

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MAY 18, 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: Mayor Thomas A. Masters; Chairperson Judy L. Davis, Chair pro tem Billie E. Brooks; Councilperson Cedrick A. Thomas; and Councilperson Dawn S. Pardo. Also present were: City Manager Ruth C. Jones; City Clerk Carrie E. Ward, MMC; 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 City Manager Jones.

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones stated that the proclamation on behalf of the National Neuropathy Association was being added to the agenda under Awards & Presentations and would be presented by Councilperson Pardo.

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 **Chair pro tem Brooks** to approve the agenda as amended.

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 MAY 4, 2011.

RESOLUTIONS

2. RESOLUTION NO. 64-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER \$29,669 FROM GENERAL FUND CONTINGENCY ACCOUNT TO THE CITY CLERK'S ELECTION ACCOUNTS TO COVER THE BALANCE INCURRED DURING THE MARCH 22, 2011 MUNICIPAL RUN-OFF ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.
3. RESOLUTION NO. 65-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE BOATING INFRASTRUCTURE GRANT AGREEMENT WITH THE FLORIDA FISH AND WILDLIFE COMMISSION ON BEHALF OF THE CITY; ACCEPTING FUNDS IN THE AMOUNT OF \$1,780,823 WITH A REQUIRED MATCH OF \$1,780,823; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING

NONE

AWARDS AND PRESENTATIONS

4. **PRESENTATION - CHAIR PRO-TEM BILLIE E. BROOKS PRESENTS CERTIFICATES OF APPRECIATION TO ORGANIZERS, CITY EMPLOYEES AND OTHER VOLUNTEERS FOR THE "GREAT AMERICAN CLEANUP OF MONROE HEIGHTS" HELD, APRIL 16, 2011.**

Chair pro tem Brooks presented the organizers for the "Great American Cleanup Of Monroe Heights" 2011 with a token of appreciation.

5. **PROCLAMATION BY COUNCILWOMAN DAWN S. PARDO, ON BEHALF OF THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, DECLARING MAY 25, 2011, AS "NATIONAL MISSING CHILDREN'S DAY".**

Councilperson Pardo and **Mayor Masters** presented the proclamation for "National Missing Children's Day".

- 5A **PROCLAMATION BY COUNCILWOMAN DAWN S. PARDO, ON BEHALF OF THE NATIONAL NEUROPATHY ASSOCIATION, DECLARING MAY 16-20, 2011 AS "NATIONAL NEUROPATHY WEEK."** **ITEM ADDED TO AGENDA**

Councilperson Pardo and **Mayor Masters** presented the proclamation for "National Neuropathy Week".

6. **PRESENTATION – APPRECIATION FROM COUNCILMAN CEDRICK A. THOMAS TO ROSE ANTOINE, CHAD HYLTON, BREYONNA MURVIN AND OBAYED NASIRI FOR THEIR PARTICIPATION IN THE MOCK CITY COUNCIL MEETING DURING GOVERNMENT CAREER DAY AT CRESTWOOD MIDDLE SCHOOL ON MAY 12, 2011,**

Councilperson Thomas presented the students from Crestwood Middle School who won their seat for City Council during Government Career Day at Crestwood Middle School; he also presented them with a token of appreciation.

7. **PRESENTATION BY CHIEF EXECUTIVE OFFICER DAVID CARBONE ON THE TRAUMA PROGRAM AT ST. MARY'S MEDICAL CENTER, WEST PALM BEACH, FLORIDA.**

David Carbone, Chief Executive Officer, St Mary's Medical Center, gave a presentation on the Trauma Program at St. Mary's Medical Center.

8. **PRESENTATION BY RONALD LEONARD, PR CONSULTANT AND CHAIR, BLACK EDUCATORS, INC., ON THE ACCOMPLISHMENTS, ACTIVITIES AND ISSUES OF THE JOSEPH LITTLES NGUZO SABA CHARTER SCHOOL.**

Ronald Leonard, Chairperson of the Black Educators, Inc., stated that although the school had been relocated a number of times, they were still working with at risk youth and encouraged those who had a child that was at risk to enroll them at Nguzo Saba Charter School.

PUBLIC HEARINGS

NONE

ORDINANCES ON SECOND READING

9. **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 and stated that it was published in the May 8, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to adopt Ordinance No. 3091.

MOTION

Bonnie Larson, W 27th Street, inquired as to whether the signs would only be located along the corridor for I-95 and who owned the property on which they would be located.

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

MOTION APPROVED

10. **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 and stated that it was published in the May 8, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** to adopt Ordinance No. 3092.

MOTION

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

MOTION APPROVED

ORDINANCES ON FIRST READING

NONE

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.*

Bruce Guyton, W 26th Ct, expressed appreciation for the difficult decision made by the city council regarding the dry stack storage. He stated that the Committee for a Better Riviera Beach was still active and was still in support of the city council as they continued to move the city forward. He reminded the city council of the referendum that passed during the March 8th Municipal Election wherein it was a message to the city council that the residents wanted to see economic development and that a vast amount of the loan to the Community Redevelopment Agency should be expended on revenue generating activities.

Claudia Dixon, Avenue T, spoke on behalf of her grandfather Cleve Dixon relating to his request for assistance in renovating his home. She stated that her grandfather was recently on the news regarding the condition of his home and that work was done on his home in 2009.

City Manager Jones stated that the residence had been in the Disaster Recovery Initiative process for an extended period of time and once the city was made aware of the conditions of the home, the renovation process had been expedited. She stated that internal funds for renovation were no longer available which was what the home needed and not repairs.

Dorothy Gay, W 6th Street, stated that she provided a letter to the elected officials regarding her concerns as it related to her attempts in renovating the home she purchased on 6th Street. She stated that the treatment she received from members of staff of the Community Redevelopment department during the inspection process was not supportive of her efforts and that she desired for Ms McKinney to receive a copy of the complaint. She provided copies to be distributed to the council.

Fane Lozman, E 13th Street, stated that the case regarding his floating home was heard by the Appellate Circuit Court in Miami. He stated that leadership of the staff members for the city was incompetent.

Gerald Ward, W 20th Street, stated that the Metropolitan Planning Organization meeting would be held on May 19th and issues regarding the Port of Palm Beach would be discussed. He stated that it was important that the city did not get trapped in issues that weren't different than House Bill 777 which was proposed to divest the Florida Department of Transportation of the southern parcel within the city as it related the SR 710 project. He stated that the Palm Beach County Commissioners would be hosting a

meeting on May 24th to discuss \$5 million of the \$50 million of the public waterfront access bond.

Bonnie Larson, W 27th Street, stated that inquiries made by the public during the meetings should be addressed at that time. She inquired that if the marina was an enterprise entity then why was an RFP advertised for a non-profit to be located at the marina. She inquired as to the status of the demolition of the Schooner Inn.

Tina White, W 1st Street, stated that the city was knowledgeable about the condition of Mr. Dixon's home and was in violation of the Fair Housing and Uniform Relocation Act. She then stated that police management had been aware of the concerns of the officers not being properly certified for the last three years and the issue was not addressed.

Lynn Hubbard, W 23rd Street, stated that the figures provided regarding lost of revenue from gas purchases because of the discontinuation of dry stack storage services did not seem accurate. She stated that inaccurate information had been provided to the public and it was not fair and was biased.

Mike Mahoney, Broadway, inquired as to whether or not public comments could be viewed when the meeting was re-broadcasted. He also inquired as why the public had to consistently state their concerns regarding the Schooner Inn. Mr. Mahoney inquired as to whether or not there was a status report on the US1 corridor.

Nora Mahoney, Broadway, stated that there was a nice crowd present at the last Planning and Zoning Meeting. She suggested that possibly the city host an Independence Day Parade; and inquired as to whether or not Bicentennial Park was open.

William Burrs, Canterbury Drive South, expressed appreciation to the staff of the Police Department for their efforts in curtailing the home invasion issues occurring in Lone Pine Estates. He stated that it should not matter where the revenue for the marina was being generated from as long as revenue was being received. He stated that a rate analysis should be conducted to determine what should be charged at the dry stack storage.

City Attorney Ryan stated that there were negotiations with the owner of the Schooner Inn. She stated that because of the demolition cost due to the buildings containing asbestos, the city was trying to reach a settlement with the property owner and would be submitting an agreement to the city council for approval no later than the second meeting in June.

†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. 66-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING

OUR COMMUNITY'S MILITARY VETERANS BY ENDORSING THE "STAND DOWN" EVENT AT THE DAN CALLOWAY "TATE" RECREATION COMPLEX ON JUNE 4, 2011, TO ADDRESS THE NEEDS OF HOMELESS AND AT-RISK VETERANS AND THEIR FAMILIES, TO OFFER A DAY OF RESPITE AND FUN AND TO HONOR ALL OUR MEN AND WOMEN IN UNIFORM FOR THEIR SERVICE, 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 Chair pro tem Brooks to approve Resolution No. 66-11.

MOTION

Roy Foster, Bulrush Court, expressed appreciation to the elected officials for their support in hosting this event.

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

MOTION APPROVED

12. RESOLUTION NO. 67-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT EXTENSION UP TO SIX (6) MONTHS, WITH ADVANCED DATA PROCESSING, INCORPORATED (ADPI) PROVIDING FOR EMERGENCY MEDICAL TRANSPORTATION BILLING SERVICES; AUTHORIZING INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM BUDGET ITEM 001-0921-526-0-3105; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Councilperson Pardo and seconded by Chair pro tem Brooks to approve Resolution No. 67-11.

MOTION

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

MOTION APPROVED

13. RESOLUTION NO. 68-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PURCHASING A NEW UNINTERRUPTED POWER SOURCE (UPS) SYSTEM FOR \$11,400.00 FROM NORTH STAR TECHNICAL SERVICES, INC.; AUTHORIZING THE MAYOR AND CITY COUNCIL TO APPROVE PURCHASE; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$11,400.00 TO NORTH STAR TECHNICAL SERVICES, INC.; 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. 68-11.

MOTION

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

MOTION APPROVED

14. **RESOLUTION NO. 69-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE APPROVAL OF CHANGE ORDER TWELVE (12) FROM FERREIRA CONSTRUCTION CO., INC. OF STUART, FLORIDA FOR ADDITIONAL DREDGING TO COMPLETE THE REQUIRED DREDGE TEMPLATE AND CONSTRUCTION DELAYS DO TO UNANTICIPATED FIELD CONDITONS FOR THE LOCKHEED WORKING DOCK/ FISHING PIER AND DREDGE PROJECT IN THE AMOUNT OF \$316,277.96; ALL EXPENDITURES TO BE PAID WITH FUNDS FROM THE STATE OF FLORIDA ECONOMIC DEVELOPMENT TRANSPORTATION GRANT AND PALM BEACH COUNTY TRI-PARTY AGREEMENT**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve Resolution No. 69-11.

MOTION

Chairperson Davis inquired as to who would be responsible for the upkeep of the park and ensuring that it was open after sunset.

Ben Guy, Purchasing Director, stated that as part of the tri-party agreement, it would be the county's responsibility.

Chairperson Davis stated that it needed to be confirmed with the county that the pier needed to be maintained and remain open after sunset.

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

MOTION APPROVED

15. **RESOLUTION NO. 70-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THAT THE CITY WILL DISCONTINUE DRY STORAGE OPERATIONS AS OF JUNE 30, 2011; AUTHORIZING STAFF TO PROCEED WITH THE APPROPRIATE ACTIONS TO CLOSE THE EXTERIOR DRY STORAGE AND UTILIZE THE SAME FOR ADDITIONAL PARKING AND CONSTRUCTION STAGING AS DEEMED NECESSARY DURING THE CONSTRUCTION OF THE SEAWALL AND DOCKS; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO AMEND THE CITY'S BUDGET TO REFLECT THE ELIMINATION OF THE DRY STORAGE OPERATION; 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 **Chair pro tem Brooks** to approve Resolution No. 70-11.

MOTION

Gerald Ward, W 20th Street, stated that discontinuance of this operation violated various city codes. He stated that the Financial Analysis and Recommendation provided by the marina director was provided to the Waterfront Advisory Board on last evening. He recommended that approval of the item be deferred or that the item be denied.

Bonnie Larson, W 27th Street, stated that the cost included in the backup information was for demolition and rebuilding the facility but now that the operations would be totally eliminated then the cost would not be as much as what was indicated in the backup information. She also stated that the Community Redevelopment Agency recently borrowed \$50 million for the marina and consultants were hired to get grants for the marina; with that type of funding the city should have the best marina in the world. She continued with stating that there was no signage for the marina and if the city wanted people to know they had a marina then proper signage needed to be put in place. Ms Larson stated that the information provided did not differentiate between the dry stack storage racks and the dry stack storage building.

Fane Lozman, E 13th Street, inquired as to why the city did not re-advertise for a master developer when the master developer that was chosen could not uphold their portion of the agreement. He stated that the purpose of a marina was boating and if the dry stack storage services were discontinued it would not only affect the revenue for the marina but also the revenue for the Tikki Bar and the store that was located on the grounds.

Tina White, W 1st Street, encouraged the elected officials not to approve the proposed resolution. She stated that the city council needed to be strategic in its decision making process because they would be referred to the inspector general. She stated that there was a concerted effort to blight the marina and arbitrary business decisions were being made that had a negative affect on taxpayers' dollars and she ensured council they also would be reviewed by the inspector general.

Lynne Hubbard, W 23rd Street, encouraged the city council to keep the dry storage because of the revenue it generates. She stated that in discontinuing the service would aide in people being laid off.

Francine Schreiber, E Derby Drive, stated that she was a tenant of the marina who was once forced out but returned after an unpleasant experience with another marina. She stated that if the marina was better managed, more revenue would be generated and that if the city council approved the proposed resolution, she would be forced to sell her boat.

William McGarry, Chatswood Drive, stated that he was also a tenant that was forced to move out of the marina. He stated that if the facility was ran properly,

more revenue would be generated. He stated that whoever prepared the report stating that the building needed to be demolished was biased because the building had survived three hurricanes with minimal damage.

J. L. Williams, Morse Boulevard, as the chairperson for the Waterfront Advisory Board, read the actions of the board as discussed at its May 17th meeting. He stated that the board was conflicted in making the recommendation because they were not briefed by the staff members of the Community Redevelopment Agency. Mr. Williams stated as a taxpayer, if closed, that a condition be included stating that a viable and profitable operation would be researched for the future.

Blake Holton, 31st Street, stated that he was not happy that the City Council was considering closing the Dry Storage Facility.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Thomas** to postpone approval of the proposed resolution so that the city could be provided with the ideas of the Waterfront Advisory Board and an analysis of how much revenue would be received if the rates for the dry stack as well as the wet slips were raised.

MOTION TO POSTPONE

Chairperson Davis inquired as to what would happen with the construction schedule if approval of the item was postponed.

Ed Legue, Marina Director, stated that construction would begin on June 7th and that the vast majority of traffic would be diverted to the south end which would cause interaction amongst pedestrian customers, vehicles, and dry stack employees. He stated that the action would not take place for 30 days.

Chairperson Davis requested that Mr. J. L. Williams provide a synopsis of what was discussed at the WAB meeting on last evening.

Mr. Williams, Waterfront Advisory Board Chairperson, proceeded to state that the board's conflict was what direction the CRA wanted to go for the south third of the marina property which included the dry stack storage. He stated that one of the board's concerns were that the city had a major economical problem and the operation of the dry stack storage was losing over \$200,000 annually. He stated that another concern of the board was that if they supported the recommendation of the marina director, it would mislead elected officials to walk away from dry storage operations totally for the future and that was not the desire of the board. Mr. Williams stated that the board recommended that if the elected officials support the recommendation of the marina, the city, and the CRA, review should be made to see what it would take to operate a profitable dry stack facility.

Councilperson Thomas stated that based upon the statement made by Mr. Williams, he was withdrawing his second for the motion to postpone approval of the resolution. .

SECOND WITHDRAWN

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

MOTION APPROVED

DISCUSSION & DELIBERATION

16. FINANCE DIRECTOR'S ANNUAL FINANCIAL REPORT AS OF 3/31/2011.

City Clerk Ward read the above item into the record.

A review of the semiannual financial report was given by Karen Hoskins, Interim Finance Director.

Gerald Ward, W 20th Street, stated that the Fund Balance Report demonstrated that the city had issues that were not in accordance with the city's policies.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to accept the Interim Finance Director's Semi-Annual Financial Report as of March 31, 2011.

MOTION

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

MOTION APPROVED

17. CITY ATTORNEY'S EVALUATION AND EMPLOYMENT AGREEMENT.

Councilperson Thomas stated that the city attorney's contract expires in June and that it was her responsibility to notify the city council that they had three months prior to the date to provide her notice of its intentions. He stated that he always had a problem with the automatic renewal she included in the contract and after further review he felt that a safeguard could be included to state that notice should be provided at three separate meetings prior to the three month notification of the city council's intentions. Mr. Thomas stated that the severance was changed from three months to four months. He stated that he was recommending to accept the agreed upon agreement and that part of the negotiation is to seek for an outside firm to provide legal services. He concluded by stating to officially renew the contract and if a study was to be done so move it to determine if going with a firm would be economically beneficial.

Bonnie Larson, W 27th Street, stated that evaluations needed to be done within a timely fashion and further stated the city council had not done their due diligence.

Tina White, W 1st Street, stated that the charter required that the city attorney give a 90 day notice to the elected officials and the public by way of placing the item on the agenda for discussion. She stated that she would turn this item over to the inspector general on June 1st. for review; and this was a form of malpractice under the auspices of City Attorney Ryan. She then stated as it related to the sunshine

case Mr. Lozman filed against the city in which the elected officials were involved was a continuation of the spending of taxpayers funds unethically.

Fane Lozman, E 13th Street, stated that the city attorney had constantly misled the city and the city council in various law suits and that unscrupulous amount of money had been spent because of her.

Sylvia Blue, W 4th Street, stated that the members of the Committee for A Better Riviera Beach supported the elected officials as well as the city attorney.

Chair pro tem Brooks stated that she felt that the legal needs of the city had outgrown the need of one legal person and that she felt that there should really be a review of going with a legal firm immediately and not wait two years.

Councilperson Pardo stated that she had previously discussed employing a legal firm for the needs of the city and that she agreed with Chair pro tem Brooks.

Councilperson Lowe stated that he met and gave the attorney a satisfaction evaluation and that now he appreciated the service provided by Mrs. Ryan however; he wanted to look at doing something different and terminate her existing contract.

Chairperson Davis stated that she felt that Mrs. Ryan was an exceptional attorney and that she'd only done what the board directed her to do. She stated that she did not realize that direction was provided to negotiate another contract.

City Attorney Ryan stated that she had done her best in doing what was required of her by the city council. She stated that this was the same contract she had for years which was mimic of that of a previous city manager and the only adjustment was the added month.

A motion was made by **Councilperson Thomas** to accept the agreement to renew the employment agreement with Pamala Ryan and to conduct a study on the feasibility of hiring a law firm during the term of the contract. At this point Chairperson Davis relinquished the gavel and seconded the motion.

MOTION

City Clerk Ward acknowledged that she had not been given a copy of the contract that was being discussed. She stated if the city council was entering into a contract she should be provided with the original. Further that there was a motion and second and no original contract had been presented to authenticate an official document. Attorney Ryan provided City Clerk Ward with a copy of the proposed contract. At this point Pro tem Brooks questioned if the City Clerk was given the correct document. Ms. Ryan stated it was.

A lengthy discussion ensued amongst the city council.

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

MOTION APPROVED

BOARD APPOINTMENT(S)

18. MAYOR THOMAS A. MASTERS' APPOINTMENT OF EMMA BATES TO THE BOARD OF THE RIVIERA BEACH HOUSING AUTHORITY (RBHA).

City Clerk Ward read the above item into the record.

Mayor Masters informed the city council that he was appointing Ms. Bates to the Riviera Beach Housing Authority Board.

DISCUSSION BY THE CITY MANAGER

City Manager Jones stated that staff had not received a final decision on the budget by the governor which included the planning funds for 13th Street as well as the funding for the rail stacking. She stated that a proposed resolution would be presented on instituting a red light camera program in the city. She stated that the modification to the pension benefits was being monitored and would require discussion with the pension boards. Ms Jones stated that a report was provided regarding the boat house project. She announced that the railroad crossing would be closed as of May 20th but the improvements would be completed by May 27th. She stated that earlier in the day the city requested an amendment to the interlocal agreement regarding the Disaster Recovery Initiative program which would enable the city to pay the relocation fees as was previously heard in the comments made by Ms Dixon and to extend the expiration of the agreement. She stated that the recommendation to the city was to direct all requests for relocation fees, reimbursements, extension of the contract, etc. to the Department of Community Affairs. She announced that the Development Executive team held its first meeting this week and it was productive.

LEGAL DISCUSSION/REQUEST

City Attorney Ryan expressed appreciation for the renewing of her employment contract.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL

Councilperson Pardo announced that a new restaurant opened at the Ocean Mall, Two Drunken Goats, and a ribbon cutting ceremony would be held May 22nd at 3:00 p.m. and a Memory Lane session would be held from 5:00 p.m. until 9:00 p.m. She requested an update on the status of the interim department heads and a report on the 175 funds which was previously requested and a report had not been provided.

City Manager Jones stated that there was a disagreement between the respective bargaining unit and the pension board and there was an effort to resolve the issue.

Councilperson Pardo stated that Neighborhood Stabilization funds were received and she wanted a report on the homes that were purchased with those funds and the homes the city purchased from a builder. She announced that the Executive Board of Directors for the League of Cities held a meeting earlier and that as a result of the resignation of Jaime Tittcomb, an offer was given to Richard Ratcliff.

Chairperson Davis announced the FP&L Power Care program held on May 11th was successful. She expressed words of appreciation to the employees of the Parks and Recreation Department, Public Works Department, the Utility Special District, and the Police Department.

Councilperson Thomas announced that Coffee with the Councilman would be held on May 21st, 10:00 a.m. until 12:00 p.m.

Mayor Masters announced that the Youth Job Workshop would be held May 23rd beginning at 4:30 p.m. at Tate Gym.

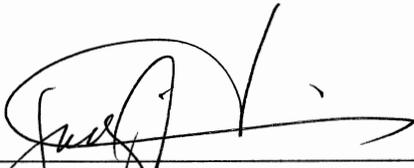
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 11:45 p.m.

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

APPROVED:


THOMAS A. MASTERS
MAYOR

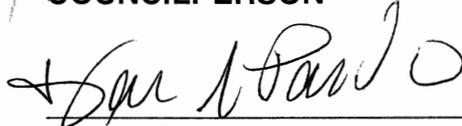

JUDY L. DAVIS
CHAIRPERSON

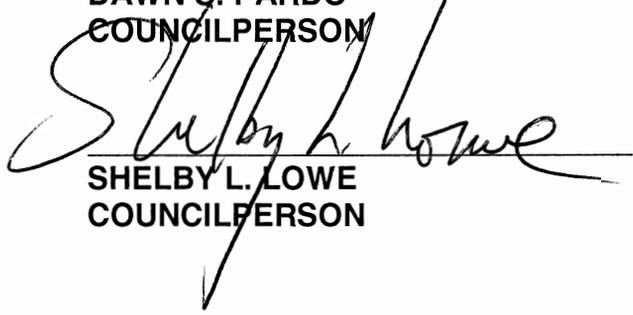
ATTEST:


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: Pardo

SECONDED BY: Brooks

J. DAVIS Aye

B. BROOKS Aye

C. THOMAS Aye

D. PARDO Aye

S. LOWE Aye

DATE APPROVED: 06/01/2011