHIEF OF POLICE WILLIAMS:** So people just go there and stay all day, that kind of thing?

**CHIEF OF POLICE WILLIAMS:** Yes. And in -- and in the particular place on Military there seems to be parking to support it. But the moratorium for us would allow us to examine all those business impacts that we don't have the ability to do right now. So although we're able to absorb what is going on currently on Military Trail, because of its location, because we haven't had the issues with parking because it's in a strip mall area that -- where parking is available --

**COUNCILPERSON DAVIS:** Uh-huh.

**CHIEF OF POLICE WILLIAMS:** -- we -- we haven't experienced --

**COUNCILPERSON DAVIS:** I think I know where this is.

**CHIEF OF POLICE WILLIAMS:** -- those kinds of impacts. But if -- if --

**COUNCILPERSON DAVIS:** Okay.

**CHIEF OF POLICE WILLIAMS:** -- they set up some place differently, and we haven't regulated it, we could have those kinds of impacts.

**COUNCILPERSON DAVIS:** Okay. So if we -- we go forward with the moratorium, what happens with that business?

**CHIEF OF POLICE WILLIAMS:** That -- that is a -- that's a good question. That is something that we're going to have to explore very thoroughly with our Legal Department. As I indicated --

**COUNCILPERSON DAVIS:** But you're asking us to vote on this tonight, uh, aren't you?

**CHIEF OF POLICE WILLIAMS:** Yeah. Well, the -- the -- the current --

**COUNCILPERSON DAVIS:** Oh, this is first reading.

**CHIEF OF POLICE WILLIAMS:** Yeah. The moratorium would not -- would not affect the current business. I mean, they would continue to operate --

**COUNCILPERSON DAVIS:** Oh, okay.

**CHIEF OF POLICE WILLIAMS:** -- until such time as we discuss our options around that particular business. One, how it got started and under what conditions, and whether or not there is anything that we can do at this juncture about that.

**COUNCILPERSON DAVIS:** Okay. Thank you.

**COUNCILPERSON LOWE:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Mr. Lowe.

**COUNCILPERSON LOWE:** Currently we have the authority under Home Rule power to regulate it, because the State hasn't come up with a ruling. We could regulate it now, and we can direct where to put it. We have the -- you know, we have the capacity to do that now.

**COUNCILPERSON DAVIS:** That's true.

**COUNCILPERSON LOWE:** And we gave you guys a year last year under the premise that, you know, you were working on something like this. You know, I'm just getting tired of going through this round and round thing. I know what can be done and what can't be done.

Now, I think this is a little bit -- it's -- it's just over reaching in terms of from a business standpoint. You know, we're looking for business. We have one in our -- that exists currently in our city. We've monitored it. You found that it's legit. There hasn't been any violations. So why won't we say, well, we're gonna allow this here and here only, and start setting these type of parameters up? We've had the ability to do that for the last year.

**CHIEF OF POLICE WILLIAMS:** The issue, as you can see, is a very complicated one. The State of Florida has wrestled with it and continues to wrestle with it. Municipalities throughout Palm Beach County wrestle with it, and they continue to wrestle with it. I think that the time that staff has spent in trying to present to you what is in our professional opinion going to be the best resolution has been reasonable under the circumstances. We haven't disrupted an existing business, albeit they're outside of the constructs of our permitting process. We haven't disrupted that. We've just simply said, Allow us to examine what the business impacts of this type of operation are going to be on a municipality our size.

**COUNCILPERSON LOWE:** Okay. You're gonna examine it this time.

**CHIEF OF POLICE WILLIAMS:** I'm -- I'm absolutely -- absolutely --

**COUNCILPERSON LOWE:** Or are you gonna -- gonna sit --

**CHIEF OF POLICE WILLIAMS:** -- working very hard.

**COUNCILPERSON LOWE:** -- or are we gonna sit on it and wait on the State and impose another year moratorium?

**CITY ATTORNEY RYAN:** Madam Chair?

**COUNCILPERSON LOWE:** I'm just -- I'm just not confident that it's --

**CHAIRPERSON BROOKS:** Um, I'll let Mr. Lowe continue. Have you finished, Mr. Lowe?

**COUNCILPERSON:** You're not confident of what?

**CHAIRPERSON BROOKS:** Mr. Ryan -- uh, Miss Ryan has a comment. If you'd like to

**COUNCILPERSON LOWE:** No, no. Go ahead. You found it --

**CITY ATTORNEY RYAN:** Yes. I think that staff will move a lot faster now because the case that I just found and sent to Community Development. We just found it yesterday. Seminole County, they have regulations against Internet cafes, and they actually want to zone them out completely.

**COUNCILPERSON DAVIS:** Uh-huh.

**CITY ATTORNEY RYAN:** And the Court so far has said, You can do that.

**COUNCILPERSON DAVIS:** Uh-huh.

**CITY ATTORNEY RYAN:** They're still going to trial over some other issues. I haven't -- I wasn't gonna really speak on it, because I haven't had a chance to actually get the pleadings to see what's occurring, but the article that I read stated that Fort Pierce -- I mean, there are hundreds of these all over the state now -- but Fort Pierce just passed some regulations. So they're not banning it, but they are allowing it under certain parameters.

I believe that a lot of cities will be asking Fort Pierce for their regulations, and that's what we intend to do tomorrow. We want to get their regulations and see if they fit well for this city.

The Council will have to make a decision, do you want Internet cafes or not, because in Seminole County they say no Internet cafes. In Fort Pierce they say, yes, some -- some cafes, but under these regulations. Before staff will actually be able to draft regulations we kinda need to know which direction the Council is going in.

And I think that's why the Chief was speaking about trying to get more, you know, evidence about, I don't know if it creates crime. What are the issues that we're concerned about? And we need to focus on that. And I don't think it will take a year to get this done now that other cities and counties have gone before us. But it is gonna take a little bit of time to bring something back.

**CHAIRPERSON BROOKS:** I will -- okay. I will just add that this came about sometime last year. A gentleman came to me asking about coming into the city with that kind of arcade, and I went to Miss McKinney. And at the same time I believe Councilman Thomas had somebody approach him about it. And this is how this was all birthed. And we -- Miss McKinney had contacted several municipalities who were having an issue with this one matter.

It's not that we can't approve it if this is the desire of the Council, but what staff is saying, we need to set up some regulations. You know, what -- what areas would we feel that it would be best to have this type of business; that it might not be suitable everywhere. There's so much you need to plan for, the traffic, the parking, and other matters, looking at our, you know, plan.

So that's where we all are. And the moratorium -- when did it end, Miss McKinney? I know you gave us a six months update.

**MARY MCKINNEY:** We adopted it on April 6<sup>th</sup>, 2011.

**CHAIRPERSON BROOKS:** Okay. So it's -- we're ending it now.

**MARY MCKINNEY:** It's right here.

**CHAIRPERSON BROOKS:** And so you're asking for a continuation --

**MARY MCKINNEY:** Right.

**CHAIRPERSON BROOKS:** -- for another 12 months?

**COUNCILPERSON:** Uh-huh.

**CHAIRPERSON BROOKS:** Well, then, what would it please the body? I mean, do we want to ask staff -- direct staff to --

**COUNCILPERSON THOMAS:** Madam -- Madam Chair?

**CHAIRPERSON BROOKS:** Okay.

**COUNCILPERSON THOMAS:** I have a few comments before you go there.

**CHAIRPERSON BROOKS:** Okay.

**COUNCILPERSON THOMAS:** My --

**CHAIRPERSON BROOKS:** Mr. Thomas.

**COUNCILPERSON THOMAS:** My issue is we've never actually had a workshop to decide whether we want to do this or not, and the businesses that are approaching me about this, I just find it a little disingenuous to say we're gonna let one stay open and

sort of corner the market, so to speak, and not allow another business to get going. If we're gonna say it's a moratorium, I'd rather see all of it stopped. If we -- if we're not gonna see all of it stopped, then maybe we let that area have them open, but I just think it's a little unfair. And then to say, Okay, well, we gave you a year and now we want up to another year, people just feel like that's the appearance of Riviera Beach just not saying that they don't want it, but continuing to delay it, you know.

I'm okay with the moratorium. My issue is, I think that the one that we have -- or I believe it's two -- but the one that we have open, we need to either stop that or allow in that area and that area only until we do it to happen. I just don't think it's fair to leave that one, you know, running. And that's my, you know, comment on it.

**MARY MCKINNEY:** And I agree with you and --

**CHAIR PRO TEM PARDO:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**MARY MCKINNEY:** I'm sorry. We'll speak -- our City Attorney -- we'll have a discussion about that with the Police Chief and City Attorney.

**COUNCILPERSON THOMAS:** Okay.

**CHAIR PRO TEM PARDO:** Okay. My feeling is we should move forward with the moratorium. If we lift this moratorium, or we let it expire next week, what's gonna happen is all of these companies who are out there trying to get into other cities -- now the County --

**MARY MCKINNEY:** Yes.

**CHAIR PRO TEM PARDO:** -- and other cities in Palm Beach County now have moratoriums. If we lift this, they're all coming to Riviera Beach.

**COUNCILPERSON THOMAS:** Right.

**CHAIR PRO TEM PARDO:** Without any regulations. So I would say we continue with the moratorium. It's up to one year.

**MARY MCKINNEY:** One year.

**CHAIR PRO TEM PARDO:** Let staff work on regulations and then bring it back to us. In the meantime, I would not mind having a workshop on it and find out how Seminole County -- well, Seminole County said that they want to ban it.

**MARY MCKINNEY:** Uh-huh.

**CHAIR PRO TEM PARDO:** But find out about the other cities around the -- around the state who have them, and how they're regulating them, and then at that time we can really decide if we want to move forward with gambling in the City of Riviera Beach or if we want to just completely zone it out.

**COUNCILPERSON THOMAS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**COUNCILPERSON THOMAS:** I'm fine with the moratorium, but what I want to know up front, is this going to put us in a legal position that we stand to lose? Not -- I know anybody can sue you for whatever. I'm not -- I'm not saying just a regular frivolous lawsuit, but what I'm basically saying is, by allowing the one to stay open during this moratorium, will that put us --

**COUNCILPERSON:** Shut it down.

**COUNCILPERSON THOMAS:** -- in a potential liability for a lawsuit?

**CHAIRPERSON BROOKS:** That should be addressed to Miss Ryan.

**COUNCILPERSON THOMAS:** It is.

**CITY ATTORNEY RYAN:** You're saying because the other -- we're not allowing the other businesses to come in.

**COUNCILPERSON:** Prosecution --

**COUNCILPERSON THOMAS:** We're not allowing the other businesses to come in, and we're allowing a business to do what that business wants to do to stay open.

**COUNCILPERSON DAVIS:** Grandfather (unintelligible) --

**CITY ATTORNEY RYAN:** Well, the issue with the business that's already open is, as the Chief stated, they were there before we enacted the moratorium. We don't have any regulations that would stop them from operating. So they have a right to operate. We can't close them down. What would be our basis for closing them down? That we have a moratorium.

**COUNCILPERSON THOMAS:** Yes.

**CITY ATTORNEY RYAN:** That's not good --

**COUNCILPERSON THOMAS:** That we have a moratorium.

**CITY ATTORNEY RYAN:** That's not good enough. They're already operating.

**COUNCILPERSON THOMAS:** Okay.

**CITY ATTORNEY RYAN:** As for the lawsuits, that's why these moratoriums are public. That's why you have to make findings. Staff does need to be diligently working on them, because if there is a lawsuit, you want to be able to prove that you were working on this item the entire time, and there was a need for it. I think that we have that primarily because this issue has been out there and it has not been resolved. The Legislature has tried to resolve it.

Other cities, they're getting sued. A lot of cities are getting sued about this. So there is this ambiguity in the law and we're trying to fix it. We're not trying to keep them out. We're trying to make sure that there are regulations so that -- you know, we have a public interest in keeping our community safe.

**CHAIR PRO TEM PARDO:** That's right.

**CITY ATTORNEY RYAN:** And you know, the whole thing about the general welfare, that is a responsibility that the City of Riviera Beach City Council has. And so them filing the lawsuit over the moratorium does not really concern me in terms of them winning. As you said, they can always file the lawsuit, but the City is on solid ground as long as we can prove that we are diligently working on the regulations.

**COUNCILPERSON THOMAS:** Okay. I don't expect for this to take a year, though. I really don't. I'm just being fair. I don't really, you know, believe that it should take a year, but I'm willing to support the moratorium.

**COUNCILPERSON LOWE:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Mr. Lowe.

**COUNCILPERSON LOWE:** So where does the safety concern come in? Has it been proven that this is unsafe? And it was mentioned that we don't want gambling in Riviera Beach. Is this gambling?

**CITY ATTORNEY RYAN:** Well, the --

**COUNCILPERSON LOWE:** Is it gambling?

**CITY ATTORNEY RYAN:** I will tell you, that's one of the issues. If it is gambling, it is illegal.

**CHAIR PRO TEM PARDO:** Uh-huh.

**CITY ATTORNEY RYAN:** It is illegal to gamble in the State of Florida.

**CHAIR PRO TEM PARDO:** That's right.

**CITY ATTORNEY RYAN:** Unless you are, you know, on a approved -- at an approved location. So you know, in looking at the case, I think the court was kinda saying this might be gambling. It's very close to gambling. You're spending every -- you're spending money. You get gift cards. It's gambling. In my opinion, it's gambling, but I'm not a judge.

And that's why I think Seminole County is able to outlaw it, because they're saying it is illegal gambling. And we may choose not to say that it's illegal gambling, but the Florida Legislature may come back and say -- we may do workshops, pass a beautiful ordinance with all kinds of regulations, and in the next session the Florida Legislature will say -- and that would be our luck -- it's gambling and they have to close down, and so we've wasted, you know, a lot of money and -- you know, they have, too. Don't get me wrong. The businesses have wasted money, as well

But they may very well say that we find it to be gambling and it is illegal to have an Internet café. And we were hoping they would make a decision on that this year, and they didn't.

**MAYOR MASTERS:** Madam Chair?

**CHAIRPERSON BROOKS:** Okay. Madam -- yes, Mr. Mayor.

**MAYOR MASTERS:** Thank you. I have a question. A couple of questions. In as much as the one that we have now existing in the City was operating before the moratorium took effect, correct? The question is, do we have legal standing or authority to shut it down?

**CITY ATTORNEY RYAN:** I would not feel comfortable shutting them down because we don't -- we don't have -- unless we make a finding that it's gambling we don't have anything to say you're not the type of business that's allowed in the city.

**MAYOR MASTERS:** Well, the reason I ask that --

**CITY ATTORNEY RYAN:** Community Development was not able to point to anything that said we are able to shut them down, and so we're leery of doing that.

**MAYOR MASTERS:** The reason why I ask that, because I thought I heard someone say there would be a discussion with you and our staff as to see if we had legal recourse. So you're saying basically we do not have legal standing to shut it down based on the fact it was operating before the moratorium --

**CITY ATTORNEY RYAN:** Right.

**MAYOR MASTERS:** -- as long as it's not -- as long as it's not any gambling taking place. That --

**CITY ATTORNEY RYAN:** Right. As long as we have not made a decision that we consider it gambling, the Legislature hasn't made a decision -- it looks like a court in

Seminole County has made a decision. So you know, I haven't reviewed the decision and, you know, maybe we could use that if that's what we wanted to do, but I think to be on the safer side it would be better to just let them continue to operate, to monitor them as the Chief is doing –

**MAYOR MASTERS:** Right.

**CITY ATTORNEY RYAN:** -- and to do our regulations.

**MAYOR MASTERS:** The next question is, do we have a legal definition of what an Internet café is?

**CITY ATTORNEY RYAN:** We don't have any regulations, so we don't, no.

**MAYOR MASTERS:** Okay.

**CHAIR PRO TEM PARDO:** There's no regulations.

**CITY ATTORNEY RYAN:** The City does not.

**MAYOR MASTERS:** And the reason why I ask that question is because there's an arcade, and then there's an Internet café, and it could be two different -- two different things. For example, and let me just give you an example. I know personally of a little small little café, you know, very legitimate –

**CITY ATTORNEY RYAN:** A café or an arcade, which one?

**MAYOR MASTERS:** No, a café.

**CITY ATTORNEY RYAN:** Okay.

**MAYOR MASTERS:** But there's a sign in the window that says, "Internet Café."

**CITY ATTORNEY RYAN:** Right.

**MAYOR MASTERS:** Which means for the tourists that -- that come in and out of that city, they can go there and actually get on the –

**CHAIRPERSON BROOKS:** On the Internet.

**MAYOR MASTERS:** -- Internet.

**CHAIRPERSON BROOKS:** Uh-huh.

**MAYOR MASTERS:** And Yahoo or Google. Now, that little place wouldn't be affected. There's no -- there aren't any machines. There aren't any Las Vegas stuff, but still it says "Internet Café."

**CITY ATTORNEY RYAN:** Right.

**MAYOR MASTERS:** All you do is just come and get on the Internet while you're drinking a little cup of coffee or whatever. Is that -- would that be affected?

**CITY ATTORNEY RYAN:** No, no. We would not define it that way.

**MAYOR MASTERS:** Okay. That's why I'm asking. Just for the record.

**CITY ATTORNEY RYAN:** The term "Internet café" is not ours, and I don't know how they got that name. I think arcades are probably a better --

**MAYOR MASTERS:** Yeah.

**MARY MCKINNEY:** There is -- there is a definition section in the moratorium ordinance.

**MAYOR MASTERS:** Okay.

**CITY ATTORNEY RYAN:** Okay. But not (unintelligible) --

**MAYOR MASTERS:** Because you have Internet cafés all around the world.

**MARY MCKINNEY:** Or adult arcades.

**MAYOR MASTERS:** Okay. So there is --

**CHAIRPERSON BROOKS:** Okay.

**MAYOR MASTERS:** -- a legal definition.

**MARY MCKINNEY:** Adult. We put -- yeah, we have a definition.

**MAYOR MASTERS:** Okay. Thank you, um, Madam Attorney and Miss McKinney. Thank you.

**CHAIRPERSON BROOKS:** Okay. Are we pretty much exhausted with --

**COUNCILPERSON LOWE:** Yeah.

**CHAIRPERSON BROOKS:** -- comments? All right. I know we -- I know we're exhausted.

**COUNCILPERSON DAVIS:** That was a good word you're using.

**CHAIRPERSON BROOKS:** Okay. Let us, uh, go for the vote now, please. Madam Clerk?

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** No.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Prado?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** That vote passed with Councilperson Lowe dissenting.

**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.*

**CHAIRPERSON BROOKS:** Thank you. It's a little after 8, and now it's comment -- time for comments from the public. And I do want to remind everyone 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 all the building if necessary. Please govern yourselves accordingly. And we do have how many? Norma Duncombe?

**NORMA DUNCOMBE:** Norma Duncombe. And first of all, I'd like to congratulate the persons who are starting a new term.

**CHAIR PRO TEM PARDO:** Thank you.

**NORMA DUNCOMBE:** The election is over and it's a lot to do. And I'm really here because I was struck by the comments from the Mayor to Councilperson Pardo, and he talked about how hard he worked with her to take care of the needs of her constituents, and how hard she worked. And he told the truth. She does work very hard for her constituents, and whatever they want, that's what they get.

And then it struck me, I wish that he had said that -- or could have said that about everybody else. And my mind went to a situation that I'm working with right now. Those of us who own property down in Riviera Beach Heights, those who have homes there, those who have persons in their family who are buried in the cemetery down there, we've been trying to get relief.

And the problem that we're dealing with is that this historic residential neighborhood has been turned into a place for commercial tractor-trailers going to the port. And it just does not seem to be the effort that is being put in the other part of the city to revitalize this area. And I do remember the Chair saying to be patient, but no one is patient with the other areas that are being revitalized.

And then I just wondered, I said, well -- and we have gotten together, those of us who own property there, homes, and have people who are buried in the cemetery, we have been meeting because we feel that we have not received the help and assistance when it comes to something that is really vital to people who have been in this community all of their lives and well over -- I mean, many, many years. And they didn't just come here. And so I'm trying to figure out why aren't we getting that consideration from the people who represents all of us in the other areas.

And I congratulate you, Councilperson Pardo, because whatever your constituents wanted -- when they didn't want a hotel, you said no, and it wasn't done. When they didn't want drug treatment houses in the community, they -- you said no. And you made sure it happened. And you have continued to fight to put sand under those condos that are about to go in the ocean. And you're doing the right thing.

I just wish that we could say that we had people standing with us and fighting with us to do the exact same thing when it comes to our needs and our desires. Thank you.

**CHAIRPERSON BROOKS:** Thank you, Miss Duncombe. Next we have Bonnie Larson?

**BONNIE LARSON:** Bonnie Larson. I'm glad to see we're looking at that utility building done finally. It's been a couple years in the making, and I -- I thought it would have been done two years ago, but at least we're moving in the right direction now. So -- but when you ask staff questions, it would be nice -- you were asking about the parking, do we have more, do we have less. Ask them specific numbers. It would be nice to know. Are we talking 50 parking spots? Are we talking 700 parking spots?

**COUNCILPERSON:** 77.

**BONNIE LARSON:** Ask -- they're coming here to make a presentation. They have to have their facts in order. But if you don't ask them, you're not gonna get the information. So let's ask for specifics. They're here to present a project. We should know how many square feet we have of the buildings at this time. We shouldn't have to ask our planner or somebody, a subcontractor, how many square feet we have in the buildings now. We should know those things.

So let's hold our staff accountable. You asked them a question. Get the answer. They don't give you the answer, ask them again. Hold their feet to the fire. Make them answer your questions so we know what we're talking about.

I want to ask you about the property that the -- Riviera Beach owns on U.S. 1 between 22<sup>nd</sup> and 23<sup>rd</sup> Street. We told Sea Chest in January of 2011 they had to get out. They weren't paying a lot of rent, but at least it was rent, so obviously we had a plan. This was going to be our model block to show other people interested in coming to the city, This is what we want Riviera Beach to look at.

I drove by there today. The weeds are knee high. There's sand all over. There's old pipes sticking up. There were people parking their cars right on our property. That's a liability.

When is the model block going to happen? We made them move out in 2011. So I haven't heard the Council say, Miss Jones, get with it. And I remember some other projects, she said, Well, you haven't told me to start on it. So I'm wondering, when is the model block? We were anxious to get Sea Chest out of there. When is it going to happen?

If we're talking about moving the city forward, we have to set the example, so let's move it forward. Let's do those things. I was glad to see the Schooner Inn come down this week. It was nice, nice to get that out of the way. They have still more little rubble but it will look a whole lot better than that dilapidated thing. We could have owned that property. We had a big lien on it. For whatever reason, we dropped the lien, but it's gonna be gone within the next few days. So if you haven't seen that, it looks much better than it did before.

Mr. Shelby Lowe, you asked a question tonight and you said you didn't know when that happened. You'd like to see the notes on it. The CRA hires a court reporter to do their minutes. That's just the CRA. If the CRA can hire a court reporter, certainly the City can hire a court reporter. Nobody likes taking minutes. Nobody likes doing it. And you can see it when you read the minutes. You read the minutes and you say, Was that the same meeting that I attended? Nobody likes doing the minutes. And if you have a court reporter like they do, the little section of the city can afford that, so can we. And let's get it in writing and let's have it right there word for word what people say. It almost seems like we don't want that, but I think it would be a good thing for us to do.

Oh, Mr. Cedrick Thomas, you said last time, Let's not leave here with unanswered questions. When are we getting a City -- a City Engineer? That cost us almost a million -- a million and a half for that little fiasco. When are we getting a City Engineer? Thank you.

**COUNCILPERSON THOMAS:** Uh, I think we have one.

**COUNCILPERSON:** We have.

**CITY MANAGER JONES:** Yeah, he's been hired quite a while. He was introduced at a Council meeting.

**COUNCILPERSON DAVIS:** Uh-huh.

**COUNCILPERSON THOMAS:** You -- you might have missed that meeting, but his name is Terrence, right?

**COUNCILPERSON:** Right.

**COUNCILPERSON THOMAS:** Terrence Bell.

**CITY MANAGER JONES:** Also, as it relates to the model block, if you'll recall, that is a part of the FDOT Project. And so when FDOT works on U.S. 1, that will be when we actually do the model block.

**COUNCILPERSON:** Right.

**CHAIRPERSON BROOKS:** Miss Guyton? Okay. Miss Vivian Havener? Miss Vivian. Our wonderful volunteer.

**VIVIAN HAVENER:** Good evening.

**CHAIRPERSON BROOKS:** Good evening, Miss Havener.

**CHAIR PRO TEM PARDO:** Good evening, Miss Havener.

**VIVIAN HAVENER:** Vivian Havener, 245 East --

**CHAIRPERSON BROOKS:** Pull the mic down, so we can --

**VIVIAN HAVENER:** -- East 25<sup>th</sup> Street. I want to congratulate Miss Davis and Miss Pardo --

**COUNCILPERSON DAVIS:** Thank you, ma'am.

**CHAIR PRO TEM PARDO:** Thank you.

**VIVIAN HAVENER:** -- this evening. Thank you. I'm a member of Neighbors United, and I'm here this evening to talk about the Great American Clean-Up, which will be on Saturday, April the 12<sup>th</sup> -- 21<sup>st</sup>. Now, let me get this right. April -- Saturday, April the 21<sup>st</sup>, from 8 a.m. to 12 noon at Monroe Heights Park. Miss Brooks is with us. She knows all about it. Volunteers get free T-shirts, free lunch, and all cleaning up supplies, and students get four hours of community service, or anybody that has students, I noticed -- I don't know if he's still here or not. George Carter was here a while ago and

he always brought a lot of his students, and I hope he does it this year, because we need all the help we can get. For information, you call Bernice Wooten of Neighbors United at 309-3370.

**COUNCILPERSON DAVIS:** Would you repeat that, Miss Havener?

**VIVIAN HAVENER:** 309-3370.

**COUNCILPERSON DAVIS:** Good.

**VIVIAN HAVENER:** Or call Miss Brooks at her office at 845-4032. I also would like to acknowledge this young -- come up here. Come up here. Come on. Get up here.

**CHAIRPERSON BROOKS:** Oh, Marian.

**VIVIAN HAVENER:** Marian. Marian Dozier is our right hand.

**CHAIRPERSON BROOKS:** Uh-huh.

**VIVIAN HAVENER:** She is one of our best workers, best workers in Riviera. I've worked with her for a long time, a long time. So she's a good girl, and she knows everything, will be there for the clean-up. Everybody will be there for the clean-up. Everybody that has to be in their position will be there, all due to this young lady.

**CHAIRPERSON BROOKS:** Yes. We applaud her.

**VIVIAN HAVENER:** Thank you.

**CHAIRPERSON BROOKS:** Thank you, Mission Havener.

**VIVIAN HAVENER:** Also, Shelby, jazz is my favorite music. I danced to it for years and years, and I still listen to it at home. It's the most pleasant thing in the world to listen to. You all should get some and listen to it.

**COUNCILPERSON LOWE:** See you tomorrow night -- or tomorrow.

**VIVIAN HAVENER:** Tomorrow?

**COUNCILPERSON LOWE:** Yes.

**VIVIAN HAVENER:** Where?

**COUNCILPERSON LOWE:** Villa Franciscan.

**VIVIAN HAVENER:** Where?

**COUNCILPERSON LOWE:** 1:00 at Villa Franciscan.

**VIVIAN HAVENER:** Villa Franciscan. I'll try to remember that, Shelby, but I can't promise you that.

**COUNCILPERSON LOWE:** All right. I know where you live.

**VIVIAN HAVENER:** Call me.

**CHAIRPERSON BROOKS:** Okay. Okay. Moving right along now. We are at the regular part of our meeting. Number 11 -- um, 11, Madam Clerk?

**CITY CLERK WARD:** Number 10.

**CHAIRPERSON BROOKS:** Number 10. Sorry. Ordinances on First Reading. Yes.

**COUNCILPERSON:** Mr. Ward said he has a card on Number 10.

**CHAIRPERSON BROOKS:** He had a card on Number 10?

**COUNCILPERSON:** It's Public Comment, I think.

**CHAIRPERSON BROOKS:** Number 9.

**COUNCILPERSON:** Is it Public Comment?

**CHAIRPERSON BROOKS:** This was Public Comments.

**COUNCILPERSON:** Public Comments.

**CHAIRPERSON BROOKS:** We're past that. Oh, dear. No, this was number -- we'll ask. Did we miss you, Mr. Ward? Okay. Let me just make sure that they're all here. 12, 13. Okay. Was there anybody else on -- oh, we had one other person. Oh, Mr. Ward, you spoke on General Comments, right?

**GERALD WARD:** No.

**CHAIRPERSON BROOKS:** Okay. Come on. Come on. Come on down.

**GERALD WARD:** We've got a lot of people upset. Gerald Ward, 31 West 20<sup>th</sup> Street. State Road A1A.

**CHAIRPERSON BROOKS:** Uh-huh.

**GERALD WARD:** Construction project. You started out in January of 2011 with a 538 day contract. Last fall you authorized an extension of 120 some odd days. And we have had now lots of people upset.

Remember, the City took this job over in 2003 and 2004. It was two segments, one from Broadway east to the big turn in the Blue Heron; the other segment from the big turn in the Blue Heron north into the Village of North Palm Beach. They were combined later on in a long delayed process for reconstruction and resurfacing. Wasn't supposed to be a full project. Landscaping was included to some extent.

We've got \$2 million worth of engineering CEI inspection with Target, and also with the City contract, in addition to the City contract with Target. Coordination is one of their most important operations. Maintenance of traffic review. I know a year ago I jumped all over Target when they had -- were using flagging tape as a means of maintenance of traffic. That's totally unacceptable by maintenance of traffic manuals. They agreed, went out and finally straightened that out.

But we find now that here we are in Spring Break, Easter season, doing much of the resurfacing, doing much of the closure of the structures, which may not be the City's responsibility. DOT didn't really trust the City to work on structures. The Murphy Construction Company, a West Palm Beach firm, and also Riviera Beach firm, got the small bridge, the Blue Heron relief bridge. And it got finished. But the big bridge still has lots of lighting and they decided to replace the rails. Now we have one lane traffic, but not consistent to allow passing of vehicles. The police and fire don't seem to be involved in maintenance of traffic for this extensive roadway system.

We need to keep the City staff involved. We've got a lot of people in this city, 400-some, and they really do honor the city. We need to keep them involved so that they have input into everything that goes on, not frustration.

**CHAIRPERSON BROOKS:** Thank you, Mr. Ward. Did I miss anyone else in the Public Comments? Okay. Then moving on to Ordinance on Second Reading?

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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**

11. **RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE HIRING PERIOD OF TWO (2) PART-TIME BUSINESS TAX SPECIALIST POSITIONS IN THE FINANCE DEPARTMENT FOR A PERIOD OF TWELVE WEEKS COMMENCING MARCH 19, 2012 AND ENDING ON JUNE 8, 2012 AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER \$20,000 FROM GENERAL FUND CONTINGENCY ACCOUNT TO COVER THE ASSOCIATED COSTS AND PROVIDING AN EFFECTIVE DATE.**

**CHAIRPERSON BROOKS:** Okay. Now we will go onto –

**CITY CLERK WARD:** 11.

**CHAIRPERSON BROOKS:** 11, yes, under Regular.

**CITY CLERK WARD:** Resolution 45-12. A resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, extending the hiring period of two part-time business tax specialist positions in the Finance Department for a period of 12 weeks commencing March 19, 2012, and ending on June 8, 2012, authorizing the Interim Finance Director to transfer \$20,000 from the general fund contingency account to cover the associated costs and providing an effective date.

**CHAIR PRO TEM PARDO:** So moved.

**CHAIRPERSON BROOKS:** I need a second.

**COUNCILPERSON LOWE:** Second.

**CHAIRPERSON BROOKS:** Okay. We don't have a card on that. Ready for discussion? Any comments?

**COUNCILPERSON DAVIS:** Uh-uh.

**CHAIRPERSON BROOKS:** Okay.

**COUNCILPERSON:** From –

**CHAIRPERSON BROOKS:** Any comments? Okay.

**COUNCILPERSON THOMAS:** I'm good with it.

**COUNCILPERSON:** No, we're good (unintelligible).

**CHAIRPERSON BROOKS:** It's plain and simple. Okay.

**COUNCILPERSON:** We're good.

**CHAIRPERSON BROOKS:** All right. Ready for the vote?

**CHAIR PRO TEM PARDO:** Yep.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Prado?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Unanimous vote.

**CHAIRPERSON BROOKS:** Okay. Moving on to Item Number 12.

12. **RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, TO CONSIDER A PROPOSED RESOLUTION TO WRITE OFF \$792,133 REPRESENTING THE ESTIMATED REBATE OF FUNDS FOR PROFESSIONAL SERVICES PROVIDED BY THE CITY OF RIVIERA BEACH TO THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) ON CITY INVOICE NO. 23160384 DATED MARCH 4, 2011 FOR SERVICES PROVIDED BY THE CITY FOR THE PERIOD OCTOBER 1, 2009 TO SEPTEMBER 30, 2010 AND PROVIDING AN EFFECTIVE DATE.**

**CITY CLERK WARD:** Resolution 46-12. A resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, to consider a proposed resolution to write off \$792,133, representing the estimated rebate of funds for professional services provided by the City of Riviera Beach to the Riviera Beach Community Redevelopment Agency on City invoice number 23160384 dated March 4<sup>th</sup>, 2011, for services provided by the City for the period covering October 1, 2009, through September 30, 2010, and providing an effective date.

**CHAIRPERSON BROOKS:** I need a motion.

**COUNCILPERSON THOMAS:** So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON BROOKS:** Is there a second?

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON BROOKS:** Okay. I have several comment cards. Mr. Ward? We have four under this item. And after Mr. Ward –

**GERALD WARD:** Gerald Ward, 31 West 20<sup>th</sup>. I really put the card in as a written comment that two years ago we commented that really you have to separate the CRA and the City. CRA, uh, no different than I commented earlier about the storm water fund, should not be funding City operations so there's no problem with you doing what the resolution is now proposing. However, you've got to stop budgeting -- trying to suck money out of dedicated agencies and accounts that are set up to perform for the citizens in another manner. And that's what the card says, so –

**CHAIRPERSON BROOKS:** You're right.

**GERALD WARD:** -- you should pass the resolution.

**CHAIRPERSON BROOKS:** Thank you, Mr. Ward. Bonnie Larson?

**BONNIE LARSON:** Bonnie Larson. I have a question, also.

**CHAIRPERSON BROOKS:** Your address?

**BONNIE LARSON:** This appears to be –

**CHAIRPERSON BROOKS:** We know it.

**BONNIE LARSON:** -- a write-off of almost \$800,000 the City will not be charging the CRA for services provided between October, 2009, September, 2010. First of all, does this mean the CRA has not paid a bill that was due in September, 2010? And why is that? Because we've hired a lot of people since then. We've hired a lot of consultants by then. Why haven't we paid our bill to the City?

The other thing is, I understand why it's being done. It correlates with one of the other items on the list tonight, and that is that the CRA is looking for grants. They have to match that grant money. Therefore, they need this money, so they need to get it back from the City or just have it written off. But as Mr. Ward said, we need to separate these two things.

I've been told before that the CRA has to pay for City services. So by doing this, are we saying that the CRA will now not ever have to pay for services provided by the City? And I thought it was said at that time that it was illegal to mix those two things. We couldn't hire someone from the CRA that was already working for the City. So I don't know how we're -- we're gonna give back money for services in this instance. I understand why you're trying to do it, because you're saying the CRA needs the money, but does this mean that the City will continue to service the CRA free of charge?

So if there could just be some clarification on that, and that why is the CRA not paying for City services? In other words, we've had our people working for the CRA, and now we're saying, Well, just -- just forget that \$800,000. We're \$5 million in debt with our budget, apparently, so we can't really afford, I don't think, to lose another

\$800,000. Like I said, I understand the reasoning behind it, but isn't there some kind of legal inference there with that not making them pay? And like I said, will they then not have to pay for any future?

I think it just seems like we're kind of co-mingling funds there, and I'd like a little explanation on how that's possible –

**CHAIRPERSON BROOKS:** We'll address it.

**BONNIE LARSON:** -- to do that. Thank you very much.

**CHAIRPERSON BROOKS:** We will address it. Thank you. Miss Brown? Miss Bessie Brown?

**BESSIE BROWN:** Bessie Brown, 391 West 35<sup>th</sup> Street. My question is approximately - almost the same thing as what Bonnie was saying. I just want to understand if there's a -- if we did a resolution to set up a fund for the money with the CRA to pay us back, why are we writing off money that the CRA can pay us back? If that's the case, they don't -- if they're setting up a fund to pay us back, why don't they just use the money for the services if they have it anyway? We shouldn't be -- I don't think we should be writing off anything. I just would like to know why -- why is this happening? Why is the City writing off money that they provided services for the CRA?

**CHAIRPERSON BROOKS:** Thank you, Miss Brown. We'll address it. Mr. Roberts, Rodney Roberts?

**RODNEY ROBERTS:** Good evening. Rodney Roberts, 1581 West 14<sup>th</sup> Street, Riviera Beach, Federal Gardens. How y'all doing?(General expressions of welcome).

**RODNEY ROBERTS:** Beautiful, beautiful. Congratulations, Miss Pardo.

**CHAIR PRO TEM PARDO:** Thank you.

**RODNEY ROBERTS:** Congratulations, Miss Davis.

**COUNCILPERSON DAVIS:** Thank you.

**RODNEY ROBERTS:** I promise y'all that was my reason for coming up here today.

**COUNCILPERSON DAVIS:** We had a good time out there, didn't we?

**RODNEY ROBERTS:** Yes, yes, we did. And let's encourage everybody to come on out and have a good time next time. Everybody need to vote. But when I saw this it kinda struck me, so I said, well, let me go ahead and say what I need to say.

It seems as though the CRA is thriving and the City -- the citizens, the City is struggling to survive. This -- basically, we're just trying to get the paperwork right in writing this off, from my understanding. The City has already said, CRA, keep your

money, or keep that money that you owed us. This is, again, just trying to get the -- their books right. Just say, officially we're writing this off. I think Miss Bonnie Larson said something like 800,000. I like to round that seven up and say, hey, we're gonna go ahead and go to a million, be closer to a million on how much we're basically saying that we don't want, or that we're not gonna accept from you.

In between that time we're looking at services that we're being shorted on, police officers probably had to be laid off or fired, and again, we're saying we don't want the million dollars that you owed us. We're talking about a CRA that borrowed \$25 million on the backs of the citizens and now we're saying that, Hey, out of that 25 million, we don't want the million that you owe us so that you can provide -- so that we can provide the services that we need for our citizens and for ourselves to keep our citizens protected and keep things moving and going.

I don't get it. Again, the CRA owed the City for services that were rendered to us, or provided to us, basically a million dollars. And the City, when the CRA came to pay us the money we said for some reason we don't know, we don't want that money. We're not going to accept it from you. So now, so that the CRA can get their books straight and make sure that it's official, we are writing it off, or we're gonna write that million dollars off to say, Hey, it's done and clear.

I don't understand why. Maybe you all do. Any other -- let me see. Da, da, da, da, da, da. Oh, off of that, ex post facto law. That's basically why you can't shut down the casino that you have already.

**CHAIRPERSON BROOKS:** Thank you, Mr. Roberts.

**RODNEY ROBERTS:** All right. Thank you.

**CHAIRPERSON BROOKS:** Okay.

**COUNCILPERSON DAVIS:** Madam Clerk? I mean, Madam Chair. Why do I keep saying Madam Clerk?

**CHAIRPERSON BROOKS:** Okay, Miss Davis.

**COUNCILPERSON DAVIS:** And I'm gonna respond to this, sir. Actually, the City billed the CRA after the fact for services rendered for a particular year, even though the year was over. And we were told that that should not be done, but it was done anyway, and so it was done after the fact. It's like putting the cart before the horse.

So we corrected that, going forward. Services are being billed as we go forward, but this has been -- this item has been on the CRA's books for two years. Now, when it was brought to Council for their approval, the I.G.'s office had been formed. Okay? And I think we realized that this was not the way to -- that it should have been done, and voted it down. Okay? So it's still standing on the CRA's books.

So at this point in time we figured out that we could assist the City in a different way to give them these dollars that have been sitting on the books, on the CRA's books, by putting it into the marina, which is the City's property for development. Okay? So that's where we are with that. And I'm kinda being kind.

**CHAIRPERSON BROOKS:** Miss Jones, did you want to add anything further to that?

**CITY MANAGER JONES:** I just wanted to talk about a couple of things. First of all, it was said that the CRA is applying for grants. CRA cannot apply for the grants. The City is applying for the grants, and this money will be used as our portion of the match for the grants. So the City will still get full benefit of these dollars toward the redevelopment of the marina.

It was not a part of the \$25 million. The CRA had this budgeted out of their TIF dollars, not a part of the \$25 million loan that they had. The CRA will pay for services. Those services are identified not according to the way we originally established, but according to projects. For example, work that we do toward the development of Newcomb Hall.

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** So it has to be tied to a project. It can't be tied to Police, Fire, and other forms of services. So what this does is clears up our books.

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** It does not clear up the CRA's books. In our audit ending 2010 this was a receivable.

**COUNCILPERSON DAVIS:** Right.

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** And in order for us to take that receivable off of the audit we must do this action.

**COUNCILPERSON DAVIS:** Right.

**CITY MANAGER JONES:** So this is clearing up our books. It is not clearing up the CRA's books and our audit. As we mentioned earlier, we are using it for grant matches, so that we can continue the marina development, and I encourage support of this action.

**CHAIRPERSON BROOKS:** Are there any other comments?

**COUNCILPERSON THOMAS:** I'm good.

**CHAIRPERSON BROOKS:** Okay. We're ready for the vote.

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Prado?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Unanimous vote.

**CHAIRPERSON BROOKS:** Okay. Moving on to Item Number 13.

13. **RESOLUTION NO. \_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND CAPITAL TRUST AGENCY AND APPROVING THE ISSUANCE OF HOUSING REVENUE BONDS IN THE AMOUNT OF \$14,725,000 TO FINANCE IMPROVEMENTS AT STONYBROOK APARTMENTS A HOUSING FACILITY LOCATED IN RIVIERA BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**CITY CLERK WARD:** Resolution 47-12. A resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving an interlocal agreement between the City of Riviera Beach and Capital Trust Agency and approving the issuance of housing revenue bonds in the amount of \$14,725 to finance improvements at Stonybrooks Apartments, a housing facility located in Riviera Beach, Florida, and providing an effective date.

**CHAIRPERSON BROOKS:** And we need --

**COUNCILPERSON THOMAS:** So moved.

**COUNCILPERSON DAVIS:** Second.

**CHAIRPERSON BROOKS:** Okay. It's been moved and seconded. Do you think that -- would you like to talk about this before we open up to public comments? Because sometimes I think if the public hears what the explanations are --

**COUNCILPERSON DAVIS:** Uh-huh. It's up to you.

**CHAIRPERSON BROOKS:** -- it would --

**COUNCILPERSON DAVIS:** Uh-huh.

**CHAIRPERSON BROOKS:** So if you would, please.

**CITY MANAGER JONES:** Madam Chair and Members of Council, we were approached last week by -- and I'm sorry. I'm not -- Global Ministries Fellowship, represented by Wayne Williams -- uh, Wayne Richardson.

**CHAIRPERSON BROOKS:** Wayne Richards, yeah.

**CITY MANAGER JONES:** That brought forward this item. The Global Ministries Fellowship is in the process of purchasing Stonybrook and as a part of this HUD program it is a requirement that the City is knowledgeable that they -- this particular activity is taking place. The federal law provides that for low-income housing such as Stonybrook, that they are eligible for this particular type of financing.

**CHAIRPERSON BROOKS:** Uh-huh.

**CITY MANAGER JONES:** I'm not sure. I'm trying to think what TEFRA stands for. Wayne, if you'll come to the mic, um, I'm so used to using the acronyms to really find out what -- TEFRA is the Tax Equity & Fiscal Responsibility Act. And that is the particular federal legislation of which this funding source is made available through the Department of Housing & Urban Development.

They are represented by Mr. Richardson -- Mr. Richards, as well as -- I don't know why I wanna make that Richardson -- by Mr. Richards' representatives from Global Ministries are also present. There was information distributed about this particular program and any particular questions that you have, I'm sure they'll be able to answer.

**CHAIRPERSON BROOKS:** Mr. Richards.

**WAYNE RICHARDS, ESQ.:** Sure. First of all --

**CHAIRPERSON BROOKS:** Would you --

**WAYNE RICHARDS, ESQ.:** -- congratulations to Councilwoman Pardo and to Miss Davis in their re-election, and to Miss Brooks -- Mrs. Brooks, excuse me -- on her ascension.

Honorable Mayor, Counsel Chair, and Council and staff, my name is Wayne Richards, 2001 Broadway. This is a TEFRA situation, and as Miss Jones indicated, it's a federal law that speaks about fiscal responsibility. This is almost a clean pass-through. There's one private entity purchasing Stonybrook from a different private

entity. However, the -- my client, who is here, and you'll meet them shortly, they're using tax exempt bonds. Federal law provides that the local municipality has to sign off that the use of these bonds is responsible.

There were instances before the TEFRA Act of 1982 where these tax exempt bonds were used for improper purchases. However, federal government and state law clearly say using tax exempt financing to purchase multi-family low-income housing is very appropriate. But they're not here. They're in Washington, D.C. So the TEFRA Act of 1982 that Miss Jones speaks of simply says that the local municipality has to say this is a responsible use of tax exempt funds.

Your attorney, Pam Ryan, has looked this over. Your Special Bond Counsel, Jolinda Herring, has looked this over. This has no financial impact on the City. It's a private transaction, but quite frankly, the federal government is looking to the Mayor and the Council as the local government body to say that this is not an improper use. Um, using tax exempt bonds to purchase multi-family housing is extremely proper, and is spoken to in the statute. And that's all that's happening here. This does not implicate other impact the City whatsoever.

Quite frankly, the federal government, Miss Prado, is sort of using the City as its local government arm to say, Let's make sure that these people are using it for a proper purpose.

**CHAIR PRO TEM PARDO:** Madam Chair?

**COUNCILPERSON:** Madam --

**CHAIRPERSON BROOKS:** Yes. Miss Prado, and then you.

**CHAIR PRO TEM PARDO:** All right. Miss Ryan?

**CITY ATTORNEY RYAN:** Yes.

**CHAIR PRO TEM PARDO:** Okay. So Mr. Richards is saying that we are required to enter into this interlocal agreement, right, and to make sure that the funds are being used responsibly. So basically, are we the monitor? Are we required to monitor? How do we know that they're going to use these funds properly?

**WAYNE RICHARDS, ESQ.:** Okay.

**CHAIRPERSON BROOKS:** Okay.

**WAYNE RICHARDS, ESQ.:** A good question, if I may. No, there is zero monitoring whatsoever. A standard -- and let me call Reverend Richard Hamlet. Reverend, please come forward.

Global Ministries Fellowship is a religious-based organization. Reverend Hamlet is the CEO, and this is their -- their actual stated religious mission: to provide for the least of these. And providing low -- providing improved services for low-income residents is what they do.

There is no requirement for the City to do anything after today. Quite frankly -- and you'll understand, as everyone will understand this, Standard & Poor's, Miss Prado, has reviewed this proposed acquisition. They have reviewed the management team that is here with us today.

**CHAIR PRO TEM PARDO:** Okay. All right. And I understand that. I read the back-up. You know, I understand this whole thing, but I just want to make sure when you talk about responsible, okay, you were the one that used that term, responsible. I want to make sure that the City of Riviera Beach, if -- I'm sure this man is a very responsible --

**COUNCILPERSON:** And I've got the (unintelligible) --

**CHAIR PRO TEM PARDO:** -- God-fearing man. However --

**COUNCILPERSON:** (unintelligible) --

**CHAIR PRO TEM PARDO:** How -- no --

**CHAIRPERSON BROOKS:** Let -- let this --

**CHAIR PRO TEM PARDO:** No, sir. However --

**COUNCILPERSON:** All right.

**CHAIR PRO TEM PARDO:** However, we see things, you know, happen every day where, you know, funds disappear. And I want to make sure 100 percent -- and this is really toward you, Miss Ryan --

**CITY ATTORNEY RYAN:** Sure.

**CHAIR PRO TEM PARDO:** -- that if the funds are squandered -- the headlines are gonna read, "Riviera Beach HUD," or whatever, you know, squandered the funds. I just want to make sure we are not responsible at all, nothing. And that's why I question us having to enter into this interlocal agreement. If that -- the land doesn't belong to us, that doesn't -- you know, the -- the project doesn't belong to us. We have no say what he's going to do with the money. But yet, we're supposed to be responsible.

**COUNCILPERSON:** Well, you --

**CHAIR PRO TEM PARDO:** So I just --

**CHAIRPERSON BROOKS:** Okay. Okay.

**CHAIR PRO TEM PARDO:** Define it.

**CITY ATTORNEY RYAN:** Miss Pardo, and these issues do not come to us on a regular basis.

**CHAIR PRO TEM PARDO:** Uh-huh.

**CITY ATTORNEY RYAN:** I believe this is probably the second issue that we've had in the last 10 or 15 years, and that's why we hired -- and they have to pay for that, just to make that clear -- Jolinda Herring, who does bonds --

**CHAIR PRO TEM PARDO:** Okay.

**CITY ATTORNEY RYAN:** -- and she understands this, and it's not unusual. Mr. Richards really did explain it well. The federal government simply requires -- they use us as their -- kind of as their agent to say that it's okay.

**CHAIR PRO TEM PARDO:** But how do we know it's okay?

**CHAIRPERSON BROOKS:** Let me ask --

**CHAIR PRO TEM PARDO:** How do we know it's okay?

**CHAIRPERSON BROOKS:** -- a question. Is this any different than what happens under our own Housing Authority. I mean, the Housing Authority is in the City, but we don't really have any responsibility over the Housing Authority. It's just a Federal regulation or law by HUD that a city more or less has to approve.

**CHAIR PRO TEM PARDO:** And we appoint. We appoint a --

**CHAIRPERSON BROOKS:** And we do appoint a board, yes.

**CHAIR PRO TEM PARDO:** We appoint the board.

**COUNCILPERSON:** If I may?

**CHAIR PRO TEM PARDO:** Hold on.

**CHAIRPERSON BROOKS:** Well, the Mayor appoints the board, yeah.

**COUNCILPERSON:** If I may?

**CITY ATTORNEY RYAN:** And let me just add this. They have agreed to indemnify us completely --

**COUNCILPERSON:** Yeah, we (unintelligible) --

**CITY ATTORNEY RYAN:** -- if anything should occur. Miss Pardo, you all have -- that's why they're here making their presentation. I know that some council members have met with them. I know that Mr. Thomas actually went to their public meeting.

**CHAIR PRO TEM PARDO:** I know. I read that in the back-up.

**CITY ATTORNEY RYAN:** Yes.

**COUNCILPERSON THOMAS:** I was gonna speak about that when my turn came. I was just waiting till the Chair recognized me.

**CITY ATTORNEY RYAN:** Okay.

**CHAIRPERSON BROOKS:** Well, I think it's important that --

**CITY ATTORNEY RYAN:** But you have -- you have to make the decision --

**CHAIRPERSON BROOKS:** -- she explain this.

**CITY ATTORNEY RYAN:** -- as to whether or not it's something that's worthy --

**CHAIR PRO TEM PARDO:** Okay. So where's the agreement with them indemnifying us?

**CITY ATTORNEY RYAN:** It's in the -- it's behind -- behind the resolution is the actual interlocal agreement, and it's Section 5.

**WAYNE RICHARDS, ESQ.:** Madam Chair, I need to clear up a --

**CHAIRPERSON BROOKS:** Yes, sir. Mr. Richards.

**CHAIR PRO TEM PARDO:** (Unintelligible).

**WAYNE RICHARDS, ESQ.:** My client said -- I did not realize that I indicated or I said that the City's responsible. The federal law is the Tax Equity & Fiscal Responsibility. The City is not responsible for one penny. It's the Capital Trust Agency, a Florida institution, that's issuing the bonds. And Standard & Poor's has rated these bonds Investment Grade A-. They've reviewed this entity, they reviewed the numbers and the management team, and to our -- we were extremely pleased, but not surprised that they gave this an A- investment grade.

Standard & Poor's has gone over the team. They've actually visited Stonybrook. They had their engineers scour the facility. They looked at the improvements we're planning on making and this has an A- from Standard & Poor's, giving us their stamp of approval.

But please forgive me if I gave the impression that the City's responsible for anything. That's the federal legislation, the name. They want to make sure that their

funds are being used responsibly. These are tax exempt bonds. So please excuse that misspeak.

**COUNCILPERSON THOMAS:** Madam Chair?

**COUNCILPERSON LOWE:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes. Mr. Thomas, and then Mr. Lowe.

**COUNCILPERSON THOMAS:** Just so everybody's aware, I, too, had some of these questions and concerns when I looked at this. So what I did was, the public hearing that was held actually on the site in Stonybrook at I guess a reasonably early time in the morning, um, I did make my way to that particular hearing just to see what was going on. I had never seen this before. I was a little nervous, because I just didn't understand why we had to get involved with this at all.

After doing some research -- and most of my colleagues know how I am when I start to research things. I researched the company. I researched the management team. I've had several conversations with other cities in which this particular group operates at this time. They do it several places around the state. They only do these type of properties.

And of course, I didn't give them my stamp of approval until I found out that this is what was going on, that everybody in this company's been background, and that the City will have zero responsibility with this, other than just making sure that the process had been done. I spoke with the attorney for this particular client and I was not satisfied. And what I told that attorney, who is standing before me now, is I need to go and I need to seek independent counsel to find out and get comfortable with this.

I am happy to say I did, and it is a legitimate company, it's a legitimate thing, and I believe that the improvements and the status and the standards of care that they use in upgrading the apartments of their facilities will be a great benefit to us. So I just want to let you know that I did go into depth about this, and if you trust that, you have my report on what I've come up with.

**CHAIRPERSON BROOKS:** Mr. Lowe?

**COUNCILPERSON LOWE:** Yes. Well, I do agree that our responsibility lies in determining whether or not this is a fiscal liability on the City, and I understand that in that regard we may be fine. But I think the Feds also wanted it to come before us so we can determine another element in this particular situation, and that element is, how do the residents feel about it?

Now, first we had a meeting at 8:00 in the morning in Stonybrooks, and we had no residents at the meeting.

**AUDIENCE:** Did you invite them?

**COUNCILPERSON LOWE:** It was public notice.

**AUDIENCE:** (unintelligible).

**COUNCILPERSON LOWE:** I'm sorry. I shouldn't be asking questions -- answering questions from the audience. I'm sorry. All right, Bessie. But you know, I -- I just can't - I can't see doing this without the -- the residents' input.

And I looked on the Property Appraiser's Office website, and this property is worth between three and five million, but you're asking for fourteen million in -- in bonds.

**CHAIR PRO TEM PARDO:** That's right.

**COUNCILPERSON LOWE:** And, um, how much of that is going to improvements? They just did a façade improvement at Stonybrooks and what do the residents have to say about this? And I think that's part of our responsibility, as well, to find out what the residents feel about it.

And you know, you're coming in, asking to form a Christian-based event or project. Will there -- will there -- will they -- will there be any restrictions on the existing residents? Will they qualify to be in this project? Will they be drug screened or -- you know, there's a lot of things going on that could affect 200 people in an apartment complex, and we haven't heard a word from them. Well, it's -- it's not showing in the back-up.

**WAYNE RICHARDS, ESQ.:** Mr. Lowe, I'm looking forward to yours --

**COUNCILPERSON LOWE:** Hold on a minute. It's not showing in the back-up. I had to ask for the back-up last week. So you know, it just -- the timing is just bad, and I would feel comfortable hearing from the residents. And I think we have that responsibility, as well.

**WAYNE RICHARDS, ESQ.:** Madam Chair, if I could introduce Mr. Reverend Hamlet and let him speak --

**CHAIRPERSON BROOKS:** Yes, please.

**WAYNE RICHARDS, ESQ.:** -- on the project, please? Reverend Hamlet, please come forward.

**REVEREND HAMLET:** I don't know what else to say, how I'm gonna --

**COUNCILPERSON:** Well, no. Well, no --

**REVEREND HAMLET:** -- what you want me to say, 'cause

--

**COUNCILPERSON:** No, please share with them --

**REVEREND HAMLET:** First of all -- first of all -- (Multiple speakers at one time -- all unintelligible)

**REVEREND HAMLET:** Okay. And I'll try -- I'll -- I'll try to. You know, and we're glad to be here. This property has plans to be upgraded. Every resident there will see a different kind of Stonybrook once we own the property in terms of project improvements and social services, educational GED tutoring. I could go on and on but I'm just gonna answer the questions.

**WAYNE RICHARDS, ESQ.:** No, you need to. No, you need to.

**REVEREND HAMLET:** Well, I've just been told to just answer the questions. We're faith based, but let me tell you, this is a business. And everybody is treated different. We know the Fair Housing Laws backwards and forwards and we don't discriminate against anybody. Okay? Everybody has the opportunity to come, and if they're eligible, then they're gonna get charged the same rent. And we are -- we are no respecter of any person.

And as a housing developer and as a Minister of the Gospel in my calling, I understand that this business is a business that is here to serve these residents and give them things that they have never had under really an absentee owner for many years. And so we had a -- did have a hearing, and no one showed up, but you know, we're happy to talk to anybody any time. And I don't know how else you would do that. We're just complying with what the federal law has instructed us to do.

These bonds are -- are -- are -- are private bonds that are issued by the Capital Trust Agency. We have an appraisal of that property that it's in excess of what the bond issue size is. We have the largest rating agency in the world that's rated these investment grade. This has gone through many months of due diligence and process and so -- and I have spent 25 years in this business on the for profit side, and as a -- as a non-profit organization, and we're thankful for the opportunity to be here to serve these residents.

And I have my management company here that would be happy to answer any questions, but you know, I think the facts speak for themselves as far as our experience and our hard work and our objectives. And we want to just be a positive influence and partner in this community. That's simply why we're here. So thank you for the opportunity.

**CHAIR PRO TEM PARDO:** Madam Chair?

**CHAIRPERSON BROOKS:** Oh, go ahead.

**CHAIR PRO TEM PARDO:** I'm sorry. I think at the very least we owe it to the residents out in Stonybrook -- a lot of them have been living there a long time. I think we owe it to them to have one or two or even three meetings. Let them meet the management team. Let them understand what's gonna happen and have the meeting not at 8:00 in the morning. Try to have it on a Saturday. Try to have it in the evening.

**COUNCILPERSON DAVIS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**CHAIR PRO TEM PARDO:** 8:00 is just totally unacceptable, if that's true, 8:00 in the morning. Please. So I would say -- well, you all can continue discussing it and then I'm going to make a motion to table it.

**COUNCILPERSON LOWE:** Second.

**COUNCILPERSON DAVIS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes.

**COUNCILPERSON DAVIS:** I, um --

**COUNCILPERSON LOWE:** There's a motion on --

**COUNCILPERSON DAVIS:** I had already -- she had already recognized --

**COUNCILPERSON THOMAS:** I got questions, too.

**COUNCILPERSON DAVIS:** -- me before --

**COUNCILPERSON THOMAS:** You got to put it before a vote, but it just --

**COUNCILPERSON DAVIS:** Did she make the motion or she said, "I'll make a motion?"

**CHAIRPERSON BROOKS:** She said she would make it.

**CHAIR PRO TEM PARDO:** I'm making the motion. I made the motion.\

**COUNCILPERSON DAVIS:** No, you did not.

**CHAIR PRO TEM PARDO:** Yes. That --

**COUNCILPERSON DAVIS:** You said, "I'll make the motion," but (unintelligible) --

**CHAIR PRO TEM PARDO:** That's right. And that was my motion.

**COUNCILPERSON DAVIS:** That -- I had already talked to Miss Brooks and said something --

**CHAIRPERSON BROOKS:** Okay. I -- I --

**COUNCILPERSON DAVIS:** -- before you --

**CHAIRPERSON BROOKS:** You -- you -- you have --

**COUNCILPERSON DAVIS:** -- made your motion.

**CHAIR PRO TEM PARDO:** Well, I still had the floor.

**COUNCILPERSON DAVIS:** So, sorry. Anyway, um --

**CHAIRPERSON BROOKS:** Let's -- let's just move on. Let's just move on.

**COUNCILPERSON LOWE:** Well, you gotta put --

**COUNCILPERSON THOMAS:** It was, uh, tabled.

**CHAIRPERSON BROOKS:** Well, okay. What I heard Miss Pardo say is that you all can continue to deliberate --

**COUNCILPERSON DAVIS:** Exactly.

**CHAIRPERSON BROOKS:** -- whatever but I plan to --

**COUNCILPERSON DAVIS:** I will then -- exactly.

**CHAIRPERSON BROOKS:** Okay. So with that I said, "Miss Davis, go ahead."

**COUNCILPERSON DAVIS:** Thank you.

**CHAIRPERSON BROOKS:** And I'll go back to Miss Pardo.

**COUNCILPERSON DAVIS:** Thank you, ma'am. I want to ask Miss Ryan.

**CITY ATTORNEY RYAN:** Yes.

**COUNCILPERSON DAVIS:** Miss Ryan, our role in all of this, do we have -- let me see if I understand this. The -- this gentleman and -- is purchasing the property and the City does not have a role in that.

**CITY ATTORNEY RYAN:** That's correct.

**COUNCILPERSON DAVIS:** Okay. Our role is to hold the public hearing.

**COUNCILPERSON:** No

**CITY ATTORNEY RYAN:** No, they held their own public hearing.

**COUNCILPERSON DAVIS:** Well, they -- but -- we approve --

**CITY ATTORNEY RYAN:** They held their public –

**COUNCILPERSON DAVIS:** -- their holding of the public hearing. That's what the -- the -- the Section 147 --

**CITY ATTORNEY RYAN:** Tell me what you're reading.

**COUNCILPERSON DAVIS:** -- of the Code requires that the City Council approve the holding of the public hearing by the executive director of the issuer on behalf of the City. Okay?

**CITY ATTORNEY RYAN:** Let me read it.

**COUNCILPERSON DAVIS:** So that's my understanding of all of this. Just to –

**CHAIR PRO TEM PARDO:** No.

**COUNCILPERSON DAVIS:** -- verify that they have held the public hearing. So why we are all in that, I'm -- I'm not understanding that.

**CITY ATTORNEY RYAN:** Well, maybe we'll have him explain that section, but the purpose -- the reason it's on the City Council agenda is so that you can approve the interlocal agreement which will allow them to receive the funds. They had to hold that public hearing according to federal law. It has to come -- you know, I would consider this to be a public hearing, as well, which we have to hold in order to pass the resolution and pass the interlocal agreement. Once they have this document in hand they're going to go and apply for their -- they're already in the application process, but it's one more step for them to get the -- the money.

So this is just not about the holding of the public hearing. They had to show us notice, and that's why you have the record of the -- the transcript from the meeting that they held. Now, I don't know if there was a requirement that they hold it at 8:00 in the morning, but I know that is the time that they advertised it, for 8:00 a.m.

**COUNCILPERSON DAVIS:** Okay.

**WAYNE RICHARDS, ESQ.:** If I -- may I respond?

**CHAIRPERSON BROOKS:** Yes. Mr. Richards?

**WAYNE RICHARDS, ESQ.:** Thank you Council Chairwoman. We have followed to the letter of the law every applicable federal and state statute and I'm -- I'm thankful, you know, that I just heard a statement that was correct. This is -- the only thing that's being asked is that the City verify that there was public notice given, which there was, and you have a copy of that; that there was a hearing held; and that these funds are being used for a responsible purpose. In the past it's been to finance package liquor sales, tanning salons, and massage parlors. This is low-income housing. It's straightforward.

I'm gonna take privilege here. This closing is scheduled to occur 14 days from today. There's no ability to extend. I'm gonna ask that a vote have to be had tonight.

**CHAIRPERSON BROOKS:** Uh –

**WAYNE RICHARDS, ESQ.:** If I -- if I could just finish this. The current owner has pretty much depreciated the property. The current owner really has no further financial use of Stonybrook. This entity is willing to purchase it, make significant financial improvements, significant social service improvements, and offer them to the residents; computer labs, GED training. I mean, there's a lengthy list. They're bringing in fresh money. They manage 5,000 units, and they are to close on these 216 or 22 units 14 days from today.

**COUNCILPERSON LOWE:** Madam Chair?

**CHAIRPERSON BROOKS:** I'll let you speak. I just want to say this. I haven't said anything. And I've -- I've worked around the area of Stonybrook. I've actually had clients in Stonybrook. And I really can't imagine that there would be any opposition –

**WAYNE RICHARDS, ESQ.:** And their isn't.

**CHAIRPERSON BROOKS:** -- any opposition. I realize, you know, that maybe there's some issue here about having a meeting at 8:00 in the morning, where it might have been that if people going to work, they could get there early for the meeting. But I know a lot of the clients there, a lot of the people there, and they are looking to have social services to come in to help them improve their lives.

And so I can't imagine that they would have any opposition to something that is going to help improve the quality of their life. Certainly on the City side we are concerned if there are any liabilities. We don't want to be held accountable and responsible for anything that happens.

**WAYNE RICHARDS, ESQ.:** Zero liability.

**CHAIRPERSON BROOKS:** And that is what I expect Legal to confirm for us, and she has. But beyond that, I don't see them opposing this. It is going to be an asset to them and to the community, because we're always talking about trying to have adequate housing for people. And this is an opportunity with a plus added to it. So –

**COUNCILPERSON THOMAS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Mr. Thomas.

**COUNCILPERSON THOMAS:** Let me just, you know, point out the fact here. Um, first of all, the meeting was held at 8 a.m. I thought it was early but I was not invited to the meeting. I invited myself to the meeting just to see what was going on.

One thing that I think that we need to take into consideration is we always talk about we're not doing anything in midtown. We're not -- nothing is going on in midtown. Okay. You have a company that's gonna clearly put \$14 million into midtown.

**CHAIRPERSON BROOKS:** Uh-huh.

**COUNCILPERSON THOMAS:** Okay? So my issue is, if \$14 million is going into midtown, that means that some type of trickle effect is gonna happen for the people who are around this area who are talking about that they need work, jobs. We need to do all those things. I have looked into that. I have seen the opportunity for that, you know, to happen.

**CHAIRPERSON BROOKS:** Right.

**COUNCILPERSON THOMAS:** Alongside all of the training that they would offer them, I've talked to them about the situation with that residential being around all of that commercial and industrial. I believe that just on lighting alone that they have to put in there is going to be probably be at least, you know, a million dollars worth of lighting they're gonna do. And if you go and take the time to go and see what has happened to some of these other properties, then you will probably be a little bit more excited about what -- you know, what's happening here.

You know, I have no problem with my colleagues feeling like, you know, they want to get comfortable, because I had to get comfortable. But I definitely don't want to take the opportunity to lose --

**CHAIRPERSON BROOKS:** Right.

**COUNCILPERSON THOMAS:** -- something of that magnitude in midtown, in midtown. If we always keep running stuff out of midtown, or running opportunities out of midtown, five, ten years from now you're gonna be like, nothing is happening over here. So that is what I need. If some comments need to be made, you can definitely make them from the podium and I'll address them.

I'm just basically saying, I don't think that we need to take -- I just think that we need to take this serious and not lose a project like this. That's all.

**CHAIRPERSON BROOKS:** Okay. Yeah. Any other comments? Miss Pardo?

**CHAIR PRO TEM PARDO:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes, Miss Pardo.

**CHAIR PRO TEM PARDO:** I'd like to make a motion to table this.

**COUNCILPERSON LOWE:** Second.

**CHAIRPERSON BROOKS:** Okay. Any comments? Ready for the vote?

**CITY CLERK WARD:** Councilperson Brooks?

**CHAIRPERSON BROOKS:** No.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** No.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

**CITY CLERK WARD:** Councilperson Thomas.

**COUNCILPERSON THOMAS:** No.

**CITY CLERK WARD:** Chair Pardo? I'm sorry. Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**COUNCILPERSON DAVIS:** Madam Chair?

**CHAIRPERSON BROOKS:** Yes. Yes, Miss Davis.

**COUNCILPERSON DAVIS:** Um, call the question.

**CHAIRPERSON BROOKS:** Okay.

**COUNCILPERSON LOWE:** Madam Chair?

**COUNCILPERSON:** (Unintelligible).

**COUNCILPERSON LOWE:** No, we got discussion, comments.

**CHAIRPERSON BROOKS:** (Unintelligible).

**COUNCILPERSON:** (Unintelligible)

**CHAIRPERSON BROOKS:** And we got some -- we've still got --

**COUNCILPERSON:** You got (unintelligible) --

**CHAIRPERSON BROOKS:** You still got the --

**COUNCILPERSON DAVIS:** Oh, you got the public comment cards?

**CHAIRPERSON BROOKS:** -- public comment cards, yes.

**COUNCILPERSON DAVIS:** Oh, okay.

**CHAIRPERSON BROOKS:** Terence Davis, yes. Mr. Davis? Thank you. We had talked so long (unintelligible).

**TERENCE DAVIS:** Good evening, everyone.

**COUNCILPERSON DAVIS:** Hi.

**CHAIR PRO TEM PARDO:** Good evening, sir.

**TERENCE DAVIS:** And once -- and once again, congratulations to Miss Davis and Miss Pardo.

**CHAIR PRO TEM PARDO:** Thank you.

**TERENCE DAVIS:** Congratulations to Miss Brooks. All Council members and Mayor, City Manager, City Attorney, and the residents of Riviera Beach, Florida, and all those who chose to come out, thank you so much. On this issue we have a lot of -- it's a very intense issue for me by being born and raised in Riviera Beach. Stonybrooks used to be the stepchild of our city years and years and years ago. There has been a lot of major improvement.

There's no secret about what's gonna happen at 8:00 in the morning in Stonybrooks. Absolutely nothing. Me, myself, I would like to take it upon myself to work with you so we can set up an efficient and effective meeting and ask the people what would be great for them to come out and meet so they can give you the voice and tell you how they feel about what's gonna happen.

One issue, as I look at it, I see the different plethora of social service programs. Once you have your meeting, I'd like to see you explain to the people what the word plethora mean of social service programs. I also want to make sure that when this \$14 million come down, that local businesses, local gentlemen, local young ladies get a part of this HUD money, which is federal dollars, which are taxpayer dollars.

So there's a lot of liability, but there's a lot of opportunity. But I like that we are taking our time on this issue because it seems like there's a rush. Let's not rush on this issue. You know, you already voted on it, but let's get the people in there at a good time and ask them the proper questions on what they want, tell them what you've provided for them, and they can say yes or no what they like, and they can represent themselves versus us sitting here trying to represent them.

A lot of those people in that facility are people I grew up with, and they're waiting for opportunities. So when you provide these services, make sure these services get them not just job training, but job opportunities. I mean, partner with other businesses so we can say, Hey, we have -- it might be the port, somebody like that. Hey, they might want to work with you or with this training so they can provide jobs to the port for people of Riviera Beach since, you know, we all here in Riviera Beach. So let's make

sure that we make sure we don't have no liability dealing with what's been going on with a lot of HUD funds in Palm Beach County, 'cause City of Riviera Beach, we don't need that reputation of messing up any money. All right?

So let's take care of our residents. I'm Terrence TD Davis. After this meeting I'd like to talk with you about the next meeting that you're gonna have with those people in Stonybrooks, and let's find out a time that's efficient and effective for them, when their children out of school so they can bring their children, as well, because the children are gonna be affected by this. Thank you.

**CHAIRPERSON BROOKS:** Thank you, Mr. Davis. And last is Mr. Ward. Mr. Ward?

**GERALD WARD:** Good evening. Gerald Ward, hopefully for the last time tonight.

**CHAIRPERSON BROOKS:** That was the last item.

**COUNCILPERSON:** No, (unintelligible).

**GERALD WARD:** Item 13, appropriately numbered, was -- to my surprise, Miss Jones says "only last week." Well, that tells you real quick there's a problem.

**CHAIRPERSON BROOKS:** Uh-huh.

**GERALD WARD:** When something gets pushed as strong as this, and there was separate back-up, wasn't put up on the Internet. There was a 404 page that showed up until this afternoon about 4:00, uh, when it finally came up. Uh, so the public really didn't get the back-up. There is no involvement.

Planning & Zoning Board should have been the first referral of this project. Somebody said, Well, there's no plan. Well, then, why does the agreement say that you are approving the project? Mr. Thomas talked about how he was comfortable after talking to people. Did he get any written documentation that this is what the project is? It's moving way too fast for fourteen and three-quarter million dollars worth of expenditure. I gather now that part of it is to buy the project and part of it is to do some renovations, possibly.

Stonybrook is a single residential unit catering to kids, surrounded by heavy industrial or linear major infrastructure facilities. That's the CSX-FEC Railroad connector and the shortly to be improved State Road 710, which is going to be a major barrier. The discussions with DOT, if you're going to have Stonybrook, you need a pedestrian crossover over the new four-lane. We met a blank wall with that. Why was the bus stop located a couple blocks west when this is a major facility for buses -- use of -- users?

It's a very poorly written agreement. It should not have all of the approvals that are in there. This morning and yesterday I talked about the worst thing that an executive director of a port would be -- would be to have Ward show up to a TEFRA hearing. I didn't know till tonight that this is truly a TEFRA facility. At a TEFRA hearing you would ask details about the project, the justification for the project.

Our city is really, since '82, in the comp plan, wanting to reduce the Ivy Green, Broadmoor, and improve our Housing Authority. We need to see the Housing Authority and the P & Z get involved in this before you do any approvals.

**CHAIRPERSON BROOKS:** Thank you, Mr. Ward.

**MAYOR MASTERS:** Madam Chair, I wanted to make a comment on this.

**CHAIRPERSON BROOKS:** Yes, Mayor.

**MAYOR MASTERS:** I probably should have made it earlier but -- um, Pastor Reverend Hamlin, is it?

**COUNCILPERSON:** (Unintelligible).

**MAYOR MASTERS:** Hamlin?

**COUNCILPERSON:** Hamlet.

**COUNCILPERSON:** Hamlet.

**COUNCILPERSON:** Please come forward, please.

**MAYOR MASTERS:** Yeah.

**COUNCILPERSON:** Reverend Hamlet, please.

**MAYOR MASTERS:** There's a couple points. We know that it has passed, and I think all of us want to see an investment in Stonybrook. Certainly it would be for the good of the City and the good of the residents there. In as much as it has passed, do you have any objection whatsoever in still holding another meeting with the residents, just to get their input and to get their buy-in and to get their participation on feedback? I mean, they can't stop it, obviously --

**REVEREND HAMLET:** Yeah.

**MAYOR MASTERS:** -- because it's passed.

**REVEREND HAMLET:** We will.

**MAYOR MASTERS:** But just in good faith.

**REVEREND HAMLET:** Absolutely.

**MAYOR MASTERS:** Thank you.

**REVEREND HAMLET:** Absolutely. We are an open book, and the first thing we do is go in and we ask every resident -- we give them a survey and say, What -- what is it you want to see to help your property be improved? We don't -- you know, this --

**COUNCILPERSON DAVIS:** Talk into the mic, sir.

**CHAIRPERSON BROOKS:** Talk into the mic.

**REVEREND HAMLET:** What do you want to see in your property, as we become now the sponsor and owner of this housing? We don't call them projects. We call them housing communities, because we want to upgrade and help our residents who are very low income. And so absolutely, we -- that's something that we do regularly. And I -- and I -- that is something that is just part of our -- that's part of our whole plan of action.

**MAYOR MASTERS:** And you would -- certainly would reconsider not having it at 8:00 in the morning. Maybe a better time that people could -- more people --

**REVEREND HAMLET:** Absolutely.

**MAYOR MASTERS:** Well, that would be great. I want to ask you a question about Global --

**REVEREND HAMLET:** Yes.

**MAYOR MASTERS:** -- Global Ministries Fellowship. One of the points I heard tonight was that it's important to have a feel of the people, and also to make sure that the minority community is involved in this project. The people that you bring in --

**REVEREND HAMLET:** Yes, sir.

**MAYOR MASTERS:** -- also with them, you know, represent the community that you're gonna serve.

**REVEREND HAMLET:** Yes, sir.

**MAYOR MASTERS:** And you just mentioned you have an open book. How many board members does the -- you have on your board?

**REVEREND HAMLET:** There's three of us.

**MAYOR MASTERS:** Three?

**REVEREND HAMLET:** Yes.

**MAYOR MASTERS:** Have any minorities on the board?

**REVEREND HAMLET:** No.

**MAYOR MASTERS:** Thank you.

**REVEREND HAMLET:** Do not.

**CHAIRPERSON BROOKS:** Okay. Everybody ready for the vote now?

**COUNCILPERSON DAVIS:** Yes.

**CHAIRPERSON BROOKS:** Okay. Madam Clerk?

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Nope.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Nope.

**CITY CLERK WARD:** That vote passed with Councilpersons Pardo and Lowe dissenting.

**WAYNE RICHARDS, ESQ.:** Thank you. Good evening. Thank you.

**CHAIR PRO TEM PARDO:** Don't be sorry.

**CHAIRPERSON BROOKS:** Now, we have, um, the additional resolution Number 14?

**CITY CLERK WARD:** 14?

**14. COMMUNITY BENEFIT REQUEST DELIBERATION COUNCIL PERSON BILLIE E. BROOKS REQUESTS A \$300 DONATION TO NEIGHBORS UNITED FOR GREAT AMERICAN CLEANUP OF MONROE HEIGHTS.**

**CHAIRPERSON BROOKS:** Yes. This was an add-on to get approval for our waste management -- our waste management funds for the upcoming clean up -- clean up the City for \$300. I don't see it. I'm just telling you what it is.

**COUNCILPERSON THOMAS:** So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON BROOKS:** Okay. Ready for the vote?

**CITY CLERK WARD:** It's not a resolution. It's discussion.

**CHAIRPERSON BROOKS:** It's just a discussion. Okay.

**CITY CLERK WARD:** Councilperson Davis?

**COUNCILPERSON DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Discussion?

**CITY CLERK WARD:** Yes.

**COUNCILPERSON LOWE:** Oh, oh, yes.

**CHAIRPERSON BROOKS:** It's for the Community Benefit Funds.

**COUNCILPERSON LOWE:** Okay. Yeah.

**CITY CLERK WARD:** Councilperson Lowe?

**COUNCILPERSON LOWE:** Yes.

**CITY CLERK WARD:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Chair Brooks?

**CHAIRPERSON BROOKS:** Yes.

CITY CLERK WARD: Unanimous vote.

**DISCUSSION & DELIBERATION**

**BOARD APPOINTMENT(S)**

CHAIRPERSON BROOKS: Okay. Now we are down to –

CITY CLERK WARD: Board appointments.

CHAIRPERSON BROOKS: -- board appointments, yes. I lost my page here.

CITY CLERK WARD: (Unintelligible).

**DISCUSSION BY THE CITY MANAGER**

CHAIRPERSON BROOKS: Okay. Now, we have comments by the City Manager? What'd I do with that page?

CITY MANAGER JONES: Just very briefly, just for the Council and for the residents, there -- I reported –

CHAIRPERSON BROOKS: I see (unintelligible) –

CITY MANAGER JONES: -- previously about the Kindred Hospital and the –

CHAIRPERSON BROOKS: I see it's here (unintelligible) –

CITY MANAGER JONES: -- water bill situation. They were billed, and they have paid -

COUNCILPERSON DAVIS: Yoo-hoo.

CITY MANAGER JONES: -- their bill. They agreed to the invoice that we submitted to them and that's for \$32,267.89. We responded and also made sure that the I.G. was aware of that, in order –

CHAIRPERSON BROOKS: Good. Very good.

CITY MANAGER JONES: -- to clear that matter up.

CHAIRPERSON BROOKS: Thank you.

COUNCILPERSON DAVIS: Wonderful.

**CHAIRPERSON BROOKS:** Okay. Now we'll have discussion by Legal.

**LEGAL DISCUSSION/REQUEST**

**COUNCILPERSON THOMAS:** She said she had none.

**CHAIRPERSON BROOKS:** None? Okay. City Council committee reports.

**CITY COUNCIL COMMITTEE REPORT(S)**

**CHAIR PRO TEM PARDO:** Madam Chair, I have one.

**CHAIRPERSON BROOKS:** All right.

**CHAIR PRO TEM PARDO:** I am your representative on the League of Cities and the Assistant City Manager from Boca Raton spoke at our last meeting, and he brought something to our attention, and he just wanted us to pass it along to the rest of the municipalities. FEC has been asking some municipalities along, you know, their track route –

**CHAIRPERSON BROOKS:** Uh-huh.

**CHAIR PRO TEM PARDO:** -- to allow them to build like wireless towers –

**CHAIRPERSON BROOKS:** Uh-huh.

**COUNCILPERSON:** We've got one.

**CHAIR PRO TEM PARDO:** Right. Up to 150 feet.

**CHAIRPERSON BROOKS:** Yep.

**CHAIR PRO TEM PARDO:** And Boca has a serious concern because these towers are right next to residential neighborhoods.

**CHAIRPERSON BROOKS:** Right. Uh-huh.

**CHAIR PRO TEM PARDO:** And they're coming under the guise of communications for FEC, but if you read the fine print, they want to be able to go out and lease those towers to cellular companies.

**CHAIRPERSON BROOKS:** Okay.

**CHAIR PRO TEM PARDO:** So anyway, Boca asked if any city receives it, to please give them a telephone call and maybe all of the cities can get together –

**CHAIRPERSON BROOKS:** Uh-huh.

**CHAIR PRO TEM PARDO:** -- and just, you know, determine how everyone wants to move forward with it. And I think everyone is aware that you can collect some revenue. Right? It's a revenue sharing. But they're just asking that everyone -- you know, everyone start communicating.

**CITY MANAGER JONES:** The Assistant City Manager?

**CHAIR PRO TEM PARDO:** The Assistant City Manager. I don't recall his name right now, but I can get it for you. And Jupiter told us that they also received one. So I just wanted to bring that to everyone's attention.

**CITY MANAGER JONES:** And I don't know if you are partially speaking -- the City of Riviera Beach has received the same type of request.

**CHAIR PRO TEM PARDO:** Okay. All right. And that's it. Thank you.

**CHAIRPERSON BROOKS:** Okay. Thank you, Miss Pardo. Anyone else need to report?

**COUNCILPERSON DAVIS:** And just to follow up on what Miss Pardo has stated, as you know, part of -- as the representative for MPL, we have been holding meetings with the FEC and FDOT concerning the blockages at --

**CHAIRPERSON BROOKS:** Blue Heron.

**COUNCILPERSON DAVIS:** -- Blue Heron Boulevard. In the meantime, we got a letter from the FEC stating that they did, indeed, want to put a tower on -- in their right-of-way --

**CHAIR PRO TEM PARDO:** Right-of-way. Uh-huh.

**COUNCILPERSON DAVIS:** -- I guess you call it along Old Dixie Highway. So, um, Miss McKinney and Miss Jones are definitely aware of that, and that might be the reason why they showed up at our meeting, because they knew -- they knew that, you know, this was gonna come up. So definitely that's something that we can continue to monitor.

**CHAIRPERSON BROOKS:** I think they might have got a call, too, from --

**COUNCILPERSON DAVIS:** Yes, absolutely.

**CHAIRPERSON BROOKS:** -- Some of our Congress people in D.C., because we certainly made it an issue when we were there.

**COUNCILPERSON DAVIS:** Right.

## STATEMENTS BY THE MAYOR AND CITY COUNCIL

**CHAIRPERSON BROOKS:** Okay. Any other comments? Miss Pardo? Mr. Lowe?

**COUNCILPERSON LOWE:** Yeah, I have a couple things.

**CHAIRPERSON BROOKS:** Yeah, that's what I'm --

**COUNCILPERSON DAVIS:** Okay.

**CHAIRPERSON BROOKS:** I'm on statements now.

**COUNCILPERSON DAVIS:** All right.

**CHAIR PRO TEM PARDO:** Okay.

**COUNCILPERSON LOWE:** First, I want to just voice my concern about the position of the City as it relates to taking advantage of what we have already in terms of industrial base and industrial inventory that -- that probably leads the county. And as it relates to industrial space and opportunities involving transportation, Riviera Beach has -- is in a position to be a leader in the county as far as becoming a logistical center, or a place where we could facilitate heavy -- not heavy industry, but light industry.

I just did a little research on my own and a little history. The particular area that I'm talking about is the Lewis Terminal, which is already laid down in our city. It's a system of rail tracks and spurs in our industrial area. And the South Florida Regional Transit Authority has done a study -- it's called a Fast Start study -- to try to determine the best route to connect the Tri-Rail transportation to the FEC line.

And Riviera Beach was considered as one of those stops. We're unique in that we -- there's only three places in the state that you can -- the CSX and the FEC links, and Riviera Beach is one of those places. The other two is Jacksonville and Miami.

During the study it was determined that the Lewis Terminal location wasn't a fair location because it had too many curves, but in my opinion, if we're gonna change the face of the city and become a leader, we got to -- we can't be left out of the picture. And you know, there are ways to realize commuter transportation and commuter rail within the next two years. But if they bypass Riviera Beach, then everything that we're working for, the marina, building our economic base, becoming the industrial leader that we were set out to be back 50 years ago when Lewis Terminal was developed, all those things are in jeopardy.

And I just wanted to bring this out before the public and before the Council, and that I think that we should be looking into opportunities to promote the Lewis Terminal area, and also trying to get Riviera Beach back in the conversation as far as a rail stop and a rail link between the FEC and the CSX line. So if we could direct staff to look into this matter, I think that we can gain a little leverage and get back into the conversation. Because those rails aren't going anywhere.

And speaking with the FEC, they're not selling the rails. FDOT owns half the rails on the southern side. So we're gonna have rails in the city, and the industrial is a

particular component of our economic strategy that we need to foster and make sure that we're in the picture and Riviera Beach doesn't get left out anymore.

So that's my serious business. And then I want to make a couple announcements about the events that are going on this month. The JAM event starts tomorrow as you've already heard, and throughout April we will be celebrating Jazz Appreciation Month in Riviera Beach as part of the partnership with the Smithsonian Institute. Tomorrow at 1 p.m. at Villa Franciscan we will have a concert at 1 p.m., followed by the concert -- a concert every Thursday. So we'll have a concert every Thursday, and the first one is at Villa tomorrow at 1:00.

There's several flyers that are being disbursed. Please feel free to pick one up in the back, but I think that there's something in this month for everybody. So we've covered all our bases, and I think we're gonna have a very enjoyable time.

And then last, but not least, we are still looking for members to join the Riviera Beach Historical Society. And if you're interested in joining, please contact the office, and if you want to help plan the city's 90<sup>th</sup> birthday, please call. It's coming up in September, and we want to really recognize this day and hopefully, in my opinion, if we could plan in September, we can start the process of getting ready for our 100<sup>th</sup> year anniversary ten years from now. So that's all I have.

**CHAIRPERSON BROOKS:** Okay. Miss Pardo?

**COUNCILPERSON LOWE:** Oh, Miss Riviera Beach Pageant. I'm sorry.

**CHAIRPERSON BROOKS:** Yes, yes.

**COUNCILPERSON LOWE:** Miss Riviera Beach Pageant, Saturday, April 7<sup>th</sup>, this weekend, at 5:30, Newcomb Hall, uh, at the Municipal Marina. Tickets are \$10 in advance, 20 at the door. And this year you have VIP tickets, and they're \$30 in advance. And all this goes towards advancing the pageant, so we can continue to have it year after year. Now that's all I have. Thank you.

**CHAIRPERSON BROOKS:** Okay. Thanks, Mr. Lowe. Miss Pardo?

**CHAIR PRO TEM PARDO:** All right. Thank you. I'd like to make a couple of comments about the A1A Beautification Project. The first is -- and this is a compliment to Miss McKinney and your staff. I have received scores of e-mails and telephone calls and people stopping me over on the island, talking about the trees and how beautiful the path looks. Once everything is, you know, fully grown it's going to be spectacular. You'll be able to walk or run on the path in shade. Right.

And people are also saying -- my next door neighbor said it. He said, Now I really feel like I live in Florida. I go to A1A and all you see is palm trees. And you know, there are a couple of people who have -- you know, who are questioning all of the trees, and that's fine. But all in all, it looks beautiful. So thank you for staying on top of everyone and, you know, we're looking forward to seeing the project come to completion.

The other thing is the bridge. We've all been getting calls about the bridge. And you know, I keep telling people, two years ago you were complaining that nothing was going on, and now we have major construction going on on the island and you know, you need to look at the bridge as just part of that construction. It's a process.

And I just want to mention to the people who are not aware, we're in the process of putting the railing up on the south side of the bridge. Right. That railing should be up in the next couple of weeks and the delay was because of DEP and the coating and, you know, once again, the regulatory agencies got involved and they wanted a special coating on the rail. So that's in the process. So hopefully in the next couple of weeks, once the railing is up the south side should be opening up. And if you drove up the bridge today, you witnessed the construction company taking the railing on the north end down. And then, you know, that railing will be going up, too.

And I know -- you know, I live on the island. I get stuck in the traffic, also. But we just need to remember what the island looked like before the project, and what it's gonna look like when it's through. And by the time, you know, the summer comes, it's going to be -- you know, it will be beautiful.

So please, everyone, please have patience. I know it's very hard to have patience at rush hour, when you're trying to get downtown, but you know, just listen to, you know, soft music or something and just --

**COUNCILPERSON LOWE:** Just listen to jazz.

**CHAIR PRO TEM PARDO:** You know, just get through it, because you just have, you know, a month or two left. And that's all I have. Thank you, Madam Chair.

**CHAIRPERSON BROOKS:** You're welcome. Miss Davis?

**COUNCILPERSON DAVIS:** Yes. I want to repeat your comments. The Schooner Inn is gone, thank goodness. And I'm very proud that the City -- the staff -- the City worked out that deal to get that eyesore out of the way. And also, um, yesterday there was a meeting held at the International Port Building that Mrs. Shellyn Lee took the time to go to all of the businesses in -- along the 13<sup>th</sup> Street corridor as far north as Blue Heron Boulevard from Avenue -- I think it's R, is it?

**COUNCILPERSON:** R.

**COUNCILPERSON DAVIS:** R to 13<sup>th</sup> --

**COUNCILPERSON:** Old Dixie.

**COUNCILPERSON DAVIS:** -- Old Dixie. And I have to tell you, it was a very informative meeting, and from all of that we have gotten all of these businesses together and now -- a lot of them didn't know about the Enterprise Zone. So a lot of them now -- we're going to be having a workshop, so to speak, or another meeting, rather, to tell them and inform them of all -- all about the Enterprise Zone and other incentives -- incentives that may be out there for them.

And also from that meeting I did call Mr. Richards, Port Commissioner Richards, last night to tell him that there was some interest in possibly, with all of those rail lines snaking throughout the industrial area, one lady said that she did use the rail a few years ago, but FEC went up on their prices and it was too expensive to ship her product. So I suggested that maybe in talking to the Port that somehow or another, you know, maybe you guys could work out something and you could, you know, see if we can do it that way. But anyway, um, so please make that phone call to them so that they can have that conversation with you. That's all.

**COUNCILPERSON LOWE:** One quick thing, if you don't mind. Public Works, the medians close to I-95, great job.

**CHAIRPERSON BROOKS:** Uh-huh.

**COUNCILPERSON DAVIS:** All of them, yes.

**COUNCILPERSON LOWE:** If you look at it compared to 45<sup>th</sup> Street, it's like night and day. And ours look the best. And you guys have done a wonderful job in improving that corridor and I'm just -- I'm really pleased at how it looks. But I tell you, if you ride down 45<sup>th</sup> Street, it's like night and day. So thank you very much.

**CHAIR PRO TEM PARDO:** The grass looks great.

**CHAIRPERSON BROOKS:** I will do my comments, and then Mayor, I will allow you. And also to Public Works, I have got unsolicited comments about the medians. You know, people come in to visit say, Oh, everything looks so beautiful. So thank you guys for what you do.

First, I want to thank Florida Power & Light for the -- what is it -- the clean-up, the paint your house at -- paint your --

**COUNCILPERSON DAVIS:** The painting.

**CHAIRPERSON BROOKS:** -- the painting that they did very recently over in my area and at Monroe Heights. I think there were about six houses, and there were about 90 volunteers, and they did a phenomenal job a few weeks ago, so I really want to send out a heartfelt thanks to Miss Williams, who -- Miss Ethel Isaac Williams who sponsored all of that.

Just a couple other announcements and then I'll be -- I'll be finished. I know it's late in the evening and we got staff that needs to get out of here and go home. There will be -- the American Cancer Society Relay for Life in Riviera Beach is going to be on Friday the 13<sup>th</sup>, commencing at 6 p.m. and ending on the 14<sup>th</sup>, and it will be at Dan Calloway "Tate" Park. And I do have a team. It's in honor of Bobby Brooks, our former mayor, and I am thankful for that I have gotten a great response from some of our city staff, and I really thank you for that. Please call my number, 845-4032. If anyone within the listening audience hears this, please, I am looking for more team members. We're gonna have great fun, lots of good food, lots of entertainment. Again, the number's 845-4032, and we will sign you up. And that is it for me.

**COUNCILPERSON DAVIS:** Motion to adjourn.

**COUNCILPERSON:** Thank you.

**COUNCILPERSON:** The Mayor.

**COUNCILPERSON DAVIS:** Oh, sorry.

**MAYOR MASTERS:** Miss Davis, I know you're not gonna continue doing that to me.

**CHAIRPERSON BROOKS:** (Unintelligible) by the time we get out of here, Mayor, so I hope it's short.

**COUNCILPERSON LOWE:** You ought to come sit up here, Mayor.

**COUNCILPERSON DAVIS:** I'm sorry.

**MAYOR MASTERS:** I'm fine. I'm right where I wanna be.

**CHAIRPERSON BROOKS:** It's gonna be kinda short, Mayor?

**MAYOR MASTERS:** Today, April the 4<sup>th</sup>, 1968 a great humanitarian civil rights leader was assassinated on the balcony of the Lorraine Hotel in Memphis, Tennessee. And as we remember Dr. King, let us continue to stand up for the principles that he died for, justice and freedom and liberation and equal rights for all.

I also want to announce that we have two new businesses in the last two weeks that have come into our city and established themselves, and I would like to at least once a month welcome the new businesses and highlight the new businesses and have the owners here and give them some recognition or do it -- figure out something. But anyway, one new business is located right behind Bank of Atlantic on Blue Heron Boulevard. It is a beauty salon. It's called Goddess.

And then we have a new political business for the first time in the history of the city that I know of. We have a president who has established a presence in the City of Riviera Beach. Organizing America is in -- connected to President Barack Obama's re-election. The business, the beauty salon, is looking for new customers, of course, and of course, the Re-election of President Obama's looking for volunteers here in the City of Riviera Beach.

I do want to say this, because I think everyone knows that I speak how I feel, and I don't try to go away not satisfied, but I do want to say to Global Ministries, welcome you here to the city. I'm somewhat disappointed that as you continue to work with minority communities in the great housing projects that you do, that you do not have a minority on your board. I hope that you would consider and reconsider that position, and if not, at least here in the City of Riviera Beach, that you would maybe birth an advisory council, or an advisory board of the residents, or a few of the residents, to work with you. I think it's important to have that input and feedback.

Last, but not least, April the 15<sup>th</sup>, which is the Sunday after Easter, there is a march that's being planned by pastors, elected officials -- I mean, participants, rather, elected officials, ministers, students and parents, and civic organizations. I can tell you civil rights organizations, NAACP, The Urban League, and others, Democrats and Republicans, black and white, are all coming together for this march to ask for justice for Trayvon Martin. According to the latest CNN poll, 75 percent of all Americans feel that Mr. Zimmerman should be arrested. There cannot be justice until there is an arrest, and 75 percent of all Americans feel there should be an arrest.

This march would not only highlight the issue as it relates to Trayvon Martin, but it will also highlight what we must do to save black males shooting and killing that is happening in various communities, in Riviera Beach, as well. So I wanted to make sure that the public is well aware of that march.

Stop the violence, start the healing, save the children, and give peace a chance. Thank you.

**CHAIRPERSON BROOKS:** Thank you, Mayor. Any other (unintelligible)?

**COUNCILPERSON DAVIS:** Move to adjourn.

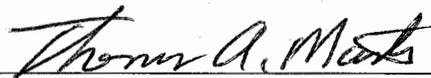
**CHAIRPERSON BROOKS:** Okay. So moved.

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS, THE MEETING WAS DULY ADJOURNED AT 10:07 P.M.**

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

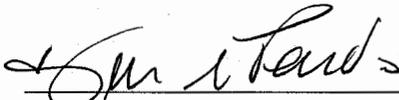
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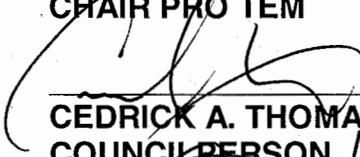
  
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**THOMAS A. MASTERS  
MAYOR**

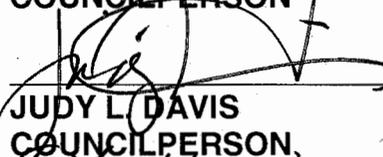
  
\_\_\_\_\_  
**BILLIE E. BROOKS  
CHAIRPERSON**

**ATTEST:**

  
\_\_\_\_\_  
**CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK**

  
\_\_\_\_\_  
**DAWN S. PARDO  
CHAIR PRO TEM**

  
\_\_\_\_\_  
**CEDRICK A. THOMAS  
COUNCILPERSON**

  
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**JUDY L. DAVIS  
COUNCILPERSON**

  
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**SHELBY L. LOWE  
COUNCILPERSON**

**MOTIONED BY: D. PARDO**

**SECONDED BY: J. DAVIS**

**B. BROOKS AYE**

**D. PARDO AYE**

**C. THOMAS AYE**

**J. DAVIS AYE**

**S. LOWE AYE**

**DATE APPROVED: 05/02/2012**