

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, APRIL 20, 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 Davis was present and presided. Upon a roll call by Deputy City Clerk Anthony, the following were present: Chairperson Judy Davis, Councilperson Dawn S. Pardo and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; Deputy City Clerk Claudene L. Anthony; and City Attorney Pamala H. Ryan.

Mayor Masters and Councilperson Brooks were tardy. Councilperson Thomas was absent.

Invocation/Pledge of Allegiance

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

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda: added No. 7(A) – Resolution reference issuance of Community Redevelopment Bond and deleted No. 8 – Ordinance reference amending Chapter 28 of the Code of Ordinances.

Disclosure By Council

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

NONE

Adoption of Agenda

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Lowe** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

CONSENT AGENDA

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

MINUTES

1. **MINUTES FROM THE RIVIERA BEACH CANVASSING BOARD MEETING HELD AT 6:00 P.M., APRIL 6, 2011.**
2. **MINUTES FROM THE REGULAR CITY COUNCIL MEETING AND THE SWEARING IN CEREMONY HELD AT 6:30 P.M., APRIL 6, 2011.**

RESOLUTIONS

3. **RESOLUTION NO. 44-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PUBLIC WORKS DEPARTMENT'S 2010-2011 FISCAL YEAR BUDGET BY INCREASING THE DEPARTMENT'S COMPLEMENT BY CREATING ONE (1) CLASSIFIED SOLID WASTE COMPLIANCE OFFICER POSITION FUNDED BY WASTE MANAGEMENT, INC. OF FLORIDA, AND BY ADDING THE PART-TIME POSITION TO THE CITY'S JOB CLASSIFICATION LIST AND PROVIDING AN EFFECTIVE DATE.**
4. **RESOLUTION NO. 45-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF RIVIERA BEACH TO UTILIZE THE CITY'S CONTRACTS WITH C3TS AND SONG AND ASSOCIATES FOR PROFESSIONAL ARCHITECTURAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.**
5. **RESOLUTION NO. 46-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING**

THE BID FOR INSTALLING ELECTRICAL UNDERGROUND CONDUITS ON SR A1A BETWEEN LAKE DRIVE AND PINE POINT ROAD TO WILCO ELECTRICAL LLC IN THE AMOUNT OF \$33,456.80; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by **Councilperson Lowe** and seconded by Councilperson Pardo to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

NONE

AWARDS AND PRESENTATIONS

6. PRESENTATION – COUNCILMAN SHELBY L. LOWE WILL INTRODUCE WINNERS OF MISS RIVIERA BEACH USA AND MISS RIVIERA BEACH TEEN USA PAGEANT AND GIVE TRIBUTE TO PAGEANT DIRECTOR CECILIA MARTINEZ.

Councilperson Lowe read the tribute to Cecilia Martinez, Ele’Ganzia, Inc. and introduced Amisha Russell, Miss Riviera Beach, USA and Isabella Martinez, Miss Riviera Beach Teen, USA.

7. PRESENTATION - POWERPOINT PRESENTATION OF ORAL HEALTH BY PALM BEACH COUNTY ORAL HEALTH COALITION.

Dr. Claude Earl Fox, MD, gave a presentation on the importance of oral health.

PUBLIC HEARINGS

- 7(A) RESOLUTION NO. 47-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ISSUANCE BY THE RIVIERA BEACH COMMUNITY REDEVELOPMENT REVENUE NOTE, SERIES 2011, IN AN AMOUNT NOT EXCEEDING \$25,570,000 FOR PURPOSES OF FINANCING CERTAIN REDEVELOPMENT PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

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

Chairperson Davis stated that the reason the resolution was placed on the agenda was because it was advertised that it would be on the agenda; however, she was requesting that approval be suspended until April 27th at which time a Special City Council Meeting would be held immediately following the Community Redevelopment Agency Meeting.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Pardo** to suspend approval of the aforementioned resolution until April 27th.

MOTION

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

MOTION APPROVED

ORDINANCES ON SECOND READING

NONE

ORDINANCES ON FIRST READING

8. **ORDINANCE NO. ____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES ENTITLED "SIGNS" BY AMENDING ARTICLE I ENTITLED "IN GENERAL" SECTION 28-1 ENTITLED "DEFINITIONS" AND AMENDING ARTICLE III ENTITLED "CONSTRUCTION AND INSTALLATION STANDARDS" SECTION 28-122 ENTITLED "BILLBOARDS; OFF-PREMISES SIGNS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

ITEM DELETED

COMMENTS FROM THE PUBLIC – 8:00 PM*¹ WILL NOT BE TELEVISED – 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.*

NONE

¹Public 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

9. **RESOLUTION NO. 48-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE APPROPRIATION OF LIBRARY IMPACT FEE FUND BALANCE IN THE AMOUNT OF \$16,179 TO PURCHASE FURNITURE, CONSISTING OF A TABLE AND CHAIRS, STUDY CARRELS AND CHAIRS, AND A STAND UP STUDY CARREL, FOR THE LIBRARY'S AFRICAN AMERICAN AND REFERENCE ROOM AREAS, FROM KI FURNITURE IN THE AMOUNT OF \$16,179; PAYMENT TO BE MADE FROM LIBRARY IMPACT FEES, ACCOUNT NO. 303-1336-571-0-6404; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Pardo** to approve Resolution No. 48-11.

MOTION

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

MOTION APPROVED

10. **RESOLUTION NO. 49-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE APPROPRIATION OF LIBRARY IMPACT FEE FUND BALANCE IN THE AMOUNT OF \$10,238.40 TO INSTALL A VERSASHEILD APPLICATION FROM THE FLOORING LADY ON THE FIRST FLOOR AREAS OF THE LIBRARY TO PERFORM THE CARPET INSTALLATION AT A COST OF \$10,238.40; PAYMENT TO BE MADE FROM LIBRARY IMPACT FEES ACCOUNT NO. 303-1336-571-0-6351 AND PROVIDE AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Pardo** to approve Resolution No. 49-11.

MOTION

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

MOTION APPROVED

11. **RESOLUTION NO. 50-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT FOR A TERM OF TWO (2) YEARS WITH HEATHER CROFT, LLC TO PROVIDE FIFTEEN THOUSAND THREE HUNDRED SIXTY-SEVEN SQUARE FEET (15,367 SQ.FT) FOR POLICE DETECTIVE, CODE ENFORCEMENT AND CIVIL DRUG COURT DAILY OPERATIONS AT AN ANNUAL COST OF \$222,821.50;**

AND NINETEEN HUNDRED AND FORTY-ONE SQUARE FEET (1,941 SQ. FT) OF COMMERCIAL RENTABLE SPACE TO SUPPORT THE JUSTICE SERVICE CENTER AND HURRICANE RELIEF INITIATIVE PROGRAMS DAILY OPERATIONS AT AN ANNUAL COST OF \$28,144.50 AT 2051 MARTIN LUTHER KING BOULEVARD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID LEASE; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE APPROPRIATE OPERATING ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Pardo** to approve Resolution No. 50-11.

MOTION

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

MOTION APPROVED

12. **RESOLUTION NO. 51-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A COMMUNITY BENEFITS POLICY FOR THE EXPENDITURE OF FUNDS DONATED BY WASTE MANAGEMENT INC. OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Pardo** to approve Resolution No. 51-11.

MOTION

A lengthy discussion ensued amongst the City Council and the attorney regarding the explanation for the proposed resolution, at this point Councilperson Pardo suggested, rather than having a councilperson present their request at a City Council Meeting, that the request be presented to the city attorney for determination as to whether or not the request was in compliance with the Community Benefit Policy.

City Attorney Ryan stated that she would draft language to that effect to be presented for approval however a report needed to be provided to ensure other councilpersons were aware of where the funds were being expended. She also stated that her approval would be in writing not verbal. City Attorney Ryan then stated at the request of Councilperson Lowe, cultural events would be added to the policy.

After discussion amongst the city council and the city attorney, Councilperson Lowe withdrew his motion.

DISCUSSION & DELIBERATION

NONE

BOARD APPOINTMENT(S)

NONE

DISCUSSION BY THE CITY MANAGER

City Manager Jones reminded the city council that a Closed Executive Session was scheduled for April 21st at 6:00 p.m. to discuss labor issues. She also reminded them of the Budget Workshop scheduled for April 25th at 6:30 p.m. She announced that beginning May 2nd applications would be accepted for the Outside Agency Summer Grant Funding; and announced that Florida Department of Transportation would be closing the railroad crossing on Blue Heron Boulevard beginning May 1st for approximately 27 days or less in order to complete the improvement of the tracks in an expedient manner. City Manager Jones requested approval to notify Wachovia Bank of the pending subordination of TIFF for repayment of the Wachovia Note. She stated that this was being requested so notification could be provided as soon as possible to not tie up the process as the city attempts to proceed to closing in an expeditious manner on the pending loan the CRA was seeking.

LEGAL DISCUSSION/REQUEST

City Attorney Ryan announced in addition to the Closed Executive Session to discuss labor issues on April 21st, a session would immediately follow to discuss litigation which a memo was previously provided. She stated that the CRA authorized its attorney Michael Haygood to send a letter to Rybovich but it was determined that it would be better if the letter came from the both of them (Atty. Haygood and City Attorney Ryan).

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL

Chair pro tem Brooks expressed words of appreciation to those who volunteered and the organizers for the Great American Clean Up held in Monroe Heights on April 16th.

Mayor Masters stated that he would be traveling to Washington to meet with the chairperson of the US Conference of Mayors, the congressional delegation, and the US Justice Department. He stated that he would also meet with the executives of BET regarding Spring Bling. He announced that he had appointed an Economic Development Commission which would be chaired by Carl Preston. He announced that he would be appointing Ms. Emma Bates to the Riviera Beach Housing Authority Board.

Chairperson Davis announced that a Special Meeting would be held on April 27th immediately following the CRA meeting to consider the CRA's request for financing.

She also announced that she would be rearranging the seating arrangement for the City Council on the dais.

Councilperson Pardo stated that a concerted effort was continuing to obtain funding to alleviate the train stacking along Blue Heron Boulevard and that it would be discussed at the Metropolitan Organization Meeting scheduled for April 21st. Councilperson Pardo announced that a fundraising effort for the library was being conducted wherein a Community Cookbook would be published and sold with all proceeds going to the library. She encouraged residents to submit a great recipe and include their name, address, and telephone number via email or to drop it off at the Legislative Office.

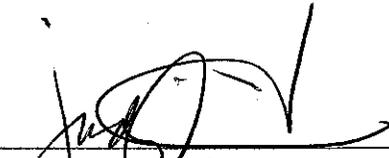
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 7:26 p.m.

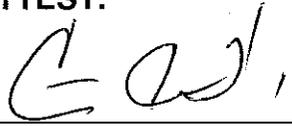
PLEASE NOTE: A COMPLETE RECORDING AND AGENDA PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.

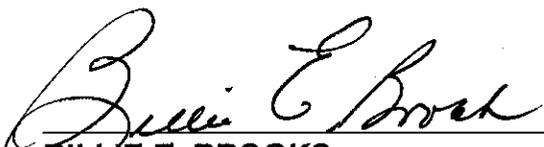
APPROVED:


THOMAS A. MASTERS
MAYOR

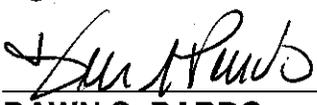

JUDY L. DAVIS
CHAIRPERSON

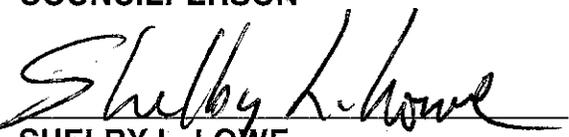
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


BILLIE E. BROOKS
CHAIR PRO TEM


CEDRICK A. THOMAS
COUNCILPERSON


DAWN S. PARDO
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. Brooks

SECONDED BY: C. Thomas

J. DAVIS aye

B. BROOKS aye

C. THOMAS aye

D. PARDO aye

S. LOWE aye

DATE APPROVED: 05/04/2011