

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, SEPTEMBER 7, 2011 AT 6:30 P.M.**

**ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE LEGISLATIVE ASSISTANT PRIOR TO THE BEGINNING OF THE MEETING. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.**

**CITY CLERK CALLS TO ORDER**

**Roll Call**

Chairperson Davis was present and presided. Upon a roll call by City Clerk Ward, the following were present: Chairperson Judy Davis, Chair pro tem Billie E. Brooks; Councilperson Dawn S. Pardo; Councilperson Cedrick A. Thomas; 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.

Mayor Masters was tardy.

**Invocation/Pledge of Allegiance**

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

**AGENDA APPROVAL:**

**Additions, Deletions, Substitutions**

**City Manager Jones** stated the following revisions: page 93 of No. 1 – Minutes of the June 23, 2010 City Council Workshop – was corrected; No. 2 – Minutes of the July 26, 2010 City Council Workshop – was corrected; deleted No. 12 – Resolution regarding Florida Department of Transportation;

**Disclosure By Council**

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

**NONE**

## **Adoption of Agenda**

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** 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 CITY COUNCIL WORKSHOP HELD, JUNE 23, 2010.
2. MINUTES FROM THE CITY COUNCIL WORKSHOP HELD, JULY 26, 2010.
3. MINUTES FROM THE CITY COUNCIL WORKSHOP HELD, AUGUST 2, 2010.
4. MINUTES FROM THE CITY COUNCIL WORKSHOP HELD, OCTOBER 12, 2010.
5. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD, AUGUST 17, 2011.

## **RESOLUTIONS**

6. RESOLUTION NO. 114-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE FURLOUGH POLICY FOR FISCAL YEAR 2011 – 2012 AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. 115-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE “INTERNATIONAL COASTAL CLEANUP” BY PARTICIPATING IN A CLEAN-UP CAMPAIGN IN MONROE HEIGHTS AND THE SURROUNDING AREAS ON SEPTEMBER 17, 2011, SPONSORED BY OCEAN CONSERVANCY, COORDINATED BY KEEP PALM BEACH COUNTY BEAUTIFUL TO PROMOTE LITTER REDUCTION, SUPPORT RECYCLING, PRESERVE AND PROTECT OUR ENVIRONMENT AND HELP MAKE OUR NEIGHBORHOODS MORE LIVABLE, AND PROVIDING AN EFFECTIVE DATE.

8. RESOLUTION NO. 116-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) NEW FORD RANGER EXTENDED CAB PICKUP TRUCK FROM HUB CITY FORD BY PIGGYBACKING ON THE FLORIDA SHERIFFS ASSOCIATION CONTRACT NUMBER 10-18-0907; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO INCREASE THE PUBLIC WORKS BUDGET IN THE AMOUNT OF \$26,250 FOR PERSONNEL AND EQUIPMENT COSTS AND MAKING PAYMENT OF \$17,180.00 FOR THE VEHICLE PURCHASE FROM ACCOUNT NO. 001-1123-534-6451; AND PROVIDING AN EFFECTIVE DATE.
9. RESOLUTION NO. 117-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE FIVE (5) POLICE VEHICLES UNDER THE 2011 FLORIDA SHERIFF'S ASSOCIATION CONTRACT #10-18-0907, FROM GARBER CHEVROLET BUICK GMC INC, OF GREEN COVE SPRINGS, FLORIDA, IN THE AMOUNT OF \$124,859.00; AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM POLICE DEPARTMENT CAPITAL MOTOR VEHICLE ACCOUNTS AND THE INSURANCE FUND ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.
10. RESOLUTION NO. 118-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A TWELVE (12) MONTH RENEWAL OF THE ANNUAL CONTRACT FOR BOARD-UP AND SECURE SERVICES WITH J.D. ANDERSON OF RIVIERA BEACH, FLORIDA; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE \$75,000 FROM FUND 430 TO MAKE PAYMENT FOR SAME AND PROVIDING AN EFFECTIVE DATE.
11. RESOLUTION NO. 119-11 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 LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT (MMA) BETWEEN THE CITY OF RIVIERA BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROAD 5 (US 1); AND PROVIDING AN EFFECTIVE DATE.
12. RESOLUTION NO. \_\_\_\_\_ 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 CITY DEED WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION DEDICATING A PARCEL OF LAND IDENTIFIED AS PARCEL 101, LOCATED ON HIGHWAY US-1 CONTAINING 2,392 SQUARE FEET; AND PROVIDING FOR AN EFFECTIVE DATE.

**ITEM DELETED**

END OF CONSENT AGENDA

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

**MOTION**

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

**MOTION APPROVED**

**PETITIONS AND COMMUNICATIONS FOR FILING**

**NONE**

**AWARDS AND PRESENTATIONS**

**13. PROCLAMATION FROM THE OFFICE OF THE MAYOR SPONSORED BY COUNCIL CHAIR JUDY L. DAVIS DECLARING SEPTEMBER 2011 AS "HUNGER ACTION MONTH" ON BEHALF OF FEEDING SOUTH FLORIDA.**

**Chairperson Davis** presented the proclamation proclaiming the month of September as "Hunger Action Month" to Feeding South Florida and asked City Clerk Ward to assist in the absence of Mayor Masters.

Upon her arrival, Anthea Pennant, Pembroke Park, expressed words of appreciation for the proclamation. She stated that everyone could help by donating any amount of money, every little bit helps. She stated that as long as everyone works together, hunger can be beat.

**14. PROCLAMATION FROM THE OFFICE OF THE MAYOR SPONSORED BY COUNCIL CHAIR PRO-TEM BILLIE E. BROOKS DECLARING SEPTEMBER 2011 AS "SICKLE CELL AWARENESS MONTH" ON BEHALF OF THE SICKLE CELL FOUNDATION OF PALM BEACH AND TREASURE COAST, INC.**

**Chair pro tem Brooks** presented the proclamation proclaiming the month of September as "Sickle Cell Awareness Month" and asked City Clerk Ward to assist in the absence of Mayor Masters.

Dr. Yvette Coursey, Executive Director of the Sickle Cell Foundation of Palm Beach County and Treasure Coast, Inc., accepted the proclamation as proclaimed and expressed words of appreciation to the city.

**PUBLIC HEARINGS**

15. RESOLUTION NO. 120-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION FROM AUNT TINA'S HOUSE F.C.C. TO OPERATE A LARGE FAMILY CHILD CARE HOME LOCATED AT 301 W 25<sup>TH</sup> STREET 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 Councilperson Thomas to approve Resolution No. 120-11.

**MOTION**

Bonnie Larson, W 27<sup>th</sup> Street, stated that the backup information stated that the home was 2,000 sq feet but county records stated that it was 800 sq feet which was small with limited accommodations for the number of possible children and staff that would be present. She continued with questions regarding the size of the facility.

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

**MOTION APPROVED**

16. RESOLUTION NO. 121-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION FROM JONES BEAUTIFUL BEGINNING, INC., TO OPERATE A LARGE FAMILY CHILD CARE HOME LOCATED AT 451 W 36<sup>TH</sup> STREET 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. 121-11.

**MOTION**

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

**MOTION APPROVED**

**ORDINANCES ON SECOND READING**

17. 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 and stated that it was published in the August 21, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to adopt Ordinance No. 4001 on second and final reading.

**MOTION**

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

**MOTION APPROVED**

### **ORDINANCES ON FIRST READING**

18. **ORDINANCE NO. 4002 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 FIXING THE MILLAGE RATE OF 8.9980 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Ordinance No. 4002 on first reading.

**MOTION**

**Karen Hoskins, Interim Finance Director**, stated that the public hearing was advertised in accordance with the TRIM notice on the proposed tax bills distributed by the Palm Beach County Tax Collector to all property owners. She stated that the proposed millage rate was the current fiscal year's millage rate and it was lower than the rollback rate.

**William Burrs, Canterbury Dr South**, stated that it was requested at the budget workshop as well as a motion was made at a previously held City Council Meeting to have the Palm Beach County Fire Department present the city with a proposal. He stated that the way the proposed business transaction was being conducted was the same way the garbage collection was privatized. He requested that one of the elected officials make a motion to remove reviewing a proposal from the Palm Beach County Fire Department. He stated that it seemed as though the only employees affected by budget cuts as in past history were general employees.

**Councilperson Thomas** stated that the issue with the Fire Department had been resolved and that there was no reason for anyone to motion withdrawing the request for a proposal from the Palm Beach County Fire Department.

Discussion ensued

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

**MOTION APPROVED**

19. **ORDINANCE NO. 4003 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2012; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Ordinance No. 4003 on first reading.

**MOTION**

**Karen Hoskins, Interim Finance Director**, stated that the proposed budget was 2.73% less than the current year's budget.

**Councilperson Lowe** stated that he was against the proposed staffing changes for the Legislative Department.

**David Cross, Sugar Sands Blvd**, stated that the city's millage rate was the fourth highest in the county. He suggested that the city needed to start over with a blank page in an effort to decrease its millage rate.

**Bonnie Larson, W 27<sup>th</sup> Street**, inquired how previously eliminated positions were placed back into the budget only to be eliminated again.

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

**MOTION APPROVED**

20. **ORDINANCE NO. 4004 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MODIFYING AND UPDATING THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2011/2012 THROUGH 2015/2016, PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve Ordinance No. 4004 on first reading.

**MOTION**

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

**MOTION APPROVED**

21. **ORDINANCE NO. 4005 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, SECTION 14-24 ENTITLED "RETIREMENT BENEFITS" OF THE CODE OF ORDINANCES RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES BY PROVIDING THAT A VESTED TERMINATED MEMBER MAY COMMENCE RECEIPT OF AN ADJUSTED BENEFIT UPON ATTAINING NORMAL RETIREMENT DATE AS DEFINED IN THE PLAN; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve the ordinance on first reading.

**MOTION**

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

**MOTION APPROVED**

22. **ORDINANCE NO. 4006 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, SECTION 14-23 ENTITLED RETIREMENT DATES OF THE CITY'S CODE OF ORDINANCES RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES FOR SPECIFIC PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Ordinance No. 4006 on first reading.

**MOTION**

**William Burrs, Canterbury South**, stated that he felt that the proposed ordinance was discriminating. He stated that the proposed ordinance should have been discussed with the pension board and that it may not cost the city but it would have a financial impact on the pension. He stated that a previous request was made by the pension board to assist those who had retired from the city and received much

less than those who would benefit from the proposed ordinance but the city council rejected the request.

**Bessie Brown, W 35<sup>th</sup> Street**, stated that the proposed ordinance would affect the pension board decisions and the item was not presented to the pension board for discussion or consideration. She stated that the information was not provided to members of the pension board until September 2<sup>nd</sup> the Friday after their monthly meeting.

**Cinthia Becton, W 24<sup>th</sup> Street**, stated that the pension board authorizes the city to utilize the actuary so that a study could be conducted to determine whether or not it is actuarially sound and the pension board always request that the report is returned to them. She stated that receiving information on a Friday prior to a holiday and after an item is placed on the agenda was not notice especially when the pension board met on August 29<sup>th</sup>. She stated that there was an ordinance that was previously presented to the city council and it was placed on the agenda because of the pension board and the board was told they had to draft it as well as have the pension attorney present to discuss the item; she stated that the board was receiving mixed signals which could be costly.

Discussion ensued amongst the city council.

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

**MOTION APPROVED**

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

**Ms. Draga Lindblom, N Harbor Dr**, stated that when the moratorium for substance abuse facilities was adopted in June, the residents within Yacht Harbor subdivision requested to be informed of the process, as of todate no information had been provided. She stated that a letter was distributed to the elected officials because the residents submitted a letter to the Department of Children and Families Services regarding whether or not 2675 Lake Shore Drive received a license to operate as a substance abuse facility and the response was in the affirmative. She stated that the concern was that the residents were not notified as requested and that in the letter received at approximately 4:30 p.m. it indicated that public hearings and workshops would be held; she reiterated that the residents within the area wanted to be notified and would be participating.

**Ms. Angela Wynn, W 35<sup>th</sup> Street**, inquired as to why the individual in the Legislative Aide position could not be employed part time. She continued with stating that the food program managed by Ms Watson as indicated in the city's newsletter was in need of financial assistance.

**Mrs. Bernice Wooten, W 26<sup>th</sup> Street, site coordinator, and Mrs. Vivian Havener, E 25<sup>th</sup> Street**, announced that the International Coastal Cleanup would be held September 17, 2011; and they encouraged all residents to participate in the community wide cleanup effort. Also, they encouraged middle and high school students to participate to obtain the mandated community service hours.

**Ms. Inda Spencer, Weed and Seed Program**, stated that the employees, participants, and parents of participants, operated as a family and to discontinue the program as suggested was like destroying a family. She stated that a reduced budget of \$71,000 was submitted and that she was attempting to reduce it even further. She stated that a packet was distributed providing information on the services provided by the Weed and Seed Program.

**Ms. Bessie Brown, W 35<sup>th</sup> Street**, stated that she was in support of the city keeping the Weed and Seed Program; the one on one attention they received from the program was beneficial and would not be provided by the Boys and Girls Club. She requested that the city do whatever was necessary to keep the program.

**Mr. Frank Sampson, W 28<sup>th</sup> Street**, stated that he volunteers at the Weed and Seed Program and had witnessed its benefits. He stated that where the United States, the state of Florida, and Palm Beach County was ranked in education should be reason enough to keep the program. He stated that efforts were currently being made to have participants in the 6<sup>th</sup> through 8<sup>th</sup> grade participate at the R. J. Hendley Center in the math program in order to teach them Algebra I, Algebra II, and Geometry so that they would qualify for a dual enrollment program in the 9<sup>th</sup> grade wherein the students would be able to take college courses paid for by Palm Beach County.

**Mr. Kenneth Lovely, W 31<sup>st</sup> Street**, stated that he witnessed the benefits of the Weed and Seed Program through his child. He stated that the one on one relationship experienced by the participants in the program would not be found in programs such as the Boys and Girls Club.

**Ms. Margaret Shepherd, West Palm Beach**, invited everyone to participate in the anniversary celebration activities for Rev. Griffin Davis, Sr.

**Ms. Crystal Edwards, W 22<sup>nd</sup> Street**, stated that she volunteers at the Weed and Seed Program and that it was of a great concern for her if the program was discontinued being that she's a single parent.

**Rev. William Burrs, Canterbury Dr South**, stated that he supported the continuance of the Weed and Seed Program. He requested that the city reconsider the ordinance

presented by the pension board to increase the benefit for certain members who were currently receiving less than \$300 a month. He also stated that the city should consider allowing the person that would be allowed to purchase their time, as indicated in the ordinance, to continue to work until their time expires. He inquired of Councilperson Thomas whether or not he was willing to make a motion regarding taking discussion of the Fire Department of the table since it was advised that discussion would be held with the Palm Beach County Fire Department.

**Lt. Seretha Colbert, Riviera Beach Police Department**, stated as the representative for the lieutenants, they were not requesting that their jobs be saved at the risk of the city suffering. She stated that the lieutenants was not picketing, distributing propaganda, or knocking on the doors of the elected officials but were requesting that the elected officials do what was right because what was proposed by the chief of police was not right and it was proven that the numbers provided by him were not correct.

**Ms. Bonnie Larson, W 27<sup>th</sup> Street**, stated that she had previously inquired as to whether or not Worldwide Gifts had to have a chain link fence erected while construction was in progress and upon doing research she found out that it was not required and what was currently erected was acceptable. She stated that she previously submitted pictures of the drainage problem on her street and it still had not been corrected three years later. She stated that there was a building located behind JAY's Ministry wherein the roof was caving in and that the property should have never been allowed to deteriorate to that point.

†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**

**23. RESOLUTION NO. 122-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO HIRE TWO (2) TEMPORARY PART-TIME OCCUPATIONAL LICENSE SPECIALISTS FOR TWELVE (12) WEEKS TO ASSIST WITH THE DATA UPDATE OF EXISTING BUSINESS TAX RECEIPTS AND INSPECTION OF BUSINESSES TO INSURE THE APPROPRIATE BUSINESS TAX CERTIFICATE HAS BEEN OBTAINED; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE THE GENERAL FUND FUND BALANCE ACCOUNT NO. 001-00-399999 FOR \$20,000 TO ACCOUNT NO. 001-0308-513-0-1201; 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. 122-11.

**MOTION**

**Councilperson Thomas** requested a fee study for business licensing because he felt that the current charge was too expensive.

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

**MOTION APPROVED**

24. **RESOLUTION NO. 123-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ADMINISTRATIVE SALARY SCHEDULE OF THE JOB CLASSIFICATION LIST BY CREATING UNCLASSIFIED EXEMPT POSITIONS IN VARIOUS DEPARTMENTS; 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. 123-11.

**MOTION**

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

**MOTION APPROVED**

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Pardo** authorizing the city manager to advertise for those positions that were being requested.

**MOTION**

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

**MOTION APPROVED**

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

NONE

#### **DISCUSSION BY THE CITY MANAGER**

25. **DISCUSSION OF THE 2011-2012 CITY OF RIVIERA BEACH EDUCATION SCHOLARSHIP PROGRAM AWARDS.**

**City Manager Jones** stated that staff was seeking authorization to award scholarships to those selected by the scholarship committee.

A report was given by Roseanne Brown, Riviera Beach Education Scholarship Program. She stated that the committee was requesting \$2,000 from the city.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to expend the funds donated for the qualified recipients of the scholarship funds.

#### **MOTION**

**City Clerk Ward** informed Chairperson Davis of her obligation to submit a Conflict of Interest Form acknowledging her reason for abstaining to the city clerk.

**City Manager Jones** requested clarification as to whether or not the motion was to transfer funds from general fund contingency.

Upon discussion, it was determined that the motion was for the expenditure of the \$25,000 received to 25 of the 27 applicants. However, Councilperson Thomas stated that he would donate \$1,000 from his Community Benefit Fund to cover one of the additional applicants. City Manager Jones stated that she would donate \$1,000 for the final qualified applicant.

Ms Brown read the names of the recipients into the record.

**Chairperson Davis** stated that she would be abstaining from voting on this issue due to her niece and nephews being awarded scholarships.

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

#### **MOTION APPROVED**

**City Manager Jones** announced that the city along with several other entities would be hosting a Business Match Maker Conference and Expo on September 14<sup>th</sup> at the Airport Hilton in West Palm Beach beginning at 8:30 a.m.

#### **LEGAL DISCUSSION/REQUEST**

**City Attorney Ryan** stated that the appellate court ruled in favor of the city as it related to the case Mr. Lozman had against the city regarding his vessel; the courts ruled in favor of the city on every count.

#### **CITY COUNCIL COMMITTEE REPORT(S)**

**Councilperson Thomas** stated that there was a traffic issue at John F. Kennedy Middle School and he wanted permission from the city council to mitigate it with the Palm Beach County School Board.

There was a consensus of the city council authorizing Councilperson Thomas to meet with the Palm Beach County School Board regarding the traffic issue at John F. Kennedy Middle School.

### **STATEMENTS BY THE MAYOR AND CITY COUNCIL**

**Councilperson Thomas** requested assistance in planning the Senior Gala. He stated at the next City Council Meeting, he would be providing information on his plans for District 3's community involvement segments to be aired on TV18.

**Chair pro tem Brooks** encouraged resident involvement in the cleanup on September 17<sup>th</sup>. She expressed words of appreciation to the committee members who served on the Bobbie E. Brooks Scholarship Committee. Councilperson Brooks announced that on October 8<sup>th</sup> a Sister 2 Sister Health and Wellness Fair would be held at Revival Church of God on 6<sup>th</sup> Street and Australian Avenue.

**Chairperson Davis** announced that Comcast had an internet essential program which was available to parents with children receiving free lunch.

**Councilperson Pardo** stated that there were several very deep potholes on 27<sup>th</sup> Street and Broadway and requested that Public Works review the situation and determine what can be done to resolve it. She stated that the light located on 27<sup>th</sup> Street and Avenue E was out which was where a bus stop location for children waiting on the school bus during early morning hours prior to the sun rising. She announced that dictionaries were available for children in need of one and requested that parents contact her office. She announced that a bagel shop opened at the Ocean Mall.

**Mayor Masters** announced that a forum would be held with a representative from the Small Business Administration in the City Council Chambers on September 29<sup>th</sup>. He announced that he was invited back to the White House on September 19<sup>th</sup>.

### **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 10:04 p.m.**

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

APPROVED:

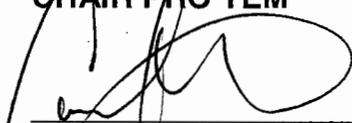
  
THOMAS A. MASTERS  
MAYOR

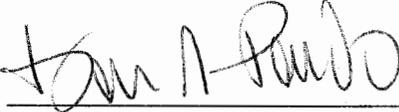
  
JUDY L. DAVIS  
CHAIRPERSON

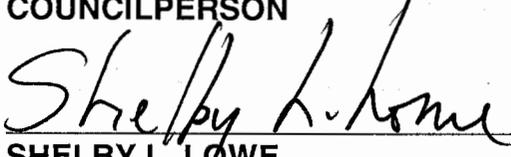
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
BILLIE E. BROOKS  
CHAIR PRO TEM

  
CEDRICK A. THOMAS  
COUNCILPERSON

  
DAWN S. PARDO  
COUNCILPERSON

  
SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: B. Brooks

SECONDED BY: C. Thomas

J. DAVIS aye

B. BROOKS aye

C. THOMAS aye

D. PARDO aye

S. LOWE aye

DATE APPROVED: 09/21/2011

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>Davis, Judy Lynn</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Riviera Beach City Council</b>
MAILING ADDRESS <b>341 W. 22nd Street</b>	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      COUNTY <b>Riviera Beach      Palm Beach</b>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	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 minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**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, Judy L. Davis, hereby disclose that on September 7, 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, Jeremy, James and Jerica Coachman, my niece & nephews;
- 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.

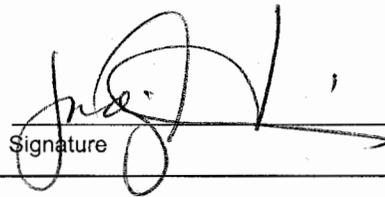
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

They are graduating high school seniors who met all requirements for award of a Riviera Beach Education Scholarship.

Date Filed

9/9/11

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.