

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, MAY 4, 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 City Clerk Ward, the following were present: Chairperson Judy Davis, Chair pro tem Billie E. Brooks; Councilperson Cedrick A. Thomas; Councilperson Dawn S. Pardo 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 Mayor Masters.

**AGENDA APPROVAL:**

**Additions, Deletions, Substitutions**

**NONE**

**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** and seconded by **Councilperson Pardo** 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. MINUTES FROM THE REGULAR MEETING HELD APRIL 20, 2011.

**RESOLUTIONS**

2. RESOLUTION NO. 54-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A CONTRACT WITH THE GOVERNMENT SERVICES GROUP FOR THE ANALYSIS AND DEVELOPMENT OF A FIRE ASSESSMENT AS A MORE EQUITABLE ALTERNATIVE METHOD FOR FUNDING FIRE SUPPRESSION SERVICES BY PIGGYBACKING ON THE WEST PALM BEACH CONTRACT IN RESPONSE TO RFP 07/08-104 AT A COST NOT TO EXCEED \$40,000 FOR PHASE I; PAYMENT TO BE MADE FROM THE OPERATING ACCOUNT NO. 001-0203-519-0-3406; AND PROVIDING AN EFFECTIVE DATE.

**ITEM PULLED FOR DISCUSSION**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve Resolution No. 54-11.

**MOTION**

**Nora Mahoney, Broadway**, inquired as to who was responsible for submitting the proposal for approval.

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

**MOTION APPROVED**

3. RESOLUTION NO. 55-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENTS NOT TO EXCEED \$90,000 FROM THE CITY'S CAPITAL PROJECTS FUNDS TO SAMADI ENGINEERING INC. FOR ENGINEERING SERVICES ON VARIOUS ROAD

**PROJECTS ; AND PROVIDING FOR AN EFFECTIVE DATE.**

4. **RESOLUTION NO. 56-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING BID NO. 297-11 TO CUSTOM MECHANICAL, INC., OF LAKE PARK, FLORIDA TO PROVIDE GENERAL MAINTENANCE, PREVENTATIVE MAINTENANCE AND EMERGENCY REPAIR SERVICES FOR ALL CITY-OWNED HEATING, VENTILATION AND AIR CONDITIONING (HVAC) UNITS IN AN AMOUNT NOT TO EXCEED \$50,000.00 ANNUALLY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE MAINTENANCE SERVICES AGREEMENT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM VARIOUS DEPARTMENTAL ACCOUNTS AND PROVIDING AN EFFECTIVE DATE.**
  
5. **RESOLUTION NO. 57-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING A CONTRACT TO 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 IN THE AMOUNT OF \$389,200.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROFESSIONAL SERVICES CONTRACT; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO TWELVE PERCENT (12%); AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NUMBERS 460-1127-541-0-6201 AND 310-1123-519-0-6251 AND PROVIDING AN EFFECTIVE DATE.**

**ITEM PULLED FOR DISCUSSION**

**City Clerk Ward** read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve Resolution No. 57-11.

**MOTION**

**Councilperson Thomas** stated that he believed there was an issue with this project as it related to subcontractors. He stated that if the proposed resolution and contract was approved, it should be done contingent upon Mr. Johnson, Interim Public Works Director, meet with the representatives from Song and Associates and the RCT Engineers to ensure the subcontractor's compensation was conducive with the services to be provided.

After a discussion ensued amongst the city council and the representative from Song and Associates, City Attorney Ryan recommended that the city council table approval of the proposed resolution and contract until the language within the contract was changed and presented for approval.

Upon a roll call vote by City Clerk Ward, the vote was unanimous to postpone approval of the aforementioned resolution.

**POSTPONED**

6. **RESOLUTION NO. 58-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PAYMENT OF \$7,704 TO KDT SOLUTIONS, INC. FOR VIRTUAL COMPUTER SOFTWARE LICENSES AND MAINTENANCE, AND \$2,196 AS A PROJECT CONTINGENCY FOR FUTURE SERVICES AS NEEDED, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 305-0243-519-0-6351; AND PROVIDING AN EFFECTIVE DATE.**
7. **RESOLUTION NO. 59-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, TO AWARD BID NO. 294-11 FOR FOUR BARRACUDA NETWORKS SECURITY PRODUCTS AND SERVICES IN THE AMOUNT OF \$28,226 TO THE LOWEST RESPONSIVE & RESPONSIBLE BIDDER EN POINTE TECHNOLOGIES, INC. OF GARDENA, CALIFORNIA AND FOR THE INTERIM FINANCE DIRECTOR TO AUTHORIZE THE PURCHASE AND MAKE PAYMENT FROM ACCOUNT NUMBER 305-0243-519-0-6351; AND PROVIDING AN EFFECTIVE DATE.**
8. **RESOLUTION NO. 60-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED THE BID FOR FURNISHING SIX ALUMINUM POLES FOR LITTLE BLUE HERON BRIDGE LIGHTING TO THE SIGNAL GROUP, INC. IN THE AMOUNT OF \$25,317.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 310-0716-541-3-6351; AND PROVIDING FOR AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve the Consent Agenda as amended.

**MOTION**

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

**MOTION APPROVED**

**PETITIONS AND COMMUNICATIONS FOR FILING**

**AWARDS AND PRESENTATIONS**

9. **PRESENTATION BY REPRESENTATIVES OF FDOT REGARDING CLOSING AND CONSTRUCTING IMPROVEMENTS TO THE DIXIE HIGHWAY/BLUE HERON BOULEVARD INTERSECTION IN MAY, 2011.**

A representative from Florida Department of Transportation provided an overview on the closing of the railroad crossing located at Blue Heron Boulevard and Old Dixie Highway.

10. **PRESENTATION BY DWIGHT D. CHENETTE, MPH, MBA, CHIEF EXECUTIVE OFFICER OF THE HEALTH CARE DISTRICT OF PALM BEACH COUNTY.**

A presentation was given by Dwight Chenette, CEO of the Health Care District of Palm Beach County.

**PUBLIC HEARINGS**

**ORDINANCES ON SECOND READING**

NONE

**ORDINANCES ON FIRST READING**

11. **ORDINANCE NO. 3091 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 ADDING A DEFINITION FOR DIGITAL BILLBOARD IN SECTION 28-1; BY AMENDING ARTICLE III ENTITLED "CONSTRUCTION AND INSTALLATION STANDARDS", SECTION 28-122 BY PROVIDING FOR DIGITAL BILLBOARD SPECIFICATIONS; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned ordinance into the record.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve Ordinance No. 3091 on first reading.

**MOTION**

**Bonnie Larson, W 27<sup>th</sup> Street**, encouraged the city council not to approve the proposed ordinance.

**Jeff Gagnon, Planning and Zoning Administrator**, gave a presentation.

**Michael Brown, Esq., representing Clear Channel**, stated that it was the desire of his client to have the billboards located in or near the most traveled areas which was I-95. He stated that his client agreed with the contents of the ordinance and

had also agreed to provide community service announcements on the billboards on behalf of the city.

Upon a roll call vote by Chairperson Davis, the vote was unanimous.

**MOTION APPROVED**

12. **ORDINANCE NO. 3092 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I ENTITLED "IN GENERAL" SECTION 31-1 ENTITLED "DEFINITIONS" AND AMENDING ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" SECTION 31-544 ENTITLED "DAYCARE AND OTHER PRESCHOOL FACILITIES"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned ordinance into the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** to approve Ordinance No. 3092 on first reading.

**MOTION**

A presentation was given by Mary McKinney, Community Development Director.

**Councilperson Thomas** stated that he desired for the fee to be waived for up to one year because the benefit outweighed the application fee. He stated that if the waiver of fee was not amenable then at least allow the initial businesses to share in the fee.

**Martina Wimberly, W 25<sup>th</sup> Street**, stated that this approval would allow siblings to be kept together rather than parents having to drop off their kids to various locations.

**William H. Burrs, Canterbury Drive S**, stated that the city council should waive the application fee and encourage them to support the proposed ordinance.

An amended motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to include one year of the special exception being waived in the ordinance.

**AMENDED MOTION**

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

**MOTION APPROVED**

**COMMENTS FROM THE PUBLIC – 8:00 PM\*<sup>1</sup> 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.

**Mike Mahoney, Broadway**, requested that the city contact whoever was responsible for maintaining the area between the sidewalks and streets along US1. He inquired as to whether or not the city was enforcing the code.

**Bonnie Larson, W 27<sup>th</sup> Street**, stated that the issue regarding the dilapidation Schooner Inn has been discussed since 2009; she inquired as to when was the city going to demolish the building as was indicated in 2010.

**Cynthia Phillips**, stated that the boatyard business that’s located in her neighborhood was considered industrial not commercial and that she was currently waiting for a report from Tallahassee as to whether or not the facility should be located there.

**Artis Reeves, E 24<sup>th</sup> Street**, stated that he has consistently requested assistance from the city regarding his property but nothing had occurred as of todate. He stated that it was indicated that someone met with him regarding his property and that was not true.

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

**13. RESOLUTION NO. 61-11 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 AGREEMENT BETWEEN AMERICAN ASSOCIATION OF RETIRED PERSON (AARP) FOUNDATION, TO PERMIT THE CITY OF RIVIERA BEACH TO BE A HOST WORKSITE FOR A JOB-TRAINING PROGRAM FOR SENIOR AGES 50 AND OLDER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned resolution into the record.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 61-11.

**MOTION**

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

**MOTION APPROVED**

**14. RESOLUTION NO. 62-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING**

THE TEMPORARY INCREASE OF THE COMPLEMENT OF SERGEANTS FROM SIXTEEN (16) TO EIGHTEEN (18) UNTIL SEPTEMBER 30, 2011 AT WHICH TIME ALL TEMPORARY POSITIONS CREATED BY THIS ACTION MAY 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 PROVIDING AN EFFECTIVE DATE.

**City Clerk Ward** read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve Resolution No. 62-11.

**MOTION**

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Lowe dissenting.

**MOTION APPROVED**

15. **RESOLUTION NO. 63-11 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.**

**City Clerk Ward** read the aforementioned resolution into the record.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Resolution No. 63-11.

**MOTION**

**William Burrs. Canterbury Drive S**, stated that he did not agree with the section stating that funds not used during the year would not be rolled over.

**Mayor Masters** stated that he did not want any part of the funding.

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Pardo dissenting.

**MOTION APPROVED**

### **DISCUSSION & DELIBERATION**

**NONE**

### **BOARD APPOINTMENT(S)**

NONE

**DISCUSSION BY THE CITY MANAGER**

**City Manager Jones** announced that the application for the Youth & Recreation Outside Agency Funding Program were available on the city's website and the application deadline was June 3, 2011. She announced that a Construction Trade Match Maker Workshop would be held May 19, 2011 at Newcomb Hall 6:00 p.m. until 8:00 p.m. and it was for the Marriott Vacation Club Project.

**LEGAL DISCUSSION/REQUEST**

NONE

**DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL**

**Councilperson Pardo** announced that the Board of Palm Beach County Commissioners would be hosting a meeting June 28<sup>th</sup> at 1:30 p.m. to discuss the breakwater project. She announced that a meeting would be held at the Hilton hosted by the individual who wants to put an office building on Cabana Road on May 10, 2011 beginning at 4:00 p.m. She stated that approximately two years ago she and Attorney Ryan were asked to negotiate a contract with the city manager which would expire next month so it was of essential that it be placed on the agenda for discussion.

**Chairperson Davis** stated that each councilperson was supposed to complete an evaluation on the city manager. She stated that an email was sent by the city manager requesting availability for a retreat and she was requesting that all elected officials arrange their schedules to be available July 15-16, 2011. She announced that FP&L would be partnering with Youth Build on May 11<sup>th</sup> as part of Power To Care Day which was a part of the corporate initiative allowing all employees including management to volunteer in the local communities and 10 homes had been chosen along Avenue H West and 16<sup>th</sup> Way. Chairperson Davis provided an update on the Metropolitan Planning Organization.

**Councilperson Thomas** stated that he would be launching "Coffee with the Councilman" and those who were interested needed to call the Legislative Department at 845-4095 and the first one would be held on May 21<sup>st</sup> at 9:30 a.m. at the Dunkin' Donuts located on Blue Heron Boulevard. He requested that the city council do their evaluation on the city attorney and requested that it be placed on the agenda for the next City Council Meeting.

**Chair pro tem Brooks** stated that the Palm Beach County School Board was attempting to get more minority contractors involved in school projects; she requested that interested parties call 845-4032. She stated to the city manager that there was discussion regarding for either this year or next on whether it was better for the city to retain the city attorney or look at retaining outside counsel. Chair pro tem Brooks

reminded the city manager that she was suppose to obtain information and provide it to her – more of a feasibility type of approach as to what would be better for the city given all of the legal matters that the city had been involved with over the past several years. The information was to include the amount of funds expended on outside contracts, what was the impact on the city’s insurances for cases that were lost, what cases have been lost and won over the past several years, and anything else that would be beneficial in making the decision. She stated that she and Ms. Dozier would be making an appeal to the city’s business partners for scholarship funds.

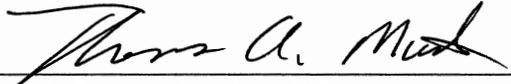
**Mayor Masters** provided an overview of his trip to Washington D.C. wherein he met with various government officials. He wished all the mothers within the city a Happy Mother’s Day.

**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



JUDY L. DAVIS  
CHAIRPERSON

ATTEST:



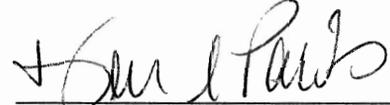
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



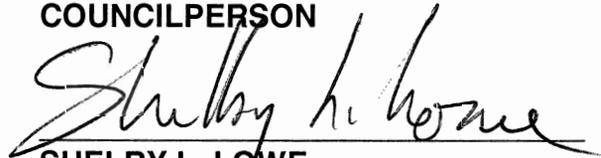
BILLIE E. BROOKS  
CHAIR PRO TEM



CEDRICK A. THOMAS  
COUNCILPERSON



DAWN S. PARDO  
COUNCILPERSON



SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: B. Brooks

SECONDED BY: D. Pardo

J. DAVIS aye

B. BROOKS aye

C. THOMAS aye

D. PARDO aye

S. LOWE aye

DATE APPROVED: 05/18/2011