

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, SEPTEMBER 21, 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 L. 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 C. Jones; City Clerk Carrie E. Ward, Master Municipal Clerk; and City Attorney Pamala H. Ryan.

City Clerk Ward announced, due to the burial of Mayor Masters' mother in Topeka Kansas he was absent.

**Invocation/Pledge of Allegiance**

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

**AGENDA Approval:**

**Additions, Deletions, Substitutions**

**Disclosure By Council**

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

**City Manager Jones** stated the following revisions to the agenda: deleted No. 13 – presentation by Dr. Emma Banks.

## **Adoption of Agenda**

A motion was made by **Chair pro tem Brooks** 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, APRIL 29, 2010.
2. MINUTES FROM THE CITY COUNCIL WORKSHOP HELD, MAY 18, 2010.
3. MINUTES FROM THE CITY COUNCIL BUDGET WORKSHOP HELD, JUNE 21, 2010.
4. MINUTES FROM THE CITY COUNCIL WORKSHOP HELD, JUNE 28, 2010.
5. MINUTES FROM THE CITY COUNCIL REGULAR MEETING HELD, SEPTEMBER 7, 2011.

## **RESOLUTIONS**

6. RESOLUTION NO. 124-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE IN ACCORDANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND PROVIDING OTHER AUTHORIZATIONS AND DISCLOSURES AS REQUIRED BY THE STATEMENT 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. 124-11.

**MOTION**

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

**MOTION APPROVED**

7. **RESOLUTION NO. 125-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING VOLOGY DATA SYSTEMS AS THE LOWEST RESPONSIVE AND RESPONSIBLE COMPETITIVE BIDDER FOR THE PURCHASE OF NETWORK INFRASTRUCTURE EQUIPMENT AND MAINTENANCE IN THE AMOUNT OF \$19,493, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 305-0243-519-0-6351; AND PROVIDING AN EFFECTIVE DATE.**
8. **RESOLUTION NO. 126-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING FIRE RESCUE TO CONTINUE SERVICES WITH EXPRESS PROFESSIONAL SERVICES, WEST PALM BEACH, FOR TEMPORARY STAFFING OF STAFF ASSISTANT, SENIOR, FOR FUNDS IN THE AMOUNT OF \$10,000.00; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 001-0920-522-0-1201; AND PROVIDING AN EFFECTIVE DATE.**
9. **RESOLUTION NO. 127-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE OFFICE OF THE ATTORNEY GENERAL – VICTIMS OF CRIME ACT (VOCA) FOR THE VICTIM ADVOCATE PROGRAM IN THE AMOUNT OF \$45,000; TO CONTINUE WITH CRISIS RESPONSE SERVICES FOCUSING IN AREAS OF HOMICIDE, DOMESTIC VIOLENCE, CHILD DEATHS, AND ELDERLY VICTIMIZATION; AUTHORIZING THE MAYOR TO EXECUTE CERTIFICATE OF ACCEPTANCE OF SUB GRANT AWARD; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET-UP THE BUDGET IN FUND 125 AND PROVIDING AN EFFECTIVE DATE.**
10. **RESOLUTION NO. 128-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENDORSING CERTAIN MODIFICATIONS TO THE APPROVED FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") PLANS FOR THE IMPROVEMENTS TO U.S. HIGHWAY 1 AND DIRECTING THE CITY MANAGER TO FORWARD A RESOLUTION ENDORSING SAID CHANGES TO FDOT; REPRESENTATIVE MACK BERNARD AND SENATOR CHRIS SMITH; AND PROVIDING FOR AN EFFECTIVE DATE.**
11. **RESOLUTION NO. 129-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A 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.

12. RESOLUTION NO. 130-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAMS (JAG) IN THE AMOUNT OF \$56,578.00; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP THE BUDGET; AND PROVIDING AN EFFECTIVE DATE.

#### END OF CONSENT AGENDA

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

**MOTION**

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

**MOTION APPROVED**

#### **PETITIONS AND COMMUNICATIONS FOR FILING** NONE.

#### **AWARDS AND PRESENTATIONS**

13. PRESENTATION BY EMMA T. BANKS, ED. D, PRINCIPAL OF INLET GROVE COMMUNITY HIGH SCHOOL, RIVIERA BEACH, FLORIDA. ( ITEM DELETED)

#### **PUBLIC HEARINGS**

14. RESOLUTION NO. 131-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION FROM CYNTHIA BEDFORD FAMILY DAYCARE TO OPERATE A LARGE FAMILY CHILD CARE HOME LOCATED AT 1145 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 Thomas** and seconded by **Chair pro tem Brooks** to approve Resolution No. 131-11.

**MOTION**

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

**MOTION APPROVED**

15. RESOLUTION NO. 132-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION FROM CORINE'S FAMILY CHILDCARE ACADEMY INC TO OPERATE A LARGE FAMILY CHILD CARE HOME LOCATED AT 390 W 22<sup>ND</sup> STREET AND; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve Resolution No. 132-11.

**MOTION**

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

**MOTION APPROVED**

#### **ORDINANCES ON SECOND READING**

16. 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 **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to adopt Ordinance No. 4002.

**MOTION**

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

**MOTION APPROVED**

17. 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 **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to adopt Ordinance No. 4003.

**MOTION**

**Gerald Ward, W 20<sup>th</sup> Street**, stated that he was glad to see the capital budget presented in a timely manner although he was not happy with it because there were still some departments that did not have five year projections but they would be requesting project funding in the future. He stated that the budget cycle had not been changed and the city had a policy regarding fund balance which needed to be reviewed and determine whether or not the budget was in compliance with the city's policy. Mr. Ward further stated that the city needed to determine how to budget more effectively and determine whether the functions were needed or if the funding needed to be placed else where. He stated that even though the millage rate was below the rollback rate it was still the third highest in Palm Beach County.

**David Cross, Sugar Sands**, stated that the city had the third highest millage rate. He stated that the population and size of the city did not warrant a \$47+ million general fund budget. He stated that the average increase over the last 10 years was 7% and requested that staff be ordered to plan the next budget cycle from a clean slate and if they were not familiar with the concept, get outside help. He stated that he was glad to see that a business development and a fulltime public information/media manager were budgeted.

**Aaron Niserson, Esq. representing the local IUPA**, stated that it was requested that if those affected by the actions of the proposed police departmental reorganization could produce something that would have the same cost savings as was presented the positions would not be eliminated. He stated that the lieutenants agreed to give up certain benefits which produced the same cost savings of the proposed departmental reorganization; once presented it was stated that it was not only cost savings but also other efficiencies. He questioned what the efficiencies were and was not provided an answer. He then stated that the lieutenants applied for lower positions but were not interviewed and that on September 9<sup>th</sup> it was determined that the captain positions proposed would cost more than \$62,000. He stated that there were options to consider and hoped that the city would do the right thing.

**Kathy Ribeiro, Little Torch Street**, stated that the city did not bargain in good faith with the lieutenants. She stated that advertisement for the captain positions was posted prior to negotiations being completed. She stated that the proposals presented by the union fell on deaf ears. She further stated that she applied for the captain position and had already received a rejection letter because of her college credits were not the same as what they were requesting. She stated that if the budget was approved, after 35 years of service the only thing she would receive was a final paycheck because she was not a participant in the pension plan.

**Michael Sloser, N Ocean Drive**, stated that there was a line item for the hiring of a public information officer/media manager and that the city was in need of someone telling its story. He stated that a reality check revealed that it was going to take time to mold an executed good program and the elected officials and staff to set

realistic expectations. He stated that when the city's story was told, it needed to be the same story from everyone. Mr. Sloser also stated that problems that the city has would not go away even if the city hired the best person in the world for the position and it would take the city as a whole to support whomever was hired.

A lengthy discussion ensued amongst the city council and Jack McLean, the city's labor attorney and Doretha Perry, Human Resources Director regarding the lieutenant positions within the Police Department.

During discussions, **City Manager Jones** stated that neither she nor the chief of police had a problem with the lieutenants who so desired to apply for the captain positions.

**Chairperson Davis** requested a consensus of the city council to open a 48 hour window for all interested lieutenants to apply for the captain's position regardless of college credits.

**Chair pro tem Brooks** inquired if points could be given for time of employment.

**Doretha Perry, Human Resources Director**, stated that the city gives points for being a veteran only.

**Councilperson Pardo** stated that she agreed with the part time positions for the Legislative Department but inquired as to whether or not it was necessary to continue with a fulltime staff assistant position.

**Councilperson Lowe** stated that if it was agreed upon to eliminate the fulltime staff assistant position then a person would be needed to address the everyday calls and walk-ins the office currently responds to.

**Councilperson Thomas** stated that whatever the desire of the city council he would support.

**Councilperson Pardo** stated that the public could be informed about where to go to have their concerns addressed and that each councilperson had a telephone with voicemail and cell phones. She stated that there were ways to take advantage of the cost savings that could occur if the position was eliminated.

**Councilperson Thomas** suggested that the staff assistant position be left vacant for 30 days and if after that time it was determined that the fulltime staff person was needed then at time a person would be hired.

**Councilperson Lowe** asked City Clerk Ward the responsibilities of the employee that was converted into a part time position in her office. He then requested the difference in the salaries of the part time position vs the staff assistant position in the legislative office.

A discussion ensued amongst the city council, City Manager Jones, Interim Finance Director Hoskins, and City Clerk Ward as to the additional cost for making the office assistant, senior position within the Office of the City Clerk fulltime and the additional responsibilities.

**Chair pro tem Brooks** inquired as to what would be the procedure if each councilperson did not have their part time person in place upon adoption of the budget.

**City Manager Jones** stated that the calls could be routed through the city's main number and thusly a live person would answer the telephone and route the calls to the appropriate department. She stated that if a part time person was not in place for each elected officials, then the calls would be directed to the extension of the elected official until a person was hired to address the telephone calls. She stated that the extensions could be re-routed and a notice could be placed on the legislative door advising customers of same until all was resolved.

A discussion ensued amongst the city council and City Manager Jones regarding filling the staff assistant position full-time without benefits and who would be the person's supervisor.

For clarification purposes, Chairperson Davis stated that the consensus was to allow a 48 hour window for all current lieutenants who so desired apply for the captain positions and waive the college credit hours requirement; and as for the Legislative Department, hire a fulltime temporary person at \$13.94 per hour and the person would be supervised by City Manager Jones.

**Councilperson Lowe** stated that he was suggesting that additional hours be provided to the part-time employee in the City Clerk's Office being that they were familiar with what was going on in the city and at one time was full-time and they would be supervised by City Clerk Ward.

**City Manager Jones** requested clarification as to whether or not the position would be full-time with or without benefits.

**Councilperson Lowe** stated that his recommendation was a full-time person with benefits.

A discussion ensued amongst the city council and City Manager Jones regarding the cost of making the part-time person within the Office of the City Clerk full-time and with City Clerk Ward being responsible for the person in the position.

For clarification purposes, Chairperson Davis stated that the part-time position within the Office of the City Clerk would be full-time with benefits and would be responsible for all incoming calls and the current lieutenants within the Police

Department would be given a 48 hour window to apply for the captain positions if so desired and the college credits requirement would be waived.

**Karen Hoskins, Interim Finance Director**, inquired about the city council's position on the Weed and Seed Program.

**City Manager Jones** stated that the city council requested the cost for 50 children within the Weed and Seed area to attend the Boys and Girls Club. She stated that annual cost for 50 children for 12 months including transportation was \$9,000.

No further action was taken.

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

**MOTION APPROVED**

18. **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 and announced that it was advertised in the September 11, 2011 edition of the Palm Beach Post.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to adopt Ordinance No. 4004.

**MOTION**

**Mary Brabham, W 9<sup>th</sup> Street**, stated that she submitted a list of streets that needed speed bumps in 2009 and at that time she was told that there was no funding, the project would be placed on the waiting list. She stated that she would like a list of the parks that were included in the capital plan. Mrs. Brabham also stated that the storm season was approaching and the canals needed to be cleaned, and that sidewalks within various communities needed to be addressed.

**Councilperson Lowe** stated that lighting along Congress Avenue needed to be addressed in the capital budget due the increased pedestrian traffic of students to the middle school and high school as well as the number of homicides that has occurred in the area. He stated that he objected to the capital plan being that it did not address street and sidewalk improvements throughout the community and that a new Police Department facility was included in the plan. He felt the funds being allocated to build a new police facility could be routed toward street projects within the communities.

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

**MOTION APPROVED**

19. **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 and announced that it was advertised in the September 11, 2011 edition of the Palm Beach Post.

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Brooks** to adopt Ordinance No. 4005.

**MOTION**

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

**MOTION APPROVED**

20. **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 and announced that it was advertised in the September 11, 2011 edition of the Palm Beach Post.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Lowe** to adopt Ordinance No. 4006.

**MOTION**

**Rev. William H. Burrs, Canterbury Dr. S**, stated that the individuals slated to benefit from the adoption of this ordinance only had an additional four to six months before they were eligible for retirement and they should have been allowed to continue working until that time and that would reduce any conflict. He stated that

it was his understanding that a report had not been received from the Pension Board stating the impact this action would have on the pension in the future.

**Chairperson Davis** stated that she had just received an email from Stephen Palmquist stating that there would be no formal actuarial impact to the pension.

**Bessie Brown, W 35<sup>th</sup> Street**, stated that she would like a copy of the letter and inquired as to whether or not the question was asked whether or not this action would affect anyone else in the pension plan.

**Councilperson Thomas** stated for the record that the pension board attorney vetted the ordinance prior to it being discussed at the September 7<sup>th</sup> City Council Meeting.

**City Attorney Ryan** stated for the record that a change was made to Section 6, stating that the effective date of the ordinance was September 30, 2011.

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

**MOTION APPROVED**

#### **ORDINANCES ON FIRST READING**

**NONE**

#### **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, Rosemary Avenue**, expressed words of appreciation for the esthetic improvements made to the library.

**Rev. William H. Burrs, Canterbury Dr S**, stated that at the previous City Council Meeting the city attorney was proud of the case the city won regarding the vessel owned by Fane Lozman; however, he felt that the city lost because of the amount of money the city had spent in pursuing the case. He stated that he understood how the lieutenants felt because he once was in the same position but he survived.

**Michael Mahoney, Broadway**, stated that he had the right to call the police if he felt that he needed their services. He stated that if he felt that an incident needed documented/reported then he would continue to call the police and upon their arrival if

they determined that it was not a police matter then they could leave just as they have done in the past.

**Nora Mahoney, Broadway**, stated that she experienced obstruction due to construction on the day that Councilperson Thomas was speaking of at the previous City Council Meeting. She stated that the public should be informed on the departments responsibility of handling their complaints by way of hosting an open house wherein department heads could speak to the public on the responsibilities of their department.

**Mary Brabham, W 9<sup>th</sup> Street**, stated that she was pleased with the efforts of the city's elected official. She stated that just as a resolution was found regarding the Fire Department's budget a resolution needed to be achieved for the Police Department. She expressed appreciation to the employees that were leaving for the services rendered to the citizens of the Riviera Beach.

**Lt. Seretha Colbert, Police Department**, stated that the lieutenants were willing to make concessions in an effort to assist with the necessary budget reduction but as it turned out, it was not about the money. She stated that she did not hold any ill will against those involved in the budget decision process because she realized it was not an easy decision making process; however, the comments made by Mr. McLean were not correct. She stated that the chief of police would have ten years of service as of the next year and he would have a second pension but yet it was being taken away from individuals who had been with the city 20+ years. She stated that the chief of police did not hesitate to request an increase in complement to his staff but will not request anything for the officers who put their lives on the line on daily basis and the city council needed to change that and do something for those who perform the duty of protecting and serving. She pleaded to the council to revisit the actions of the police chief reference the lieutenants. She then stated that she felt the city manager did not have a clue of what was being presented.

\*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**

- 21. RESOLUTION NO. 133-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF RIVIERA BEACH, FLORIDA AND ALCALDE & FAY, LTD., TO PROVIDE LOBBYIST REPRESENTATION AT THE FEDERAL LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH IN THE AMOUNT OF \$5,000 PER MONTH FOR ONE (1) YEAR COMMENCING OCTOBER 1, 2011 TO SEPTEMBER 30, 2012; THE SAME TO**

**BE PAID FROM THE PROFESSIONAL SERVICES—OTHER ACCOUNT NO. 001-0203-519-0-3106; 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. 133-11.

**MOTION**

**Maurice Kurland, Alcalde & Fay**, stated that a report was provided outlining some of the accomplishments of the firm for the city and that they were continuously working on the priorities of the city.

A discussion ensued amongst the city council and Mr. Kurland regarding the notification process and the distribution of homeland security funding.

**Gerald Ward, W 20<sup>th</sup> Street**, stated that at the bottom of the agenda item summary sheet it stated that the city council was approving the boogie list listed on the back of the sheet. He stated that the resolution should be approved but a realistic list should be provided and discussed at a future meeting.

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

**MOTION APPROVED**

22. **RESOLUTION NO. 134-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT BY AND AMONG THE CITY OF RIVIERA BEACH, THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY, THE RIVIERA BEACH UTILITY SPECIAL DISTRICT, RYBOVICH RIVIERA BEACH LLC, AND HAYGOOD & HARRIS, LLC, AS ESCROW AGENT, REGARDING DISPOSITION OF THAT CERTAIN SUBMERGED AND UPLAND LANDS LEASE ENTERED INTO BY THE PARTIES; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve Resolution No. 134-11.

**MOTION**

**Councilperson Lowe** stated that he objected to this proposal because he felt that the city was being bullied when it owned the property. He stated that he felt the city had always been pushed around by this particular entity that would benefit from the outcome.

**Gerald Ward, W 20<sup>th</sup> Street**, stated that this issue should have been resolved six months ago so that there would be progress for the city's working waterfront. He stated that the escrow agent chosen was a poor choice and an outside individual/firm should have been chosen which would have corrected various mistakes such as the numbering system utilized in the agreement. Mr. Ward stated that he also inquired about the affect this action would have on the lawsuits authorized last November.

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

**MOTION APPROVED**

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

NONE

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

**City Manager Jones** expressed words of appreciation to the city council and staff members for their efforts in completing the budget process; she stated that preparation for the 2012/2013 budget cycle would begin in a few months. She expressed words of appreciation to Ms. Gloria Shuttlesworth, Mr. Carl Chandler, and Mr. Paul White for their contributions to the city. She stated that the city council was provided with her benchmarks and that she would be meeting with each councilperson for feedback so that the item could be placed on the agenda for the next City Council Meeting and that the city council would be polled to set workshop dates. City Manager Jones stated that an update on the marina project would be provided on Thursday. She stated that the asbestos report was completed for 2211 Broadway and the demolition contract for the building and others would be opened in the coming week and once completed a vendor would be submitted to the city council for approval.

### **LEGAL DISCUSSION/REQUEST**

**City Attorney Ryan** stated that her office conducted a comprehensive review of the new gun law as it related to what the city currently had in place. She stated that a meeting was scheduled with the chief of police regarding amendments to some ordinances that were currently in place and that a memorandum was forthcoming in the next 30 days.

**Chairperson Davis** stated that various municipalities were sending letters to Tallahassee voicing their opposition to the new gun law and requested the pleasure of the city council of submitting a letter on behalf of the city.

Support of submitting was given by Councilpersons Brooks, Davis, and Thomas. Councilpersons Lowe and Pardo were not in support.

**Chairperson Davis** stated for the city manager to draft a letter for submittal to Tallahassee voicing the city's opposition.

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

**Councilperson Thomas** stated that Chief of Police Clarence Williams spoke to Chief Kelly of the Palm Beach County School Board regarding the traffic issues that were occurring at John F. Kennedy Middle School and Suncoast High School and that he would be submitting a report to the respective principals advising them of the progress.

**Chair pro tem Brooks** stated that she attended the meeting of the Riviera Beach Business Council and they were delighted at the attendance at the Rybovich facility and that a celebration was being planned for the opening of Publix.

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

**Councilperson Pardo** stated that she attended a reception hosted by the Florida Inland Navigation District in Delray Beach; and in speaking with individuals from Palm Beach County as well as FIND she was informed that funding was available for the removal of derelict vessels located within the intercostals waterway. She stated that she also attended the board meeting and dredging of the channel was discussed; the board agreed to conduct the sea grass study as well as the mitigation study. She announced that she was appointed to the Water Resources Task Force by the Palm Beach County Board of Commissioners and she would be providing an update within the next few months and she was appointed to the Energy and Environmental Quality Committee by the Florida League of Cities. Councilperson Pardo announced that the Library Advisory Board was in need of volunteers and that she had a replacement for her district Ms. Joan Sloser. She inquired whether or not she could make a motion for appointment at this time or if the item needed to be placed on the agenda for the next City Council Meeting.

**City Attorney Ryan** stated that a board appointment item was being placed on the agenda for the next City Council Meeting.

Councilperson Pardo stated that she spoke on behalf of the mayor at the Northern Palm Beach County Chamber of Commerce that was held this morning and she gave them an update on the city's progress.

**Councilperson Lowe** stated that he attended the mayor's Literacy Coalition Luncheon and the city came in first place last year for the reading initiative and the mayor of West Palm Beach stated that they were going to take the title. He encouraged those who participated last year and those who did not participate to do so.

**Chairperson Davis** stated that she informed the board at the last Community Redevelopment Agency meeting that the majority of the members would be attending the Florida Redevelopment Association Conference scheduled for October 19<sup>th</sup> which

was a Regular City Council Meeting date and that it needed to be determined whether or not the meeting would be rescheduled or cancelled. She stated that she provided correspondence on funding available for the boat that was sunk in the intracostal. Chairperson Davis announced the CRA director submitted an application for the Florida Redevelopment Award and the Ocean Mall project won the recognition. She stated that in the Nation's Cities Weekly Newspaper an article was published regarding a repair warranty program that was available to property owners and the city manager would be retrieving information to provide to the elected officials and residents of the city. She announced that she would be utilizing the last of her community benefit funds to host an Employee Appreciation Luncheon on September 29, 2011 at Wells Recreation Center, 11:30 a.m. until 2:00 p.m.

**Chair pro tem Brooks** stated that she was appreciative of the attendance at the groundbreaking ceremony for Pleasant Plaza project. She expressed words of appreciation for those who participated in cleanup efforts held September 17, 2011 and that there was a football team that wanted to participate but would be scheduling a date during the month of October to go throughout the city picking up debris. She announced that Sister to Sister Health Fair was scheduled for October 8<sup>th</sup> at Revival Church of God on the corner of 6<sup>th</sup> Street and Australian Avenue from 10:00 a.m. until 2:00 p.m. Councilperson Brooks stated that a workshop was held in the City Council Chambers and televised on Channel 18 on September 20, 2011 regarding exertional sickling and encouraged everyone to watch the programming.

**Councilperson Thomas** stated he received emails regarding sewage spills within the city and inquired as to whether or not the information was correct.

**City Manager Jones** replied that there was a sewage spill and an email was distributed advising of such approximately three weeks ago.

Councilperson Thomas then stated that a charrette was scheduled for October 8<sup>th</sup> for the Riviera Heights neighborhood but it would be rescheduled due the Sister to Sister Health Fair. He announced that the football field at Suncoast High School was renamed Al Sutton Stadium. Councilperson Thomas stated expressed words of appreciation to Mary McKinney and the staff of the Community Development Department for their efforts in the success of the Ocean Mall project.

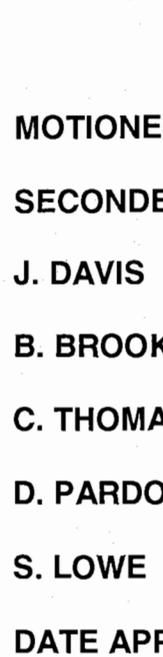
## **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 10:15 p.m.**

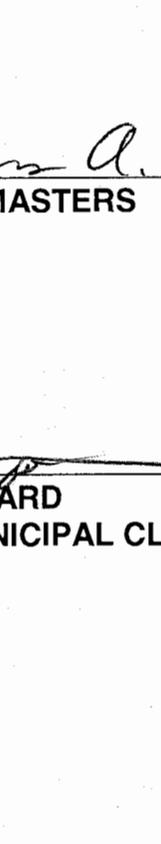
**PLEASE NOTE: A COMPLETE RECORDING AND AGENDA PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.**

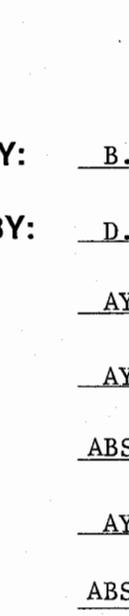
APPROVED:

  
THOMAS A. MASTERS  
MAYOR

  
JUDY L. DAVIS  
CHAIRPERSON

ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
BILLIE E. BROOKS  
CHAIR PRO TEM

ABSENT  
CEDRICK A. THOMAS  
COUNCILPERSON

  
DAWN S. PARDO  
COUNCILPERSON

ABSENT  
SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: B. BROOKS

SECONDED BY: D. PARDO

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS ABSENT

D. PARDO AYE

S. LOWE ABSENT

DATE APPROVED: 10/05/2011