

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 16, 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 City Clerk Ward, the following were present: Mayor Thomas A. Masters; Chairperson Dawn S. Pardo; Chair pro tem Judy L. Davis; Councilperson Billie E. Brooks; Councilperson Cedrick A. Thomas; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

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

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones stated that the resolution heading on the agenda for No. 3 was revised to coincide with the resolution heading provided in agenda package.

Disclosure By Council

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

NONE

Adoption of Agenda

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

MOTION

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

MOTION APPROVED

CONSENT AGENDA

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

MINUTES

1. NONE

RESOLUTIONS

2. RESOLUTION NO. 16-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING FIRE RESCUE TO PURCHASE THREE (3) STAFF VEHICLES UNDER THE 2011 FLORIDA SHERIFFS ASSOCIATION OF FLORIDA PURCHASING CONTRACT #10-18-0907, FROM DUVAL FORD, JACKSONVILLE, FLORIDA, AND HUB CITY FORD, CRESTVIEW, FLORIDA, IN THE TOTAL AMOUNT OF \$88,415.00; AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 303-0920-522-0-6451; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Resolution No. 16-11.

MOTION

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

MOTION APPROVED

3. RESOLUTION NO. 17-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE FUNDS FOR THE PURCHASE OF CARPETING FOR THE LIBRARY FROM MOHAWK CARPET DISTRIBUTING, LP, OF GREENSBORO, NC AT A COST OF \$ 25,716.85 AND THE INSTALLATION OF SAME CARPETING FOR THE FLOORING LADY OF PEMBROKE PARK, FL AT A COST OF \$25,422.92, BY PIGGYBACKING FROM THE STATE OF FLORIDA CONTRACT NO. 360-240-06-1, CARPET AND FLOORING MATERIALS, PLUS \$2,000.00 FOR OTHER PROJECT RELATED COSTS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE AGREEMENT; AND PROVIDE AN EFFECTIVE DATE.
4. RESOLUTION NO. 18-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, AND THE CITY OF RIVIERA BEACH; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SECOND AMENDMENT TO INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. 19-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT – OFFICE OF CRIMINAL JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$116,500; AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET; AND PROVIDING AN EFFECTIVE DATE.
6. RESOLUTION NO. 20-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH SONG AND ASSOCIATES OF WEST PALM BEACH, FLORIDA FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES FOR DEVELOPMENT OF DESIGN SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND RELATED SERVICES FOR A NEW RIVIERA BEACH PUBLIC WORKS COMPLEX; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING

NONE

AWARDS AND PRESENTATIONS

NONE

PUBLIC HEARINGS

7. **RESOLUTION NO. 21-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FINDING THAT THE PROPOSED CONSTRUCTION OF A 24,000 SQUARE FOOT NATURAL GAS COMPRESSOR STATION ON THE 72 ACRE DEVELOPMENT OF REGIONAL IMPACT SITE LOCATED AT 2400 PORT WEST BOULEVARD AND OWNED BY FLORIDA POWER AND LIGHT IS NOT CONSIDERED TO BE A SUBSTANTIAL DEVIATION TO THE DEVELOPMENT OF REGIONAL IMPACT AND WILL NOT CREATE SIGNIFICANT REGIONAL IMPACTS ON REGIONAL RESOURCES AND FACILITIES IN THE AREA; APPROVING AN AMENDMENT TO THE DRI SITE PLAN TO INCLUDE THE COMPRESSOR STATION; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward 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. 21-11.

MOTION

A presentation was made by Ethel Isaacs Williams, Esq., legal representative for Florida Power & Light and Chuck Millar, FP&L representative.

Fane Lozman, E 13th Street, inquired as to whether or not an environmental impact was conducted for the dismantling of the towers to ensure the safety of those who work at the port as well as the marina.

George Carter, Palm Drive, inquired as to whether or not it was discussed to reduce the electric bills of the customers within the city instead of receiving the potential revenue.

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

MOTION APPROVED

8. **RESOLUTION NO. 22-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN APPLICATION FROM STACEY MCKINDLES, OWNER OF**

BUDDY'S CAFÉ LOCATED AT 2431 BEACH COURT, FOR AN EXTENDED HOURS LICENSE ALLOWING THIS ESTABLISHMENT TO REMAIN OPEN UNTIL 5:00 A.M. ON WEEKDAYS, WEEKENDS AND HOLIDAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Lowe** to approve Resolution No. 22-11.

MOTION

Ted Seay, Powell Drive, urged the city council to approve the proposed resolution.

Shain Meeink, S Ocean Drive, urged the city council to approve the proposed resolution.

Fane Lozman, E 13th Street, stated that he could not understand why such an onerous hardship was being placed on a business owner when it was not done in the past. He stated that he did not think it was fair and the license should be granted without the required security stipulation.

Stacey McKindles, Beach Court, stated that she complied with all the stipulations attached to the temporary extension approved at the December 15th City Council Meeting. She stated that she provided information on the revenue the business generates during the hours of 2:00 a.m. until 5:00 a.m. She stated that she was concerned about how the generated revenue would be affected if the resolution was not approved.

Mike O'Brien, Surf Road, urged the city council to approve the proposed resolution.

Jim Jackson, Sugar Sands Blvd, urged the city council to approve the proposed resolution but understood there were residents on the island that did not approve of the establishment being granted the extended hour's license.

Michael Sloser, N Ocean Drive, urged the city council to not approve the proposed resolution.

A lengthy discussion ensued amongst the city council.

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

MOTION FAILED

ORDINANCES ON SECOND READING

NONE

ORDINANCES ON FIRST READING

9. **ORDINANCE NO. 3088** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES" BY AMENDING ARTICLE I ENTITLED "IN GENERAL" BY AMENDING SECTION 3-6 ENTITLED "RESTRICTED HOURS; EXTENDED HOURS LICENSES" BY REQUIRING YEARLY APPROVAL BY THE CITY COUNCIL FOR EXTENDED HOURS LICENSES; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Thomas** to approve Ordinance No. 3088 on first reading. Motion failed for lack of second.

MOTION FAILED

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.*

Warrie Leonard, W 23rd Street, stated that a workshop was held on February 10th at Phil Foster Park regarding a locating a sanctuary under the bridge and there were no representatives from the city. She stated that an additional workshop would be held and requested that the elected officials and/or city staff should attend to at least hear what was being proposed. She inquired as to whether or not the city has installed or will be installing cameras at red lights. She stated that the city needed to put something in place as it related to portable storage units; and that as elected officials, how could respect be warranted when citizens voiced their opinion regarding the marina on November 2nd and the issue was back on the March 8th ballot.

Alfreda Masters, thanked the mayor, on behalf of his family, for caring for their 98 year old mother. She stated that he's had a concern for senior citizens since he was a child and that anything he did for them was from the heart and not political. She stated that she was a patron of Buddy's Café whenever she came to town and would hate to see it go out of business.

Dee Cunningham, Old Dixie Highway, encouraged citizens to vote no on the referendum question that would appear on the March 8th ballot. She stated that the proposed project for the marina was not economically beneficial for the city nor was it environmentally friendly. She stated that there was always talk about being business friendly and sometimes that entailed businesses being open until 5:00 a.m.

Anthony Paulk, W 9th Street, stated that he was submitting a letter regarding information from a citizens' charrette that was previously held. He stated that funding was expended on charrettes, consultants, and various resources to assist in providing information to the city on what the citizens wanted, establishing the best direction to move that would be economically and environmentally feasible for the city but the information was not utilized.

Somer Shepherd Thomas, expressed words of appreciation for the support provided to her cousin in the fundraising efforts of the AKA's.

Margaret Shepherd expressed words of appreciation for the support provided to her granddaughter Somer in her fundraising efforts through the years for the AKA's.

Emma Bates, W 26th Street, expressed words of appreciation to the mayor and everyone who provided support for the upcoming Beautician Ball which was scheduled for February 20th beginning at 8:00 p.m. at Newcomb Hall. She stated that negative things were sent to Tallahassee regarding her and the Task Force. She stated that a letter was provided from Tallahassee stating that the claim was insufficient and there were no grounds to prove anything was done wrong with the fliers.

Lynne Hubbard, W 23rd Street, stated that despite what some elected officials may think, the majority of the city's residents were not drug addicts or alcoholics and that they were members of skilled labor unions. She encouraged individuals to vote no on the referendum question that would appear on the March 8th ballot.

Rodney Roberts, W 14th Street, stated that the passing of the referendum question on the November 2nd ballot had no bearing on the city's and CRA ability to proceed on the wet slips, the bulk head, and the dry stack storage facility of the marina. He stated that he felt that elected officials were stalling while Rybovich built political power supporting candidates that he felt would not know a diamond if it cut them.

Fane Lozman, stated that maybe the city should consider voting to let the sheriff's office take over law enforcement services within the city in order to save funds. He stated that he was granted an oral argument in his admiralty appeal by the 11th Circuit Court of Appeal and if successful, the city would have to compensate him for his floating home that was destroyed.

Phillip Dukes, Avenue T, applauded Councilperson Lowe for his stance regarding the proposed deal with Rybovich. He stated that Rybovich was a predator and was trying to pimp the city. He encouraged the citizens to vote against the referendum question that

would be on the March 8th ballot.

William Burrs, Canterbury Drive S, encouraged the residents to vote no on the referendum question that would appear on the March 8th ballot. He stated that in listening to various council members speak on the matter regarding Buddy's Café, it was evident that certain individuals were in support of the matter until Councilperson Pardo spoke. He encouraged the residents to listen to Bro. Carl at 4:00 p.m. on February 17 on radio station 107.1 FM.

Will Vanntta, N Ocean Drive, stated that the waters around the marina, Ocean Reef Park, Phil Foster Park, and Peanut Island were polluted by non-organic pollutants. He stated that the pollutants were from the industries that serviced the boats of rich individuals that invest their funds else where and this type of business deal was called a plantation relationship. He encouraged the residents to vote no on the referendum question that would be on the March 8th ballot.

LaTasha Anderson, W 33rd Street, stated that she despise politics because of their tactics and antics. She stated that her mother had no alternative motive; she just wanted to see development at the marina. She stated that her mother did not want to see her grandchildren or great grandchildren be forced to move else where for better opportunities. She stated that we all needed each other.

Pamela Williams, W 33rd Street, stated that she was not politicking. She stated that she was in support of those who could afford childcare, were on fixed incomes, who could find a job although they had obtained a skill. She encouraged residents to vote yes on the referendum question that would appear on the March 8th ballot.

Nora Mahoney, Broadway, stated that the Planning and Zoning Board meetings needed to be televised. She requested the status of the stimulus package funding for various projects within the city. She stated that she attended a forum hosted by SICA and there was discussion regarding the budget, she suggested that the elected officials cut their salaries by half. She inquired as to the status of hiring additional Code Enforcement Officers as well as the two officers that were suppose to be present in the CRA district.

Mike Mahony, Broadway, stated from his understanding, the Code Enforcement Division only had two code enforcement officers and since the Police Department was over that division should they be called whenever a code enforcement issue arose. He stated that the US 1 issue was important and encouraged the elected officials to push for parking along the corridor.

George Carter, Palm Drive, stated that there were commitments from FP&L as it related to jobs for local businesses and residents but it would not be until 2012 and business owners and residents were in need of opportunities now. He stated that an effort was being put forth to build the bridge amongst business owners within the city and there were two projects on the Consent Agenda wherein he knew of local

businesses that could complete the work but the award went to companies outside of the city. He stated that the elected officials needed to push for parking along US 1.

David Cross, Sugar Sands Blvd, gave an update on the Marketing/Industrial Promotions Committee. He stated that he was disappointed when he learned from his councilperson that the city was proposing to bring back many of the individuals who took advantage of the early retirement package as consultants at \$30 per hour.

*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

NONE

DISCUSSION & DELIBERATION

NONE

BOARD APPOINTMENT(S)

NONE

DISCUSSION BY THE CITY MANAGER

NONE

LEGAL DISCUSSION/REQUEST

City Attorney Ryan stated, in response to an editorial that was in the February 13, 2011 edition of the Palm Beach Post that members of the city council were not served with subpoenas, it was a summons for a lawsuit filed by the Citizens Task Force. She stated on February 15th a motion was filed to consolidate their lawsuit with the lawsuit filed by Fane Lozman for sunshine violations. She stated that two more complaints were added wherein they challenge the city council's approval to place the referendum question by Citizens for a Better Riviera Beach on the ballot. City Attorney Ryan stated that a motion for an expedited hearing was filed the city would be in court next week on the issue. She stated that since the city council did not approve the proposed ordinance to place the two questions on the ballot, the Task Force was challenging the city council on the resolution passed at the last Regular City Council Meeting. She stated that a hearing would be held on February 24th for the judge to determine whether or not the lawsuits could be consolidated.

Councilperson Pardo stated that she had spoken with the city attorney reference

dropping the appeal and that this was as a result of the referendum question that would appear on the March 8th ballot but because of the lawsuit filed by the Citizens Task Force she was not sure that it would be a good idea.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL

Councilperson Lowe stated that the city was faced with very difficult times and the community was torn apart because of the issue with the marina. He stated that the first offering of Rybovich was \$1.2 million upfront with restrictions and they were well aware of the city's financial stability. He stated that the city council should have negotiated in a advantageous posture not disadvantageous. He stated that if Rybovich wanted to assist the city in alleviating some of its financial woes then they should have offered at \$3 million upfront. He stated that it bothered him that the carpet was rolled out for individuals with money but when it came to making the citizens feel that they were a part of the decision making process noses were snubbed. Councilperson Lowe stated that power was out of place and until that changed, the city could not move forward.

Chair pro tem Davis stated that she had spoke with the representatives of Waste Management reference doing minor home repair for some of the residents which some have been completed but they have partnered with Habitat for Humanity to complete the work. She announced that the upcoming project would be called Brush with Kindness and it would be entailing the rehab of 10 homes located on 12th and 13th Street and she encouraged the participation of the city council and work would begin March 1st. Councilperson Davis inquired as to whether or not something would be brought before the city council addressing the issue of portable storage units in the driveway of homes. She stated that it was her opinion that no one should be allowed to campaign on tax payers time and she felt that it had gotten to the point wherein people come for the purpose of addressing individuals who were watching the meeting. She suggested that the city council discuss and consider the turning off of cameras during public comments.

Councilperson Brooks stated that she had inquired of other municipalities as to whether or not public comments were televised and they said no so she felt that it was just a matter of the city council putting something in place.

City Attorney Ryan stated that it could be done and it would not interfere with the recording of the meeting or the transcription of the minutes and there was no requirement to televise public comments.

There was a consensus of the City Council to no longer televise public comments effective immediately.

Councilperson Brooks continued with stating that every effort needed to be put forth by the CRA to work with the owner of Buddy's in marketing her business.

Chairperson Pardo announced that the City of West Palm Beach would be hosting its First Annual Waterfront Celebration on February 20th beginning at 3:00 p.m. and the

city's firefighters would be participating in the chili cook off, admission was \$10, and the proceeds would be donated to various charities with the firefighters portion being donated to the library. She stated that she would be forming a budget committee and encouraged any residents who had experience in budgeting and would like to participate contact the Legislative Office at 845-4095. She stated that she received a response from the city manager in regards to employees that took the early buyout option; she requested that copies be distributed to all members of the city council and it could possibly be addressed at the next city council meeting. She announced that the Palm Beach County Commission on March 22nd at 9:30 a.m. would be hosting a workshop to discuss the breakwater project; she encouraged the residents of Singer Island effected by beach erosion and other costal communities/municipalities to attend.

Mayor Masters stated that the announcement of community events should be televised and possibly put under Awards and Presentations. He announced that on February 24th at 5:30 p.m. the United Nations HIV/AIDS Awareness division would be hosting a workshop. He announced that a job fair would be held February 28th at 2:00 p.m. He requested that the city attorney research the legality of passing an ordinance addressing the timeframe before an ordinance can be repealed.

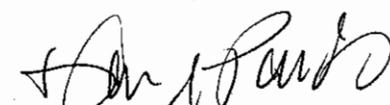
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:55 p.m.

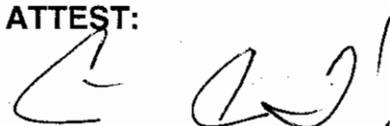
PLEASE NOTE: A COMPLETE RECORDING AND AGENDA PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.

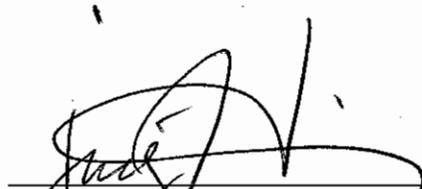
APPROVED:

THOMAS A. MASTERS
MAYOR


DAWN S. PARDO
CHAIRPERSON

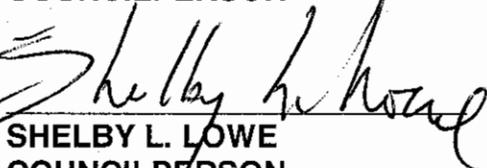
ATTEST:


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: J. DAVIS

D. PARDO AYE

J. DAVIS AYE

B. BROOKS OUT

C. THOMAS AYE

S. LOWE AYE

DATE APPROVED: 03/02/2011