

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

**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 CALL TO ORDER**

Chairperson Davis was present and presided. Upon a roll call by City Clerk Ward, the following were present: Mayor Thomas A. Masters; Chairperson Judy L. Davis, Chair pro tem Billie E. Brooks; Councilperson Cedrick A. Thomas; and Councilperson Dawn S. Pardo. Also present were: City Manager Ruth C. Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala Ryan.

Councilperson Lowe was tardy.

**Invocation/Pledge of Allegiance**

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Chair pro tem Brooks.

**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** made the following revisions to the agenda: added No. 7A – Presentation by Chair pro tem Brooks; added No. 10G – Every Child Should Smile; added No. 10H – Palm Beach County Boys and Girls Club; revised No. 10F – Revival Community Outreach Ministries; added discussion of Charter Amendment question to be placed on the ballot for the March Municipal Election; and added 11A – appointment to the Planning and Zoning Board.

## **Adoption of Agenda**

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

**MOTION**

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

**MOTION APPROVED**

## **CONSENT AGENDA**

***ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.***

## **MINUTES**

1. **MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD, NOVEMBER 16, 2011.**

## **RESOLUTIONS**

2. **RESOLUTION NO. 159-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY CLERK TO NOTICE AND PREPARE FOR THE GENERAL MUNICIPAL ELECTIONS TO BE HELD TUESDAY, MARCH 13, 2012; AND RUN-OFF ELECTIONS IF NECESSARY, TUESDAY, MARCH 27, 2012. ELECTIONS SHALL BE HELD WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY BETWEEN THE HOURS OF 7:00 AM UNTIL 7:00 PM TO FILL THE EXPIRED SEATS, TO WIT: CITY COUNCIL DISTRICT TWO (2); AND CITY COUNCIL DISTRICT FOUR (4); RESPECTIVELY; FURTHER AUTHORIZING THE CITY CLERK TO DESIGNATE VOTING LOCATIONS; TO APPOINT AND SCHEDULE TRAINING FOR THE CITY'S ELECTION STAFF; TO APPOINT THE CITY OF RIVIERA BEACH CANVASSING BOARD; AND IS HEREBY ASSIGNED ALL APPURTENANT DUTIES THERETO; FURTHER AUTHORIZING AND APPROVING THE AGREEMENT BETWEEN THE CITY AND THE SOE OFFICE TO PROVIDE FOR THE USE OF VOTING EQUIPMENT; PROVIDE FOR THE CITY'S OFFICIAL BALLOT, ABSENTEE BALLOT, AND PROVISIONAL BALLOT IN SUCH ELECTIONS, AND OTHER RELATED AGREED UPON SERVICES; DECLARING A DATE AND A TIME FOR THE CONVENING OF THE CITY'S CANVASSING BOARD AND PROVIDING AN EFFECTIVE DATE.**

3. RESOLUTION NO. 160-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE CONTRACT WITH DUNLAP & ASSOCIATES FOR AN ADDITIONAL TWELVE MONTHS FOR FINANCIAL ADVISOR SERVICES COMMENCING NOVEMBER 18, 2011 THROUGH NOVEMBER 17, 2012; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.
4. RESOLUTION NO. 161-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE COMBINED MAINTENANCE AGREEMENT FOR SERVICE OF TELEPHONE AND RADIO EQUIPMENT AND MESH EQUIPMENT FOR FISCAL YEAR 2011/2012, WITH MOTOROLA SOLUTIONS, AT A TOTAL COST OF \$175,320.14, AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN SAID AGREEMENT; AND AUTHORIZING PAYMENT FORM ACCOUNT NUMBERS 001-0817-521-0-4601; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. 162-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE 2012 DR. MARTIN LUTHER KING, JR. BUDGET AND ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

#### END OF CONSENT AGENDA

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

#### PETITIONS AND COMMUNICATIONS FOR FILING

NONE

#### AWARDS AND PRESENTATIONS

6. PROCLAMATION FROM THE OFFICE OF THE MAYOR DECLARING THE MONTH OF JANUARY 2012 AS "NATIONAL MENTORING MONTH" ON BEHALF OF THE CHILDREN SERVICES COUNCIL.

Mayor Masters presented the proclamation recognizing "National Mentoring Month".

7. PRESENTATION BY FIRE RESCUE RECOGNIZING AND CONGRATULATING CAPTAIN PATRICIA ARMOUR, FIRE INSPECTOR, ON BEING HONORED AS FIRE INSPECTOR OF THE YEAR BY THE FIRE MARSHALS ASSOCIATION OF PALM BEACH.

**Interim Fire Chief LeDuc**, read the letter of nomination he submitted to the Fire Marshals Association. He presented Captain Armour with a token of appreciation for her hard work and winning Fire Inspector of the Year Award.

**Capt. Armour**, expressed words of appreciation.

**7A PRESENTATION BY CITY COUNCIL PRO-TEM BILLIE E. BROOKS TO THE CITY OF RIVIERA BEACH ON BEHALF OF THE STATE VOCATIONAL REHABILITATION AGENCY FOR ITS COMMITMENT TO HIRING THE DISABLED.**

**Chair pro tem Brooks** presented the city with the award received for hiring individuals with disabilities.

**Senovia Thomas** expressed words of appreciation for the opportunity to be employed inspite of her disability.

**PUBLIC HEARINGS**

**ORDINANCES ON SECOND READING**

**NONE**

**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.*

**Terrence Davis, W 32<sup>nd</sup> Street**, stated that no one contacted him regarding Kindred Hospital not paying a water bill to the city since its been in the city and he wanted to know the status of the investigation.

Referred to the City Manager for follow-up.

**Lloyd Brown, W 35<sup>th</sup> Street**, stated that he had a home built through the SHIP program and there were currently issues with the home wherein the flooring was not leveled and there were cracks in the ceiling. He stated that there was no proof that an inspection

was conducted on the house and that he could not get an answer from the city or the county.

Referred to the City Manager for follow-up.

**Vivian Havener, E 25<sup>th</sup> Street**, expressed words of appreciation to the elected officials for their hard work in moving the city forward. She wished everyone a Merry Christmas and Happy New Year.

**David Cross, Sugar Sands**, stated that the newsletter only reaches the addresses within the city but the positive efforts need to be known abroad and he was excited about the city hiring someone for marketing.

**Bruce Guyton, W 26<sup>th</sup> Court**, stated as interim chairperson for the Committee for a Better Riviera Beach, he wanted to encourage the elected officials to place a question on the ballot regarding extending terms from two to three years but that was voted on earlier in the meeting. He stated that continuity was important and it affected the city's credit rating.

**Caryn St. John, Singer Drive**, announced that the Youth Build fundraiser would be held at Two Drunken Goats on December 10<sup>th</sup> 10:00 a.m. until 12:00 p.m.; there would be a silent and live auction.

**Angela Wynn, W 35<sup>th</sup> Street**, stated that she was looking forward to the question being placed on the ballot regarding extending the terms of the elected officials and hoped that the residents would support the question.

**Margaret Shepherd, Rosemary Avenue**, stated that she would be moving back into the city shortly and she realized that there was no place like home.

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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**

8. **RESOLUTION NO. 163-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATION OF STAFF TO NEGOTIATE PROFESSIONAL SERVICES CONTRACTS WITH THE 1<sup>ST</sup> RANKED FIRM, FORD & HARRISON, LLP OF MIAMI, FLORIDA AND THE 2<sup>ND</sup> RANKED FIRM, MCLEAN & COMPANY TO PROVIDE COLLECTIVE BARGAINING AND LABOR RELATIONS SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Lowe** to approve Resolution No. 163-11.

**MOTION**

An amended motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to select McLean & Company, LLC and Glen Torcivia & Associates, P.A. to provide collective bargaining and labor relations services.

**AMENDED MOTION**

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

**MOTION APPROVED**

9. **RESOLUTION NO. 164-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATION OF STAFF AND AUTHORIZING STAFF TO NEGOTIATE A PROFESSIONAL CONSULTING SERVICES CONTRACT WITH THE NUMBER ONE (1) RANKED FIRM, MCKINLEY INSURANCE SERVICES, INC. OF FORT LAUDERDALE, FLORIDA TO SERVE AS THE AGENT OF RECORD FOR THE CITY'S GROUP INSURANCE PLANS; 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 **Councilperson Lowe** to approve Resolution No. 164-11.

**MOTION**

**Chair pro tem Brooks** requested that the company be advised that there was an interest if a vacancy occurred that someone from the city be considered to fill the position.

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

**MOTION APPROVED**

## **DISCUSSION & DELIBERATION**

### **10. COMMUNITY BENEFITS REQUEST.**

- A. **CITY OF RIVIERA BEACH SCHOLARSHIP PROGRAM - \$1,000.00 – JUDY L. DAVIS**  
*City of Riviera Beach Scholarships are offered to qualified entering freshmen, sophomores, juniors and seniors at a college, university or trade/technical school.*

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve the request from the Riviera Beach Scholarship Program in the amount of \$1,000 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

- B. YOUTH RECREATION ASSOCIATION - \$500 – JUDY L. DAVIS**  
This event is hosted by the Youth Recreation Association for the senior citizens of Villa Franciscan Housing Complex and there will be entertainment, food and fun in celebration of the holiday season.

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve the request from the Youth Recreation Association in the amount of \$500 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

- C. FAITH HOPE LOVE CHARITY, INC. (FHLC, INC.) - \$500.00 – JUDY L. DAVIS**  
Assists male/female veterans who are struggling due to mental and/or physical wounds and illness, addiction, homelessness and/or other issues to regain their lives through a multi-tiered program, transitional living and collaborative efforts.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approve the request from Faith, Hope, Love, Charity, Inc. in the amount of \$500 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

- D. CITY OF RIVIERA BEACH MUNICIPAL LIBRARY - \$5,000.00 – SHELBY L. LOWE**  
The Municipal Library will host a concert in celebration of the American Library Association's Jazz Appreciation Month in April 2012 for the benefit of City residents.

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to approve the request from the American Library Association in the amount of \$5,000 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

- E. HOUSING PARTNERSHIP, INC. - \$500.00 – SHELBY L. LOWE**  
**Bee Brilliant Book Club Pancake Breakfast Christmas Party for Christmas gifts, decorations and Christmas tree.**

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to approve the request from the Bee Brilliant Book Club in the amount of \$500 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

- F. REVIVAL COMMUNITY OUTREACH MINISTRIES - \$2,000.00 – BILLIE E. BROOKS – REVISION – REQUEST INCREASED TO \$3,000**  
**Donation will serve a minimum of 100 families from the West Riviera Elementary School providing a hot holiday meal, a \$20 gift card, a food basket and a family game.**

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Lowe** to approve the request from Revival Community Outreach Ministries in the amount of \$3,000 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

- G. EVERY CHILD SHOULD SMILE ON CHRISTMAS MORNING**  
**CHARITABLE EVENT- \$2,500 - DAWN PARDO**

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve the request from Every Child Should Smile On Christmas Morning in the amount of \$2,500 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

**H. BOYS & GIRLS CLUB OF PALM BEACH COUNTY – \$500 – JUDY DAVIS**

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve the request from the Boys and Girls Club of Palm Beach County in the amount of \$500 from the Community Benefit Fund.

**MOTION**

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

**MOTION APPROVED**

**BOARD APPOINTMENT(S)**

**11. CITY COUNCIL TO REAPPOINT MEMBERS TO THE PLANNING AND ZONING BOARD.**

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Pardo** to reappoint Julius Whigham and Edward Kunuty to the Planning and Zoning Board.

**MOTION**

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

**MOTION APPROVED**

**11A APPOINT MARIE DAVIS TO THE PLANNING AND ZONING BOARD**

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to appoint Marie Davis to the Planning and Zoning Board.

**MOTION**

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

**MOTION APPROVED**

**DISCUSSION BY THE CITY MANAGER**

**CHARTER AMENDMENT PROCEDURE**

**City Manager Jones** stated that at the last City Council Meeting the mayor initiated discussion as it related to information on the process for possibly proposing charter amendments. She stated that correspondence prepared by City Clerk Ward was provided to the elected officials and a copy included in the agenda packet that outlines the procedure to amend the charter.

**Mayor Masters** requested that the question regarding extending the term for elected officials to three years be placed on the ballot and urged the citizens to support the efforts.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to place the question on the ballot regarding extending the terms of elected officials to three years.

**MOTION**

**Councilperson Pardo** inquired as to whether or not the question would be placed on the March 2012 ballot or the March 2013 ballot.

**Mayor Masters** stated that the question would be placed on the March 2012 ballot to be effective 2013.

**Councilperson Pardo** inquired as to whether or not, if approved, would go into effect immediately or in 2013.

**City Attorney Ryan** stated that the effective date would be clearly stated in the question.

**Chair pro tem Brooks** inquired as to whether or not the effective date could be determined by the city council.

**City Attorney Ryan** stated that the effective date was at the discretion of the city council; the most important thing was educating the public.

**Councilperson Thomas** stated that this action would also give the city the opportunity to heal by not having an election every year.

**Councilperson Lowe** inquired as to whether or not the question would be presented to the city council for approval.

**City Clerk Ward** stated that she provided two options for the council's consideration and from what she was hearing option 1 was the preferred option wherein the procedure was outlined to state that the language would be prepared by the city attorney in the form of an ordinance and presented to the city council for approval and adoption. She stated that results of the election were effective upon her presenting the certification to the city's canvassing board..

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

**MOTION APPROVED**

## LEGAL DISCUSSION/REQUEST

**City Attorney Ryan** stated that she distributed a number of memos to the elected officials regarding various litigations and a reminder on an upcoming hearing.

## CITY COUNCIL COMMITTEE REPORT(S)

NONE

## STATEMENTS BY THE MAYOR AND CITY COUNCIL

**Chairperson Davis** congratulated Councilperson Thomas on his first annual Fifth Grade Fun Day. She announced that the annual Youth Build Fundraiser would be held December 10<sup>th</sup> at Two Drunken Goats and she still had raffle tickets available.

**Councilperson Thomas** expressed words of appreciation to his fellow elected officials and everyone who supported the Third Annual Turkey Giveaway and the Fifth Grade Fun Day which allotted for both events to be very successful.

**Councilperson Pardo** stated that the construction workers on A1A in front of Yacht Harbor Manor were causing an obstruction of view because they parked in the construction zone; she requested that they be advised not to park there before an accident occurred. She stated that a request was made by the Advertising and Industrial Promotions Board to assist the city with interviewing for the position of marketing. She reminded everyone of the Mingle and Jingle scheduled for December 8<sup>th</sup> at Johnny Longboat.

**Chair pro tem Brooks** stated that a segment during the Martin Luther King, Jr Senior Luncheon there would be a Shero segment and she would appreciate residents submit names with documentation of those community members who has improved the lives of others; she also stated that former and current female service personnel would be recognized. She announced that a Christmas Affair would be held December 17<sup>th</sup>, 10:00 a.m. until 3:00 p.m. at the Revival Church of God located on the corner of 6<sup>th</sup> Street and Australian Avenue. She requested an update on the moratorium of the gambling arcades.

**Mary McKinney, Community Development Director**, stated that there was discussion in the state legislature to ban such facilities in the state and if the ban was adopted that would be the legislation.

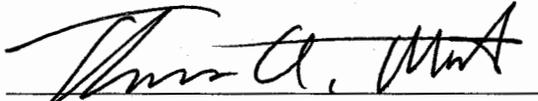
**Mayor Masters** commended Ms Dozier and Mr. Cross on the wonderful work on the city's newsletter. He expressed appreciation to each elected official for their efforts in improving the lives of the city's residents.

**ADJOURNMENT**

The being no further business, the meeting was duly adjourned at 8:40 p.m.

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

**APPROVED:**



**THOMAS A. MASTERS  
MAYOR**



**JUDY L. DAVIS  
CHAIRPERSON**

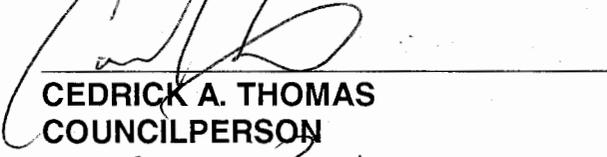
**ATTEST:**



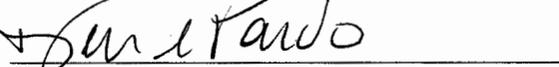
**CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK**



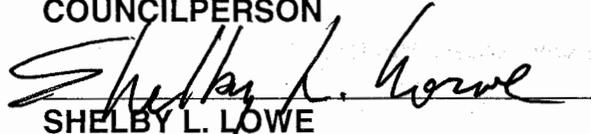
**BILLIE E. BROOKS  
CHAIR PRO TEM**



**CEDRICK A. THOMAS  
COUNCILPERSON**



**DAWN S. PARDO  
COUNCILPERSON**



**SHELBY L. LOWE  
COUNCILPERSON**

**MOTIONED BY:** S. LOWE

**SECONDED BY:** B. BROOKS

**J. DAVIS** AYE

**B. BROOKS** AYE

**C. THOMAS** AYE

**D. PARDO** AYE

**S. LOWE** AYE

**DATE APPROVED:** 01/04/2012