

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JUNE 15, 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, Councilperson Cedrick A. Thomas; Councilperson Dawn S. Pardo; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth C. Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Councilperson Brooks was tardy.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Councilperson Lowe.

Additions, Deletions, Substitutions

City Manager Jones stated that a replacement was provided for No. 13 – Resolution reference amendment to agreement with Professional Managers and Supervisor Association; added No. 16 – agreement with the city manager.

Disclosure By Council

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

None stated by the city council.

Adoption of Agenda

A motion was made by Councilperson Pardo and seconded by **Councilperson Lowe** 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 JUNE 1, 2011.

RESOLUTIONS

2. RESOLUTION NO. 78-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING MAINTENANCE SERVICE FOR SERVICE OF EQUIPMENT FOR THE FISCAL YEAR 2010/2011, WITH SHOTSPOTTER, INC., AT A TOTAL COST OF \$43,350; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 001-0817-521-0-4102; AND PROVIDING AN EFFECTIVE DATE.
3. RESOLUTION NO. 79-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING FIRE RESCUE TO PURCHASE SIXTY-SIX (66) SETS OF FIRE FIGHTER PROTECTIVE CLOTHING UNDER THE ESCAMBIA COUNTY BID PD 07-08.129, AND THIRTY-TWO (32) EMERGENCY DESCENDING DEVICES FROM BENNETT FIRE PRODUCTS CO., INC. OF WOODSTOCK, GEORGIA, IN THE TOTAL AMOUNT OF \$127,046.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PURCHASE CONTRACT; AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 303-0920-522-0-6451; AND PROVIDING AN EFFECTIVE DATE.
4. RESOLUTION NO. 80-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A

CHANGE ORDER TO THE CONTRACT WITH WILCO ELECTRICAL, LLC FOR INSTALLING UNDERGROUND CONDUITS ON SR A1A BETWEEN LAKE DRIVE AND PINE POINT ROAD IN THE AMOUNT OF \$7,506.40; AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDER; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

5. RESOLUTION NO. 81-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE SALE AND TRANSFER OF RETIRED K-9 POLICE DOG "REX" IN THE AMOUNT OF \$1.00 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE; AND PROVIDING AN EFFECTIVE DATE.
6. RESOLUTION NO. 82-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT TO PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF \$30,088.63 FROM ACCOUNT #001-0817-521-0-4102, AND AUTHORIZE THE INTERIM FINANCE DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS TO APPLY STATE OF FLORIDA MANDATED \$12.50 FUNDS BEING HELD IN ESCROW BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF \$52,000.00; AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. 83-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF LOUIS P. ROSE VS. THE CITY OF RIVIERA BEACH, CASE NO.: 10-CV-80040-MARRA/JOHNSON, IN THE TOTAL AMOUNT OF \$65,000; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** 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

NONE

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

8. **ORDINANCE NO. 3093 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES; AMENDING SECTION 14-21, DEFINITIONS; ADDING SECTION 14-34, INTERNAL REVENUE CODE COMPLIANCE; DELETING SUBSECTION (G) OF 14-25; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record and stated that it was published in the June 5, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** to adopt Ordinance No. 3093.

MOTION

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

MOTION APPROVED

9. **ORDINANCE NO. 3094 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN; TO PROVIDE FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record and stated that it was published in the June 5, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** to adopt Ordinance No. 3094.

MOTION

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

MOTION APPROVED

10. **ORDINANCE NO. 3095 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN; AMENDING SECTION 14-75, BOARD OF TRUSTEES, CREATED, POWERS, DUTIES; AMENDING SECTION 14-77, OPTIONAL FORMS OF RETIREMENT INCOME; AMENDING SECTION 14-85, PAYMENT OF MEMBER CONTRIBUTIONS, PAST CONTINUOUS SERVICE; AMENDING SECTION 14-86, EXEMPTION FROM EXECUTION; AMENDING SECTION 14-93, REPEAL OR TERMINATION OF FUND; TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record and stated that it was published in the June 5, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to adopt Ordinance No. 3095.

MOTION

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

MOTION APPROVED

11. **ORDINANCE NO. 3096 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A ONE-YEAR MORATORIUM AS TO THE FILING, RECEIVING, AND/OR PROCESSING OF ANY APPLICATION FOR THE ESTABLISHMENT OF A SUBSTANCE ABUSE SERVICE FACILITY; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF SUBSTANCE ABUSE SERVICE FACILITY; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY 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 June 5, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to adopt Ordinance No. 3096.

MOTION

William Wisinski, Yacht Harbor Dr, expressed appreciation for the establishment of the moratorium for substance abuse service facility.

Mayor Masters stated that it was a proven fact that most crimes committed could be traced to drugs and that his problem with the moratorium was that he would

have to face a parent and advise them that a place would have to be located outside of the city limits in an effort to provide assistance, especially with the existence of the Civil Drug Court. He stated that he felt that one year was a long time and was requesting that the city council reconsider the timeframe for the moratorium.

Councilperson Lowe expressed his displeasure with the length of the moratorium.

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

MOTION APPROVED

ORDINANCES ON FIRST READING

12. **ORDINANCE NO. 3097 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 VI, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY INCLUDING A NEW SECTION ENTITLED "PORTABLE STORAGE CONTAINERS"; 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 **Chair pro tem Brooks** to approve Ordinance No. 3097 on First Reading.

MOTION

Gerald Ward, W 20th Street, stated that there was no indication of the cost the city would incur nor the projected revenue. He stated that an analysis was not provided on the service impact by the employees who would be responsible for enforcing the ordinance.

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

MOTION APPROVED

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.*

Tim Hadsell, Sandi Lane, stated that he was proposing to build a community garden across the street from St. George Episcopal Church on city property and was requesting permission from the city to do so. He stated that he provided information to be distributed to the elected officials for consideration.

William Burrs, Canterbury Dr, stated that previously Councilperson Thomas stated that he wanted discussion on televising of public comments to be placed on the agenda and he did not see where it was placed on the agenda. He stated that the residents were paying for the ability to see local information on TV18 and that the televising of comments should be reinstated without placing an item on the agenda. He stated that the article printed in the Palm Beach Post regarding the City Attorney's Office and the Office of the City Clerk was an embarrassment and showed miscommunication.

Bonnie Larson, E 27th Street, stated that she had spoken numerous times reference the need to place addresses on all structures and that she made a call on a property and was asked for the address but there were no numbers on the structure. She stated that the appearance of the property was gross negligence. She inquired as to when the building that housed SeaChest Salvage would be demolished and that the city needed to revisit the redesign of Broadway because in the North Palm Beach area they were digging up their trees in an effort to narrow the medians.

Fane Lozman, E 13th Street, stated that the maritime academy was within CRA boundaries and that he felt that the information provided to the city council by the city attorney earlier was incorrect. He stated that the image of the city was based upon decisions made by the elected officials based upon advice provided by the city attorney and at some point the city council needed to make a decision as to whether or not it was going to continue following her advice. He stated that her contract needed to be reconsidered.

Gerald Ward, W 20th Street, stated that a workshop would be hosted by the Palm Beach County Commissioners on June 28th at 1:30 p.m. regarding the rock piling project. He stated that the city council should ask more questions of staff, for example how many moratoriums have been completed prior to their expiration date.

David Cross, Sugar Sands, read a memorandum from the Advertising and Industrial Promotions Committee into the record. He stated that he would provide a copy for distribution and requested that it be included in the minutes.

Shantell Williams, W 28th Street, stated that she purchased her home in 2006 and later found out the house was altered without permits. She stated that surrounding dwellings were condemned but her home shared a roof with the attached residences. She stated that she was not aware of the alterations until she tried to pull permits to have renovations done to her home only to find out she needed the permission of her neighbor. Ms. Williams stated that one of the other property owners did renovations to his property with permits and was living in one and was renting out the other condo he owned.

City Manager Jones stated that she received the information within the last week and was currently having staff to provide information on the property in an effort to resolve the issue.

Sylvia Blue, W 1st Street, expressed appreciation to the members of the Police Department for their expedient assistance in a matter that occurred while at city hall. She stated that the city attorney did not have the ability to make any final decisions and that all cases pursued were at the direction of the city council. She stated that she was offended by the article printed in the Palm Beach Post and that as elected officials, the city council needed to address it and support their employee.

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. 84-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN ADDENDUM TO THE AGREEMENT COMMENCING OCTOBER 1, 2010 TO SEPTEMBER 30, 2011 BETWEEN THE CITY OF RIVIERA BEACH AND THE PROFESSIONAL MANAGERS AND SUPERVISOR ASSOCIATION (PMSA) REPRESENTING THE SUPERVISORY EMPLOYEES OF THE CITY OF RIVIERA BEACH; 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 Lowe** to approve Resolution No. 84-11.

MOTION

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

MOTION APPROVED

14. **RESOLUTION NO. 85-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER \$20,312.00 FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE LIBRARY'S REPAIR & MAINTENANCE ACCOUNT TO COVER THE COSTS FOR REPAIRING THE LIBRARY'S AIR CONDITIONING UNIT; AUTHORIZING PAYMENT TO CUSTOM MECHANICAL, 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. 85-11.

MOTION

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

MOTION APPROVED

15. **RESOLUTION NO. 86-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AMENDMENT BETWEEN THE CITY OF RIVIERA BEACH AND RIVIERA BEACH MARITIME ACADEMY, CORP; 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. 86-11.

MOTION

Councilperson Thomas rescinded his motion for approval based upon conflict of interest.

Councilperson Pardo stated that she emailed the city attorney regarding whether or not it was appropriate for her to vote on the matter being that her nephew was accepted into the Maritime Academy and the city attorney advised her it was okay for her to vote.

A motion was made by **Chair pro tem Brooks** to approve Resolution No. 86-11. At this point **Chairperson Davis** passed the gavel and seconded the motion.

MOTION

Councilperson Thomas stated that he was advised by counsel to abstain from voting on the matter until clarification as to whether or not the state law trumps the county board.

Bonnie Larson, W 27th Street, stated that the timeframe for the lease listed in the backup information was inaccurate and there was a possibility that the city was going to deed the property to the school.

Fane Lozman, E 13th Street, suggested that the city council and others review F.S. 163.380 and that it was his belief that the city was violating the statute and that it would be forwarded to the inspector general for further review.

City Attorney Ryan stated that she and the CRA attorney reviewed F.S. 163.380 and it did not apply to the property; the statute referred to property purchased for the purpose of redevelopment. She stated that the property was city owned and not acquired.

Lawrence Knight, W 11th Street, stated that the academy had allowed Youth Build to be located at the school for free and if they were located anywhere else they would incur all overhead expenses.

Tonya Brown, Principal for Riviera Beach Maritime Academy, stated that there were no seats available for 9th grade; seats were only available for grades 10 through 12. She stated that students come from as far south as Pompano Beach and as far north as Jupiter and they were currently reaching out to the western community.

A discussion ensued amongst Mayor Masters and Ms. Brown.

Chairperson Davis stated that she was not in favor of deeding the property and that Viking needed to start making some progress on building a facility on their property which was the intent when the agreement was originally made.

Councilperson Pardo stated that she felt she should not vote due to her stated conflict of interest.

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilpersons Pardo and Thomas abstaining.

MOTION APPROVED

City Clerk Ward advised Councilperson Thomas and Councilperson Pardo that their acknowledgement to abstain from voting meant they would file the proper form in the allotted time with the Office of the City Clerk. She further advised of the Memorandum of Voting Conflict (Form 8B) could be provided by the city attorney and if she did not have said forms that they could be provided by her office.

RESOLUTION NO. 87-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A NEW TWO YEAR EMPLOYMENT AGREEMENT WITH RUTH C. JONES AS CITY MANAGER; COMMENCING JUNE 22, 2011 THROUGH JUNE 21, 2013; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; 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. 87-11.

MOTION APPROVED

Chairperson Davis stated that a redlined copy of the contract was provided which outlined the changes and that a clean copy was provided removing the strikethroughs and showing the new language as well as a copy of the current contract; and that she wanted to make sure everything needed was provided. Ms Davis stated that a draft working document was provided of the city manager's workplan which was basically a start unless the city council felt that it was complete and wanted to approve it.

Chair pro tem Brooks stated that she had just received the documents in the afternoon and the redlined copy was received on the dais.

Chairperson Davis stated that she was told to negotiate the contract and the only thing that was stated to her at the last meeting was the concern for the annual evaluation to make a determination as to whether or not the benchmarks were met. She stated that was basically the only change but there were other minor changes that were done and that was the personal time off, she would not be receiving 20 days upfront, her vacation time would be accrued as well as sick time just as other employees. She stated that relocation was removed and section 15 was changed to residency – which required her to live within the city. Ms. Davis stated that the other part concerning section 2 – Salary and Evaluation – letter B – read – In addition, the city agrees to increase said base salary and/or benefits of the city manager in such amounts and to such an extent as the city council may determine desirable on the basis of an annual performance evaluation of the city manager ... she continued to read in its entirety. She stated that was the only substantive thing that was changed according to what was stated at the last meeting and she thought there would be a discussion concerning the contract.

Councilperson Lowe stated that the only thing he was concerned about was the workplan but it did not have to preclude the city council from approving the contract.

Councilperson Pardo asked if the salary indicated for the city manager was current.

Councilperson Davis answered yes minus furlough which totaled a little over \$7,000 and it included her car allowance – which did not change.

Chair pro tem Brooks stated that the redlined paper made it easier for her to read because she was not certain what the changes were. She stated that she did not have any problems with the contract and she requested that everyone be provided a copy of the job description because as the workplan was being reviewed it was obvious that there was a need to know what was expected in an effort to know what is expected.

Chairperson Davis stated that she felt that the city manager had provided a basis for the benchmarks but within the next 30 days the city council definitely needed to provide their input and that she was ready to vote on the contract.

Fane Lozman, E 13th Street, stated that an analysis should be provided on the city manager's job performance for the past couple of years. He stated that she did not possess the leadership skills necessary for the position.

Bonnie Larson, W 27th Street, stated that the city manager's contract had already rolled over and that she suggested on numerous occasions that automatic rollover be removed from all contracts. She inquired why was the contract presented as add-on and not printed on the original agenda.

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

MOTION APPROVED

DISCUSSION & DELIBERATION

NONE

BOARD APPOINTMENT(S)

NONE

DISCUSSION BY THE CITY MANAGER

City Manager Jones expressed words of appreciation to the city council for their support. She stated that improvement was needed but improvements had been made; the work plan provided was a sample format as an option of what could be utilized but if there was another format she would accept. She then stated as a reminder that a Budget Workshop would be held June 20th at 6:30. She stated that notification was received that Gerald Adams resigned from the Fire Pension Board and that a memorandum would be provided requesting nominations. She further stated that there was concern on the distribution of the 175 funds and it was a part of the negotiations and bargaining hoping that the city's recommendation would be accepted. She continued with stating that the concern for having to have the funds distributed by time certain was not included in the bill which allowed additional time for negotiation. Ms. Jones stated that Mr. Pittman, the city's lobbyist, would be presenting the progress made at the last session and it was important to begin working on next year's session. She announced that the bill sponsored by State Rep. Mack Bernard regarding domestic violence was still on the governor's desk for signature but upon execution he would like to do a presentation. She stated that the city was not in the same water crisis as the City of West Palm Beach and that she would be providing the protocol for the establishment of events.

LEGAL DISCUSSION/REQUEST

City Attorney Ryan stated that the Community Benefits Donations would be on the next agenda. She stated on June 5th the Palm Beach Post wrote a scathing editorial about the city. She stated that the city manager responded to the article by way of a letter which was not published; and that another article was published June 13th about her in particular. She stated that she was invited to write a response by Randy Schultz and she had done so with the approval of Chairperson Davis and she proceeded to read it into the record.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL

Chairperson Davis stated that she would be signing a letter that would be submitted to the Palm Beach Post regarding the article. She directed the city manager to deal with the employee responsible for ensuring that minutes were provided for each meeting. She stated that she did not care about what it took but she wanted minutes for all meetings held and she did not want to have to deal with the issue again. She stated effective immediately, she wanted minutes done for all meetings and presented for approval.

Councilperson Pardo stated that when the Lozman case was presented, she suggested that the city speak with the League of Cities and she along with Mrs. Ryan and Attorney Torcivia met with the executive board and presented the case and requested guidance and it was stated that written minutes were required as well as minutes from every advisory board. She stated that as far as she was concerned, the Palm Beach Post would do whatever was necessary to promote a negative image of the city.

Mayor Masters stated that the city should never allow the media to disseminate or frame a message about the city. He suggested that possibly a policy should be put in place as to who should speak on behalf of the city and when they should speak and he felt responses to the article were done in good faith.

Councilperson Pardo expressed words of appreciation to Abe Elam and the members of his organization for the successful event that took place June 9th through June 11th. She stated that there was a problem on South Harbour Road to Lake Avenue – there were two major dips in the road similar to the problem on Coral Way. She announced that the tentative date for the workshop on drought resistant plans was July 12th at Newcomb Hall. She requested that minutes from the Planning and Zoning Board meeting be attached to zoning related issues presented to the city council for approval.

Councilperson Thomas directed that discussion regarding the televising of public comments be placed on the next agenda. He stated that citing residents for burnt grass needed to be curtailed with the current drought and heat index conditions; and he requested that additional information regarding code enforcement issues be televised on RBTVChannel 18.

Chair pro tem Brooks expressed appreciation to the city manager and members of staff who hosted a successful meet and greet for the educators who visited from the Bahamas. She announced that the CRA director would be present at the Voter's League meeting on June 23rd. She expressed appreciation to Commander Price and the officers in her district for their efforts in trying to improve the image of the city.

Councilperson Lowe stated that there was vandalism along 13th Street as it related to the destruction of trees as well as at the park wherein all of the lights were broken on one side of the building.

Mayor Masters stated that everyone should be encouraged and that everyone knew who they were and whose they were. He stated that one of the good things that came out of the job fair held for high school graduates was that one of the potential employers agreed to volunteer and setup a training program for software at no cost to city residents. He stated that just in case he was not present at the next city council meeting for the discussion on televising public comments, he was in favor of public comments being televised as it was and preferred that it be done at the end of the meeting prior to comments from the mayor and city council.

Chairperson Davis inquired as to whether or not the property owner for the Schooner Inn could be forced to clean up around the property. She stated that she was not aware that she was suppose to make comments at the Team Elam Event but wasn't able to attend because of prior arrangements.

City Manager Jones stated that there were two properties and the property owners were cited and contacted regarding cleaning their respective properties and they had until the end of the week to get the lots cleaned.

ADJOURNMENT

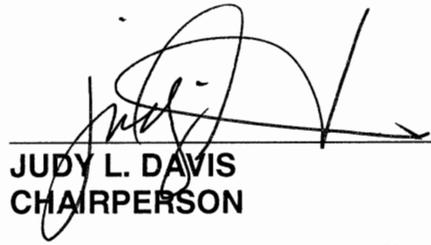
There being no further business, the meeting was duly adjourned at 10:30 p.m.

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**

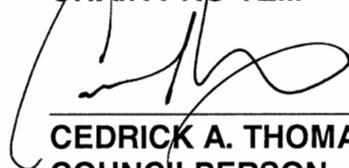
ATTEST:



**CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK**



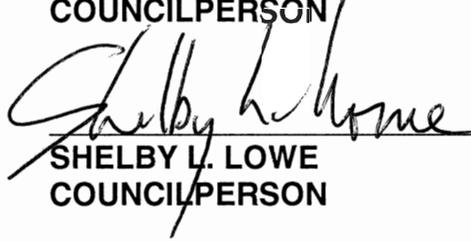
**BILLIE E. BROOKS
CHAIR PRO TEM**



**CEDRICK A. THOMAS
COUNCILPERSON**



**DAWN S. PARDO
COUNCILPERSON**



**SHELBY L. LOWE
COUNCILPERSON**

MOTIONED BY: B. BROOKS

SECONDED BY: S. LOWE

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

DATE APPROVED: 07/06/2011

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PARDO, DAWN S	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL
MAILING ADDRESS 1251 SINGER DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY RIVIERA BEACH, 33404 COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED JUNE 15, 2011	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, DAWN S. PARDO, hereby disclose that on JUNE 15, 20 11:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, NEPHEW, MICHAEL SCHLITZ _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am an elected official and a member of the Riviera Beach City Council. The City of Riviera Beach owns property on E 12th Street that they have temporarily leased to the Riviera Beach Maritime Academy - a charter high school, for the past five years. The RB Maritime Academy came in front of the council asking for a two year lease extension and possibly have the city deed the property to them. My nephew was recently accepted into their high school as a starting freshman beginning in August 2011. I thought it would be in the best interest of the city to abstain from voting since my nephew will be attending the school which students must be certain criteria to be accepted.

RECEIVED

JUN 17 2011 @ 4:40 pm

6/16/2011

Date Filed

OFFICE OF THE CITY CLERK

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Cedrick Thomas, hereby disclose that on June 15, 20 11 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The City Council considered entering into a new Lease agreement with the Maritime Academy to lease the Academy property owned by the City. I have a bus business which has a contract with the Maritime Academy. Although the State of Florida Commission on Ethics has determined there is no conflict, under the Palm Beach County Code of Ethics, a conflict exists under Section 2-443, which must be disclosed under Subsection 2-443(c).

aw
RECEIVED
JUN 21 2011

OFFICE OF THE CITY CLERK

6-21-2011
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.