

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, AUGUST 17, 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 Davis, Chair pro tem Billie E. Brooks; Councilperson Dawn S. Pardo; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, Master Municipal Clerk; and City Attorney Pamala H. Ryan.

**Invocation/Pledge of Allegiance**

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by City Clerk Ward.

**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 **Chair pro tem Brooks** 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 CITY COUNCIL BUDGET WORKSHOP HELD, DECEMBER 8, 2009.
2. MINUTES FROM THE CITY COUNCIL BUDGET WORKSHOP HELD, FEBRUARY 9, 2010.
3. MINUTES FROM THE CITY COUNCIL BUDGET WORKSHOP HELD, NOVEMBER 9, 2010.
4. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD, JULY 20, 2011.
5. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD, AUGUST 3, 2011.

## RESOLUTIONS

6. RESOLUTION NO. 110-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE SHARED USE OF THE PALM BEACH COUNTY FIBER NETWORK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT; APPROVING PAYMENT TO THE COUNTY FOR ONE-TIME NETWORK INFRASTRUCTURE CONSTRUCTION AND INSTALLATION COSTS NOT TO EXCEED \$9,999 FROM ACCOUNT 305-0243-519-0-6351 AND ANNUAL \$8,400 NETWORK SERVICE CHARGES FROM ACCOUNT 001-0243-516-0-4101; AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. 111-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED THE BID FOR DAN CALLOWAY PARK DRAINAGE MODIFICATIONS TO EAGLE ENTERPRISES, INC. IN THE AMOUNT OF \$32,466.27; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; AND PROVIDING FOR 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**

8. **PROCLAMATION SPONSORED BY COUNCILWOMAN DAWN S. PARDO DECLARING AUGUST AS “FIREFIGHTER APPRECIATION MONTH” IN THE CITY OF RIVIERA BEACH ON BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION.**

**Councilperson Pardo** read and presented the proclamation for “Firefighter Appreciation Month” to the Riviera Beach Fire Department and the Muscular Dystrophy Association.

9. **PRESENTATION BY MAYOR THOMAS A. MASTERS REGARDING A TRIP TO THE WHITE HOUSE FOR COMMUNITY LEADERS ON AUGUST 19, 2011.**

**Mayor Masters** presented the following members of the public who would be accompanying him to Washington D.C.: Rev. Hayward Williams, Michael Sloser, Beverly Morrison (not present), and Bridgette Wilborn (not present).

10. **PRESENTATION OF RETIREMENT MEMENTO TO JANNETTA TAYLOR-COCHRAN, EMPLOYED FROM NOVEMBER 14, 1988 THROUGH MAY 31, 2011.**

**ITEM POSTPONED**

11. **PRESENTATION BY SUPERVISOR OF ELECTIONS SUSAN BUCHER REGARDING CONSIDERATION OF EARLY VOTING IN THE CITY FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.**

A presentation was given by **Susan Bucher, Palm Beach County Supervisor of Elections.**

12. **PRESENTATION FROM THE PORT OF PALM BEACH DISCUSSING THE POTENTIAL FOR UTILIZING A PARCEL OF LAND, WHICH IS OWNED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, LOCATED SOUTH OF THE PORT OF PALM BEACH AND JUST NORTH OF THE MUNICIPAL BOUNDARY OF THE CITY OF WEST PALM BEACH, FOR STORAGE OF VEHICLES.**

A presentation was given Tom Lundeen, Deputy Port Director, Port of Palm Beach.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that the Port of Palm Beach wanted the opportunity to lease the property however; House Bill 777 stated that Florida Department of Transportation was going to be required to deed the property, which was the property where the Chinese Restaurant was located and the property where the trailer park was located.

### **PUBLIC HEARINGS**

13. **RESOLUTION NO. 112-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM THE HEALTH CARE DISTRICT OF PALM BEACH COUNTY FOR THE CONSTRUCTION OF THE 93,740 SQUARE FOOT HEALEY CENTER LOCATED AT THE POINTE WEST DEVELOPMENT, SOUTH OF BLUE HERON BOULEVARD, WEST OF MILITARY TRAIL AND NORTH OF STATE ROAD 710; 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 Pardo** to approve Resolution No. 112-11.

### **MOTION**

**Councilperson Pardo** stated that her concern was that in approving the application, the property would be taken off of the city's tax roll. She inquired as to whether or the not the district could be required to employ a number of city residents during the construction phase.

**Michael Gates, Gates Management**, stated that companies within the city limits have been contacted and that just as outreach was done in prior projects within other communities, outreach would be done for this project.

**Caryn St. John**, stated that Youth Build was contacted for job training and that Gates Management and everyone involved would provide input on how Youth Build could become more self sufficient by way of creating its own job situation which would have a domino affect.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that this was a site plan approval and this would be the only time the city council would have input. He stated that the minutes from the Planning and Zoning Board Meeting needed to be corrected. He stated that the board, at its last meeting, corrected staff's minutes and they should have been included.

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

### **MOTION APPROVED**

**ORDINANCES ON SECOND READING**

NONE

**ORDINANCES ON FIRST READING**

14. **ORDINANCE NO. 4001 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES" OF THE CITY'S CODE OF ORDINANCES BY CREATING A NEW SECTION ENTITLED "LOBBYIST REGISTRATION"; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve Ordinance No. 4001 on First Reading.

**MOTION**

**Councilperson Pardo** inquired about representatives of the labor unions registering who were required to register at county and state levels.

**City Attorney Ryan** stated that Section C Section 2-167 referred to exceptions and union representatives were not included.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that the approximate revenue source and operation cost was not included on the Agenda Item Summary Sheet. He stated that providing this service should not be used in a way of obtaining additional staffing for the next fiscal year. He stated that prior to second reading additional backup should be provided on the impact.

**Councilperson Pardo** stated that she would like to know the impact of providing the service.

**City Clerk Ward** stated that the ordinance was designed for the revenue received to cover the expenditures so it could possibly be a wash. She stated that revenue and expenditures could not be provided until the ordinance was put in place and at that time cost analysis would be provided.

**Councilperson Pardo** suggested that other municipalities be contacted to gather information as to fiscal impact and be provided by second reading.

**City Manager Jones** stated that municipalities would be contacted and information would be provided prior to the second reading.

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

**MOTION APPROVED**

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

**Margaret Shepherd, West Palm Beach**, announced the celebration of the Pastors’ Anniversary for the pastor of Hilltop Missionary Baptist Church starting August 21, 2011.

**Vivian Havener, E 25<sup>th</sup> Street**, stated that the Weed and Seed Program was beneficial to the children of the community. She stated that if there was funding available to keep the program viable then the city should do whatever it could to keep the program fully funded.

**Melvin Fields**, stated that he was remised we he heard that funding was not available for the Weed and Seed Program and petitioned the elected officials to find funding for the program.

**Inda Spenser, Weed and Seed Coordinator**, read statistics into the record as it related to the participants of the Weed and Seed program.

**Caryn St. John, Singer Drive**, stated that various city advisory boards have term expirations fastly approaching and some boards currently have vacancies. She encouraged the city council remove the residential and registered voter requirement because there were winter visitors who would possibly serve on the board if appointed. She stated that Riviera Beach Youth Build has started the Champion of Change Campaign wherein the organization was looking for major contributors and requested that if anyone had information on entities that could be approached to please contact the organization.

**Nora Mahoney, Broadway**, stated that the previous Town Hall Meeting held by Councilperson Davis was ill attended. She stated that so much focus was being put on the marina project but no focus was being put on the employers currently located in the city.

**Mike Mahoney, Broadway**, stated that he had recently went to the police department to file a report and it took at least an hour for an officer to be pulled from the street to come in and take his report; he stated that such action was not appropriate especially when he noticed that a lieutenant was present who could have taken the report.

**Bonnie Larson, W 27<sup>th</sup> Street**, inquired as to when the building that housed SeaChest Salvage was going to be demolished. She suggested that the turning lanes along Broadway be blocked for a week to determine the residents’ response and that would

give the city council a better understanding of her inquiry regarding wider medians and less turning lanes along Broadway.

**Gerald Ward, W 20<sup>th</sup> Street**, stated that during the Utility Special District Meeting there was an item regarding the disinfection process which begun almost a year ago and there was still no decision on which process would be utilized in the future. He inquired as to when the CRA was notified of the supposedly termination of the SR710 connection which had to be reestablished.

**Steve White, Essex Lane**, stated that he hoped that relinquishing the city's fire services to the county was not being considered during these difficult budget times. He stated that if this decision was made then it could possibly lead to total county takeover in the future.

**Ammon Yisrael, W 26<sup>th</sup> Ct**, stated that it would not be in the best interest of the city to turn the fire services over to the county. He stated that in speaking with a couple at the post office who was looking to purchase property, he advised them of the many attributes and they were surprised because their realtor suggested that they do not purchase within the city however after hearing what he had to say, they purchased a home in Thousand Oaks.

**Fane Lozman**, stated that the file detailing the case against the city regarding the reproduction of the transcripts for the Closed Executive Sessions where the marina was discussed was misplaced but has been located in the felony division of the State Attorney's Office who was aggressively working on the case. He stated that the city could possibly have issues with the passing of the resolution regarding meeting decorum as it related to first amendment rights.

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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**

- 15. RESOLUTION NO. 113-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REVISING THE RULES OF DECORUM GOVERNING PUBLIC CONDUCT DURING OFFICIAL MEETINGS BY DESIGNATING THE POLICE DEPARTMENT AS THE SERGEANT-AT-ARMS OF OFFICIAL MEETINGS OF THE CITY OF RIVIERA BEACH BY GIVING THE POLICE DEPARTMENT AUTHORITY TO REMOVE AND ARREST INDIVIDUALS SHOULD THEY FAIL TO FOLLOW THE RULES DURING OFFICIAL MEETINGS IN THE CITY OF RIVIERA BEACH; 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. 113-11.

**MOTION**

**City Attorney Ryan** read Sections 7 and 9 of the resolution into the record.

**Nora Mahoney, Broadway**, stated that passing this resolution would be against the rights of the citizens.

**Michael Mahoney, Broadway**, stated the message being sent with the passing of the proposed resolution was that the elected officials did not have control of the meetings.

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

**MOTION APPROVED**

**BOARD APPOINTMENT(S)**

NONE

**MAYOR AND CITY COUNCIL REPORT(S)**

NONE

**DISCUSSION BY THE CITY MANAGER**

**City Manager Jones** stated that progress was being made on getting the repairs done to Mr. Dixon's home.

**LEGAL DISCUSSION/REQUEST**

NONE

**DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL**

**Chairperson Davis** inquired about the new gun law.

**City Attorney Ryan** stated that once all information from various departments was gathered she would provide a full report.

**Chairperson Davis** stated that she received inquiries on whether or not the city provided roof repair work or funding for such repairs and in speaking with the city manager, the city did not have funding available, such request would have to go through the county; however, she would gather information as to what steps a property owner would have to take in order to apply and receive assistance.

**Councilperson Pardo** stated that she previously requested agenda packages for the Waterfront Advisory Board and she finally received one for the last meeting one hour prior to start time which was unacceptable. She requested that the city manager require the advisory boards provide agenda packages one week in advance. She stated that she had advised county staff that there was a helicopter ride business being operated on Peanut Island and they were reviewing the situation. She stated that she received a request from a resident in District 3 to place a garbage receptacle in a vacant lot behind their home. The request was submitted to staff who in return denied the request because staff from the Public Works Department would be responsible for emptying the trash; she then requested the city council's support of her motion to have a receptacle placed at W 1<sup>st</sup> Street and Australian Avenue and direct staff to empty it once a week.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** directing that a garbage receptacle be placed at W 1<sup>st</sup> Street and Australian Avenue and directing staff to empty the receptacle once a week.

**MOTION**

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

**MOTION APPROVED**

**Councilperson Pardo** stated that at the previous Budget Workshop staff was directed to meet with the county regarding the cost for providing fire and rescue services. She stated that it was her understanding that the county wanted a formal request from the city council.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to formally request that the City of Riviera Beach reach out to Palm Beach County requesting that figures be provided for a possible merger.

**MOTION**

**Councilperson Thomas** inquired as to whether or not former Fire Chief Troy Perry could be contacted for consulting purposes in assisting with the budget issues of the Fire Department.

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

**MOTION APPROVED**

**Mayor Masters** inquired as to what was the process to have the question placed on the ballot changing the terms for the elected officials to be changed from two years to three years. Mayor Masters requested a copy of all contracts with the city for the past six months. He stated that if there was a rule of decorum for the elected officials and the public then all department heads should be required to be present inside the chambers during meetings.

**Councilperson Thomas** inquired as to when the road project in front of city hall would be completed.

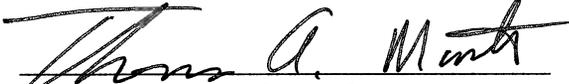
**Chairperson Davis** stated that she had approximately 30 book bags to giveaway and requested that anyone in need of a book bag contact her office at 845-3681.

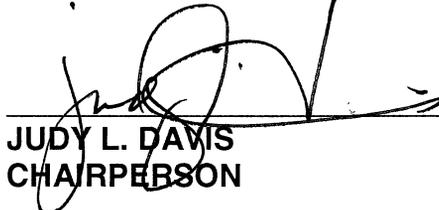
**ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 9:25 p.m.**

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

APPROVED:

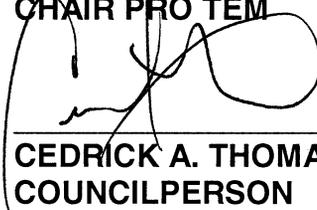
  
THOMAS A. MASTERS  
MAYOR

  
JUDY L. DAVIS  
CHAIRPERSON

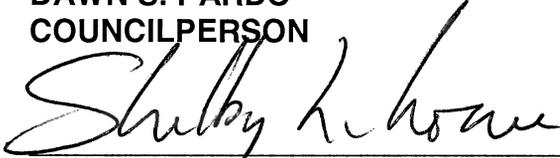
ATTEST:

  
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: D. Pardo

SECONDED BY: B. Brooks

J. DAVIS aye

B. BROOKS aye

C. THOMAS aye

D. PARDO aye

S. LOWE aye

DATE APPROVED: 09/7/2011