

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, JANUARY 5, 2011 AT 6:30 P.M.**

***ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE LEGISLATIVE ASSISTANT PRIOR TO THE BEGINNING OF THE MEETING. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.***

**CITY CLERK CALLS TO ORDER**

**Roll Call**

Chairperson Pardo was present and presided. Upon a roll call by Deputy City Clerk Anthony, the following were present: Mayor Thomas A. Masters; Chairperson Dawn S. Pardo; Chair pro tem Judy L. Davis; Councilperson Billie E. Brooks; and Councilperson Cedrick A. Thomas. Also present were: City Manager Ruth Jones; Deputy City Clerk Claudene Anthony; and City Attorney Pamala H. Ryan.

Councilperson Lowe was tardy.

**Invocation/Pledge of Allegiance**

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

**AGENDA Approval:**

**Additions, Deletions, Substitutions**

City Manager Jones stated the following revisions were made to the agenda: delete No. 5 – resolution reference Utility Special District.

**Disclosure By Council**

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

Councilperson Brooks stated that the nominee for the Fire Pension Board, Bobbie Brooks, Jr., was her son.

## **Adoption of Agenda**

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Davis** to adopt the agenda as amended.

**MOTION**

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

**MOTION APPROVED**

## **CONSENT AGENDA**

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

## **MINUTES**

1. **MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 15, 2010.**

## **RESOLUTIONS**

2. **RESOLUTION NO. 1-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE INTERLOCAL AGREEMENT FROM PALM BEACH COUNTY – OFFICE OF CRIMINAL JUSTICE COMMISSION IN THE AMOUNT OF \$52,254; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 2-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TEMPORARY INCREASE OF THE COMPLEMENT OF COMMANDERS FROM THREE (3) TO FIVE (5) UNTIL SEPTEMBER 15, 2011 AT WHICH TIME ALL TEMPORARY POSITIONS CREATED BY THIS ACTION WILL BE ABSORBED INTO THE AUTHORIZED COMPLEMENT; AUTHORIZING THE POLICE DEPARTMENT TO FUND SAID POSITIONS THROUGH THE EXISTING BUDGET AND THROUGH THE ATTRITION OF PERSONNEL; AND AUTHORIZING A BUDGET TRANSFER OF \$4,396 FROM**

OVERTIME ACCOUNT 001-0822-521-0-1203 TO REGULAR SALARIES ACCOUNT 001-0822-521-0-1201; AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 3-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE COMPUTER, TECHNOLOGY, EMAIL AND INTERNET USAGE POLICY FOR ELECTED OFFICIALS, ALL EMPLOYEES, AND COMPUTER AND TECHNOLOGY USERS; AND PROVIDING FOR AN EFFECTIVE DATE.

**ITEM PULLED FOR DISCUSSION**

Deputy City Clerk Anthony read the aforementioned resolution into the record.

A motion was made by Chair pro tem Davis and seconded by Councilperson Brooks to approve Resolution No. 3-10.

MOTION

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

MOTION APPROVED

5. A RESOLUTION NO. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE 2010-2011 UTILITY SPECIAL DISTRICT BUDGET BY ADDING THE CLASSIFIED POSITION OF EXECUTIVE ASSISTANT AND BY DELETING THE CLASSIFIED POSITION OF STAFF ASSISTANT FOR THE UTILITY SPECIAL DISTRICT; AND PROVIDING AN EFFECTIVE DATE. **ITEM**

**DELETED**

#### END OF CONSENT AGENDA

A motion was made by Chair pro tem Davis and seconded by Councilperson Thomas to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

#### PETITIONS AND COMMUNICATIONS FOR FILING

NONE

#### AWARDS AND PRESENTATIONS

6. PRESENTATION BY MELVIN WYNDS CONCERNING DISCOUNTS AT ED MORSE HONDA FOR CITY EMPLOYEES AND THEIR FAMILIES.

Melvin Wynds, Ed Morse Honda, gave a presentation on the employee/immediate family member discount being offered to city employees and retirees.

## PUBLIC HEARINGS

## ORDINANCES ON SECOND READING

NONE

## ORDINANCES ON FIRST READING

7. **ORDINANCE NO. \_\_\_\_ AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II ENTITLED "GENERAL EMPLOYEES" CHAPTER 14 ENTITLED "PENSIONS AND RETIREMENT PROGRAMS" BY REVISING SECTION 14-24 ENTITLED "RETIREMENT BENEFITS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES BY PROVIDING FOR A \$700 MINIMUM BENEFIT FOR RETIREES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AND EFFECTIVE DATE.**

**Deputy City Clerk Anthony** read the aforementioned ordinance into the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to adopt the ordinance on first reading.

### MOTION

**Fane Lozman, E 13<sup>th</sup> Street**, stated that he had a problem with retroactively doing things after the fact.

**William Burrs, Canterbury Drive S**, stated that the pension board had worked on this matter for a few years prior to it being presented to the City Council. He stated that the board hosts a meeting with all of the actuaries and the city council should attempt to be present so that they could be informed on the progress of the pension board.

**Cynthia Becton, W 24<sup>th</sup> Street**, stated that she was in support of the ordinance and that it was a people issue not a number issue. She stated that the group of individuals needed representation in a form that would bring them on par and would allow them to move forward more economically.

**Bonnie Larson, W 27<sup>th</sup> Street**, stated that the state of the economy was poor and so was the economy for the city. She inquired about the financial impact if the ordinance was adopted.

A lengthy discussion ensued amongst the mayor, city council, staff, and Mr. Ken Harrison, attorney for the General Employees Pension Board.

Upon a roll call vote by Deputy City Clerk Anthony, the motion failed with Councilpersons Brooks, Davis, Pardo, and Thomas dissenting.

**MOTION FAILED**

**COMMENTS FROM THE PUBLIC – 8:00 PM\*<sup>1</sup> – Non Agenda or Consent Item Speakers (Three Minute Limitation)** *Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.*

**Anthony Miller, Palm Beach Gardens**, stated that his company provides tours of the Kennedy bunker and the Coast Guard station on Peanut Island as well as other events. He stated that his company currently had plans to open a café, improve esthetics around the museum, and improve the educational programs available to children. Mr. Miller stated that the plans have been submitted to the county.

**Gerald Ward, W 20<sup>th</sup> Street**, stated that the city needed to consider the Florida Retirement System in an effort to demolish the pension boards. He stated that the city council needed to establish a meeting structure for workshops, special meetings, and closed executive sessions. Mr. Ward continued with stating that he felt the reason the city could not move forward with various projects, but especially the marina project, was because process and procedures were not being followed.

**David Cross, Sugar Sands Blvd**, stated that the benefit package for city employees was plush and suggested that during negotiations with the three unions, benefit packages should be negotiated wherein new employees would share in the cost of the benefits offered.

**Fane Lozman, E 13<sup>th</sup> Street**, stated that he was questioned about the recall process and that thousands of signatures were collected but the paperwork was not properly endorsed so they were disqualified. He stated that Federal Judge Hurley reinstated a 1983 action he had where he had mentioned naming Ms Jones, Ms Shuttlesworth, and Ms Pardo.

**Phillip Dukes, Avenue T**, announced on January 15<sup>th</sup> Operation ReStore would be hosting Clubb Jam at 1217 Avenue U, 6:00 p.m. until 8:30 p.m. He announced that another fundraiser would be held January 8<sup>th</sup> beginning at 12:00 o'clock noon and that free music and voice lessons were available to children through Operation ReStore.

**Angela Wynn, W 35<sup>th</sup> Street**, wished everyone a Happy New Year and encouraged the residents to exercise their right to vote.

**Bonnie Larson, W 27<sup>th</sup> Street**, stated that during the forum it was stated that maintenance at the marina was mandatory. She inquired as to how maintenance would be monitored to ensure that it took place being that it had not been properly maintained for the past 30 years and if regular maintenance was not done then grant funds would have to be returned to the grantor. She stated that Waste Management was still entering the city prior to 6:00 a.m. and since the contract was currently being negotiated then the city needed to enforce the issue.

**Pamela Williams, W 33<sup>rd</sup> Street**, stated that she was concerned about the 20 businesses located at the marina being held in limbo. She stated that the Committee for a Better Riviera Beach has commenced in circulating its petition however the Task Force was distributing fliers and was trying to inhibit their efforts in obtaining signatures.

**Sylvia Blue, W 1<sup>st</sup> Street**, addressed information indicated on fliers being distributed by the Citizens Task Force regarding the Committee for a Better Riviera Beach.

**Michael Sloser, N Ocean Drive**, stated that he supported the petition being circulated to change the charter back to its original state and that the efforts were not to take away ownership of the marina because it would always be owned by the city. He stated that the purpose of the petition was to correct what was taken away by the passing of the referendum which was economic opportunities.

**Ron Leonard, Avenue H East**, announced that a forum would be held at the Palm Beach Convention Center hosted by the Black Educators Caucus on January 14<sup>th</sup> beginning at 6:00 p.m. until 9:00 p.m. and encouraged the participation of parents and children.

**William Burrs, Canterbury Drive S**, stated that he was not surprised by the actions of most of the councilpersons that did not support the ordinance reference retirement benefits. He stated that a retiree who would not have benefitted from the adoption of the ordinance was very hurt about the actions of the board.

**Bruce Guyton, W 26<sup>th</sup> Court**, announced that he was candidate seeking the seat for District 5. He stated that one of the things he wanted to focus on was the development of the city's economy and streamlining the city council. He stated that he would be proposing the elimination of the ceremonial mayor position no matter who was in the seat.

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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**

**DISCUSSION & DELIBERATION**

**8. FINANCE DIRECTOR'S ANNUAL FINANCIAL REPORT AS OF 9/30/2010.**

**Karen Hoskins, Interim Finance Director**, presented the Annual Financial Report as of September 30, 2010.

**Fane Lozman, E 13<sup>th</sup> Street**, inquired as to why the overtime for the Police Department was dramatically higher than what was budgeted.

**Gerald Ward, W 20<sup>th</sup> Street**, stated that time should be provided to go through each item listed in the document. He stated that the finance director should be investing the city's funds just as a previous finance director once did instead of utilizing the state's financial pool.

**BOARD APPOINTMENT(S)**

**9. APPOINT/ REAPPOINT MEMBERS TO THE ZONING BOARD OF ADJUSTMENT AND PLANNING AND ZONING BOARD.**

A motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to reappoint Stuart Cunningham to the Zoning Board of Adjustment and reappoint Rena James to the Planning and Zoning Board and move Richard Baumgart to a regular appoint from second alternate on the Planning and Zoning Board.

**MOTION**

**Gerald Ward, W 20<sup>th</sup> Street**, stated that both boards needed to be up to complement and it was a necessity to keep both boards operating at full capacity. He stated that advertisement through the media and Channel 18 was not sufficient and that maybe Community Development Staff could possibly go out into the community.

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

**MOTION APPROVED**

**10. REAPPOINT MR. BOBBIE E. BROOKS, JR. TO A TWO YEAR TERM TO THE FIRE PENSION BOARD.**

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Thomas** to reappoint Bobbie Brooks Jr. to the Fire Pension Board.

**MOTION**

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilperson Brooks abstaining.

**MOTION APPROVED**

### **DISCUSSION BY THE CITY MANAGER**

**City Manager Jones** stated that a formal presentation on the public forums held regarding the marina project would be conducted at the next City Council Meeting. She stated that it was requested to provide how many would be attending Palm Beach County Day scheduled for March 8<sup>th</sup> so that proper accommodations could be made. She announced that the Dr Martin Luther King Jr Celebration would kick-off January 7<sup>th</sup> 7:30 p.m. until 9:00 p.m. at Dan Calloway Recreational Complex at Tate Center with a Praise Dance Extravaganza.

### **LEGAL DISCUSSION/REQUEST**

**City Attorney Ryan** inquired as to whether the city council desired a Closed Executive Session on the appeal for City of Riviera Beach vs Riviera Beach Citizen Task Force et al. She stated that if the city council was still inclined to hold the session, she was requesting that it be scheduled for January 10<sup>th</sup>.

There was a consensus by the City Council to schedule a Closed Executive Session January 10, 2011 at 6:30 p.m.

### **DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL**

**Chairperson Pardo** inquired as to when the negotiations on the waste contract would be completed. She inquired about a complaint received from some residents as it related to individuals removing liquid from train cars on the tracks near Martin Luther King Jr. Blvd. She stated that the lifeguard/concession building that was under construction was being utilized by homeless individuals. She inquired as to whether or not the legislative priorities were compiled to submit to the state and federal lobbyists.

**Chair pro tem Davis** stated that Youth Build was conducting a fundraiser wherein they were selling protective devices at a cost of \$10 for City/CRA employees and \$20 for the general public with \$10 going to Youth Build. She stated that it was the city council's responsibility to do the will of the people and to act in the best interest of the city. Councilperson Davis stated that the city council could resolve the issue itself by asking the residents to first repeal the referendum approved November 2<sup>nd</sup> and then ask the citizens whether or not they want a mega yacht facility located on city owned property and asked for the city council's consideration on the matter.

**Councilperson Brooks** appealed to the businesses within the city to financially support various city programs that were in need of support i.e. the scholarship program or the summer academic program.

**Councilperson Thomas** announced to the residents that if they were in need of a number for any of the city's departments to call the information booth at 845-4000. He stated that there was a need for the residents to band together and fight for the charter schools located within the community which the school board was trying to eliminate them.

**Councilperson Lowe** stated that the city had the ability to do some major revitalization if only everyone would work together. He stated that he felt the Martin Luther King Jr Parade should be held on Martin Luther King Jr Blvd.

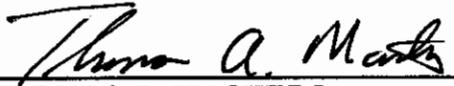
**Mayor Masters** announced that the president of Rust University and the mayor of Richmond, VA both agreed in writing that they would participate in a relationship with the city by way of offering one full four year scholarship to a student of the city to Rust University and a \$2,000 discount to any student attending the school; and Virginian Union University was offering \$1,000 scholarships to the first 20 students from the city. He announced that Dr. Julius Garvey, son of the late Marcus Garvey, would be the guest speaker at the Senior Citizens Luncheon. He read into the record a letter received from the Riviera Beach Youth Recreation Association regarding their celebration of Black History Month.

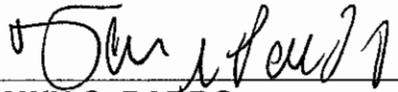
### **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 9:50 p.m.**

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

APPROVED:

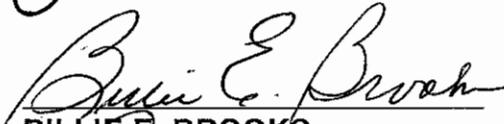
  
THOMAS A. MASTERS  
MAYOR

  
DAWN S. PARDO  
CHAIRPERSON

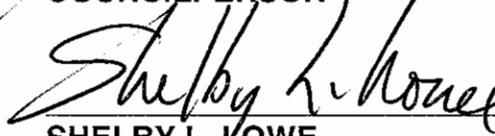
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
JUDY L. DAVIS  
CHAIR PRO TEM

  
BILLIE E. BROOKS  
COUNCILPERSON

  
CEDRICK A. THOMAS  
COUNCILPERSON

  
SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: C. THOMAS  
SECONDED BY: B. BROOKS

D. PARDO AYE  
J. DAVIS AYE  
B. BROOKS AYE  
C. THOMAS AYE  
S. LOWE AYE

DATE APPROVED: 01/19/2011