

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, JANUARY 20, 2010 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 Pardo was present and presided. Upon a roll call by City Clerk Ward, the following were present: Chairperson Dawn S. Pardo; Chair pro-tem Judy L. Davis; Councilperson Billie E. Brooks; Councilperson Tonya Davis Johnson; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC, and City Attorney Pamala H. Ryan.**

**Mayor Masters was out on official business.**

**Invocation/Pledge of Allegiance**

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

**AGENDA APPROVAL:**

**Additions, Deletions, Substitutions**

**City Manager Jones stated that the following additions, corrections, and revisions to the agenda: No. 8 – presentation to Amaris Graham -- additional backup provided; No. 8A – American Cancer Society -- additional backup provided; No. 10 – Resolution reference water taxi stop – revision to heading of resolution; No 11 – Resolution reference Jordan Jones and Goulding – additional information provided; No. 13 – Planning and Zoning Board appointment – topic corrected; and added discussion regarding negotiations with Palm Beach County School Board.**

**Disclosure By Council**

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

NONE

**Adoption of Agenda**

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

**MOTION**

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

**MOTION APPROVED**

**CONSENT AGENDA:**

**MINUTES:**

1. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD JANUARY 6, 2010.

**RESOLUTIONS:**

2. RESOLUTION NO. 6-10 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 WITH PALM BEACH COUNTY TO ACCEPT VOUCHERS FROM THE COUNTY'S DROWNING PREVENTION COALITION PROGRAM FOR REDEMPTION FOR PAYMENT OF SWIMMING LESSONS PROVIDED BY PARKS AND RECREATION DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve Resolution No. 6-10.

**MOTION**

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

**MOTION APPROVED**

3. RESOLUTION NO. 7-10 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 FIVE YEAR INTERLOCAL AGREEMENT WITH THE TOWN OF PALM BEACH SHORES TO PROVIDE EMERGENCY MEDICAL SERVICES AND SUPPLEMENTAL FIRE PROTECTION SERVICES; THE CITY OF RIVIERA BEACH AGREES TO PROVIDE EMERGENCY MEDICAL SERVICES FOR THE AMOUNT OF \$202,872 AND SUPPLEMENTAL FIRE PROTECTION SERVICES FOR THE AMOUNT OF \$86,945 FOR THE FIRST YEAR EFFECTIVE MARCH 1, 2010; AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 8-10 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 BETWEEN THE CITY OF RIVIERA BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO SUBORDINATE CITY'S UTILITY INTERESTS IN A CERTAIN PARCEL OF LAND ON SR 708; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. 9-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 001 TO THE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY EXTENDING THE COMPLETION DATE FOR THE WEST 23<sup>RD</sup> STREET PROJECT; AND PROVIDING AN EFFECTIVE DATE.
6. RESOLUTION NO. 10-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASING DIRECTOR TO PUBLICLY SOLICIT QUALIFICATIONS (RFQ) FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES FOR THE CONSTRUCTION OF A NEW PUBLIC WORKS COMPLEX; AUTHORIZING THE PURCHASING DIRECTOR TO SOLICIT OFFERS, ESTABLISH THE EVALUATION CRITERIA AND CONDUCT THE EVALUATION PROCESS IN ACCORDANCE WITH FLORIDA STATUTES 287.055, "THE CONSULTANT'S COMPETITIVE NEGOTIATION ACT"; AND PROVIDING AN EFFECTIVE DATE.

**NO DISCUSSION**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Brooks and seconded by Chair pro tem Davis to approve Resolution No. 10-10.

**MOTION**

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

**MOTION APPROVED**

**END OF CONSENT AGENDA**

The amended Consent Agenda was unanimously approved.

**APPROVED**

**PETITIONS AND COMMUNICATIONS FOR FILING:**

NONE

**AWARDS AND PRESENTATIONS:**

7. **PRESENTATION BY MIKE NIVOKA TO AWARD THE RAFFLE WINNER WITH A 32" FLAT SCREEN TELEVISION FOR FUNDRAISER HELD BY RIVIERA CHARGERS' CHEERLEADERS AND DANCE GROUP.**

**Kenneth Payne, Parks and Recreation Department**, expressed words of appreciation to Mr. NiVoka of Oceanside Services for sponsoring the winning prize for the fundraiser by the cheerleaders and presented Mr. Thomas Hoffman with a 32" flat screen television and t-shirts from Oceanside Services.

8. **PRESENTATION COMMENDING 13 YEAR-OLD MS. AMARIS GRAHAM FOR WINNING THE FLORIDA VOTER'S LEAGUE ORATORICAL CONTEST FOR FIVE CONSECUTIVE YEARS.**

**Councilperson Davis Johnson** presented Amaris Graham with a token of appreciation for her success in winning the Florida Voter's League Oratorical Contest for five consecutive years.

- 8A. **PRESENTATION FROM THE AMERICAN CANCER SOCIETY.**

**Anthony Robinson, Executive Director American Cancer Society Northern Palm Beach Unit**, expounded on the services provided by the American Cancer Society. He stated that he was meeting with John Williams, Parks and Recreation Director, regarding hosting Relay For Life at the park at Tate Recreation Center.

**PUBLIC HEARINGS:**

NONE

**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.*

**Mary Steinger, Freeport Drive**, announced that an auction would be held March 15, 2010 in Marsh Harbour to sell open and vacant units.

**Bonnie Larson, West 27<sup>th</sup> Street**, expressed her concern about backup information for items being received at the last minute. She inquired about the demolition of old city hall.

**Norma Duncombe, Lake Shore Drive**, announced that Inlet Grove Community High School conducts a Flea Market on Saturdays and Sundays as a revenue generator to assist in funding scholarships.

**Margaret Shepherd, West Palm Beach**, stated that the City Council must work together in order to move the city forward.

**Richard Wester, Riviera Beach**, made comments reference Palm Beach County Fire Rescue Union coming into the city trying to take over.

**Robert Sheppard, Palm Beach County Voter's League**, announced that there would be a Meet & Greet Gala on February 13<sup>th</sup> at Hurst Chapel A.M.E. Multipurpose Center, 6:00 p.m. until 8:00 p.m.

**Gerald Ward, West 20<sup>th</sup> Street**, announced that land development regulations would be on the agenda for the next Planning and Zoning meeting and encourage public participation. He also announced the need for donations for the Haitian Relief efforts and that they could be dropped off at the various fire stations within the city.

**Fane Lozman, Riviera Beach**, stated that he met with the state attorney reference his decision on whether or not charges would be pressed against the officers who threw him around at an October meeting. He stated that he also

discussed the scenario surrounding the Tikki Bar as a result of the Auditor General's report.

**Nora Mahoney, 2120 Broadway**, made comments reference the deplorable condition of vacant buildings along US1 and inquired as to whether or not the property owners would be cited for noncompliance.

**Angela Wynn, West 35<sup>th</sup> Street**, stated for the record that the police officers did not toss Mr Lozman, he did it to himself. She stated that she agreed with the City Council should have tabled approval of the resolution regarding JJ& G. She announced that the Riviera Beach Civic Association held a meeting on January 18<sup>th</sup> and that their meetings are held every third Monday of the month.

**Warrie Leonard, West 23<sup>rd</sup> Street**, made comments reference no emergency signal for the fire station located on Military Trail. She expressed appreciation to the members of staff who assisted Timber Pine Estate Homeowner Association in the situation with TD Bank. Ms Leonard announced that plans were in place to expand Blue Heron Boulevard and Congress Avenue which would possibly close the entrance on the east side of the development.

**Cynthia Becton, Riviera Beach Education Committee**, requested that the City Council consider utilizing funds from the Community Benefit fund for the scholarship program and the Summer Academic Program.

**Jesse Pincney, West 23<sup>rd</sup> Street**, requested that the City Council financially support the scholarship program and the Summer Academic Program.

**Mary Brabham, West 9<sup>th</sup> Street** expressed words of appreciation for the recognition she received during the Martin Luther King, Jr. Celebration. She continued with encouraging the citizens to exercise their right to vote.

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:**

9. **RESOLUTION NO. 11-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS OFFICE FOR VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES COMMENCING JANUARY 1, 2010 THROUGH DECEMBER 31, 2010; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT; AND PROVIDING AN**

**EFFECTIVE DATE.**

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

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** to approve Resolution No. 11-10.

**MOTION**

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

**MOTION APPROVED**

10. **RESOLUTION NO. 12-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO TERMINATE GRANT AGREEMENTS BETWEEN THE CITY OF RIVIERA BEACH AND THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO) FOR FUNDS IN THE AMOUNT OF \$100,000 WITH A REQUIRED MATCH OF \$9,515 ~~AND IN THE AMOUNT OF \$96,910~~ FOR A WATER TAXI STOP UNDER THE JERRY THOMAS BRIDGE (BLUE HERON BOULEVARD) AND IN THE AMOUNT OF \$96,910 FOR A WATER TAXI STOP AT THE CITY'S MARINA; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to approve Resolution No. 12-10.

**MOTION**

**Fane Lozman, Riviera Beach**, made comments against the city returning grant funds to the county.

**John Sprague, Palm Beach Gardens**, made comments against the city returning grant funds to the county.

**Gerald Ward, West 20<sup>th</sup> Street**, made comments reference water taxi services being a priority for the Treasure Coast Regional Council and the efforts being put forth by the businesses located on the side of the Blue Heron Bridge to make it a clean and safe area.

There was a consensus of the City Council directing staff to request an extension and to move forward with the process for locating a water taxi stop under the bridge.

**City Manager Jones** stated that staff would request a two year extension.

Upon a roll call vote by City Clerk Ward, the motion unanimously failed.

**MOTION FAILED**

11. **RESOLUTION NO. 13-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA. APPROVING A WORK ORDER WITH JORDAN JONES AND GOULDING (JJ&G) OF PALM BEACH GARDENS, FLORIDA, NOT TO EXCEED \$433,400 FOR THE PURPOSE OF COMPLETING THE DESIGN, ENGINEERING AND PERMIT APPLICATION FOR THE REPLACEMENT OF THE MARINA DOCKS, AND THE DESIGN, ENGINEERING, CONSTRUCTION DOCUMENT AND SERVICES FOR THE REPLACEMENT OF THE BULKHEAD AT THE RIVIERA BEACH MUNICIPAL MARINA; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM THE PALM BEACH COUNTY WATER ACCESS GRANT NO. 424-0000-543-6-3103; AND THE FLORIDA INLAND NAVIGATIONAL DISTRICT GRANT NO. 425-0000-543-1-3103; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve Resolution No. 13-10.

**MOTION**

**Robert Cutcher** reviewed the project process for the remediation project of the marina.

A lengthy discussion ensued amongst the City Council, the city manager, David Scott of JJG.

**John Sprague, Palm Beach Gardens**, stated that he has identified another grant that the city may qualify for that would assist with the cost of the permitting process.

**Fane Lozman, Riviera Beach**, stated that he did not agree with the justification of the city utilizing a vendor with whom there was a current agreement. He also inquired as to what would happen if the dedication was not approved.

**Gerald Ward, West 20<sup>th</sup> Street**, stated that the City Council should wait before approving the resolution so that it could be properly reviewed.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** to table approval of Resolution No. 13-10 until Wednesday after the CRA Meeting.

**MOTION TO TABLE**

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

**MOTION APPROVED**

**12. UPDATE ON SPRING BLING.**

**Gloria Shuttlesworth, Assistant City Manager**, gave an update on Spring Bling being held within the city. She announced that the city had been chosen and that filming would be done April 9<sup>th</sup> and 10<sup>th</sup>.

**Samore Agrawal, West 6<sup>th</sup> Street**, expressed appreciation for the city hosting Spring Bling.

**Bonnie Larson, West 27<sup>th</sup> Street**, stated that public water access would be restricted during the duration of BET on the beach and that she wanted concrete information on how the city benefits from hosting Spring Bling.

**BOARD APPOINTMENT(S):**

- 13. CITY COUNCIL TO APPOINT MS. LASHEA BROOKS AS A REGULAR MEMBER TO THE PLANNING AND ZONING BOARD AND MR. RICHARD F. BAUMGART AND MR. PAUL D. BURGESS AS ALTERNATE MEMBERS TO THE PLANNING AND ZONING BOARD.**

**THE MOTION**

**Chair pro tem Davis** stated that Mr. Burgess should be the first alternate and Mr. Baumgart should be the second alternate because of the order in which the applications were received.

The City Council unanimously approved staff's recommendation.

**APPROVED**

**Gerald Ward, West 20<sup>th</sup> Street**, stated that he was appreciative of the approval and that a vacancy on the board would be occurring within six months.

**DISCUSSION BY THE CITY MANAGER:**

**NONE**

**LEGAL DISCUSSION/REQUEST:**

**City Attorney Ryan** stated that the City Council was provided, prior to the meeting, a copy of the resolution with respect to the interlocal agreement with Palm Beach County School Board. She stated that enlight of a special meeting

being scheduled for Wednesday the City Council may want to consider the resolution and agreement at that time.

**Gerald Ward, West 20<sup>th</sup> Street**, stated that the City Council should go with the City Attorney's recommendation and consider approval of the resolution and agreement on Wednesday evening at the special meeting. He requested that information regarding this item be distributed to the affected neighborhood and businesses.

**Warrie Leonard, West 23<sup>rd</sup> Street**, stated that the Education Committee needed to be a part of the process.

#### **DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:**

#### **14. CITY MANAGER EVALUATION.**

**Councilperson Davis Johnson** stated that the evaluation tool for the city manager was distributed and meetings were scheduled with each councilperson and the city manager to review her evaluation. She stated that she had scoring sheets from Chairperson Pardo, Chair pro tem Davis, and Councilperson Brooks but not Councilperson Lowe. Councilperson Davis Johnson asked Councilperson Lowe about his copy of the evaluation or if he knew the score he ranked City Manager Jones. She stated based on the accumulative score, the score average was 3.6 and requested the pleasure of the City Council.

**Chair pro tem Davis** requested that a workshop be scheduled to discuss the City Council's goals and objectives for the city manager.

The City Council proceeded with their individual expectations discussed with the city manager, and outlined on their scoring sheets.

**Margaret Shepherd, West Palm Beach**, parted words of encouragement to the city manager.

**Norma Duncombe, Lake Shore Drive**, stated that she was appreciative of how the City Council handled the process and the concerns expressed with the city manager.

**City Manager Jones** requested a list be compiled outlining the objectives of each councilperson and then discussions could be held to prioritize the objectives for the next six months.

**Councilperson Davis Johnson** stated that the prioritization needed to be completed as soon as possible because the next evaluation would be due June 2<sup>nd</sup>.

At this time, City Clerk Ward requested a copy of the evaluations and scores for the record; she then stated that a motion was in order to effect their efforts.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve the salary increase for the city manager and to retroact it based upon the contents of the contract.

**MOTION**

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

**MOTION APPROVED**

**Chair pro tem Davis** reminded the residents of the FP&L energy home makeover efforts. She announced that Best Buy was offering scholarships for 9<sup>th</sup> thru 12<sup>th</sup> graders and that applications needed to be submitted by February 15, 2010 and she provided the web address.

**Councilperson Brooks** announced on behalf of Shirley Wright, Principal of RJ Hendley Christian School, that a company had come forth to pay the school's utilities and they were very appreciative of their generosity.

**Chairperson Pardo** expressed words of appreciation to members of staff for their successful efforts on the senior citizen luncheon as well as the parade in celebration of the Martin Luther King, Jr festivities. She stated that she received correspondence from Representative Maria Sachs, who has a contact at Jet Blue, and that any resident who had loved ones in Haiti and were unable to contact them, call the office for information on possible discounted or free flights. Chairperson Pardo requested that a status report on the furlough day savings be given at the next City Council Meeting.

**Councilperson Lowe** stated that he felt that funding for the scholarship program as well as the summer academic program should be voted upon by city residents since the community benefit fund was not being replenished. He then asked City Clerk Ward the deadline dates to place items on the ballot as a referendum.

**City Clerk Ward** replied the deadlines for the March 9<sup>th</sup> ballot expires at the current meeting date. However, if there was something being considered for referendum, a primary election and general election would be held later this year. She stated that she needed to be informed of the intent so that she could provide the deadlines for future referendum questions.

**Councilperson Brooks** stated that efforts should be put forth in developing a partnership with vendors conducting business within the city and with the city in an effort to raise funds for both programs.

**Chair pro tem Davis** stated that the cellphone program with proceeds going

toward the scholarship fund was moving forward but not at a rate that it could fully fund the program.

**ADJOURNMENT**

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

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

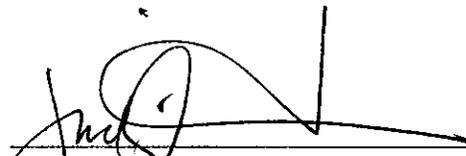
**APPROVED:**

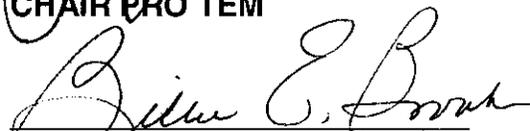
  
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**THOMAS A. MASTERS**  
**MAYOR**

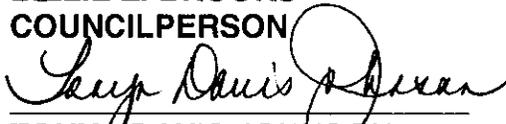
  
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**DAWN S. PARDO**  
**CHAIRPERSON**

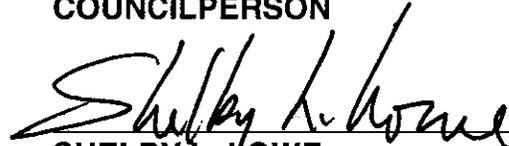
**ATTEST:**

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

  
\_\_\_\_\_  
**JUDY L. DAVIS**  
**CHAIR PRO TEM**

  
\_\_\_\_\_  
**BILLIE E. BROOKS**  
**COUNCILPERSON**

  
\_\_\_\_\_  
**TONYA DAVIS JOHNSON**  
**COUNCILPERSON**

  
\_\_\_\_\_  
**SHELBY L. LOWE**  
**COUNCILPERSON**

**MOTIONED BY:** J. Davis  
**SECONDED BY:** T. Johnson

**D. PARDO** aye  
**J. DAVIS** aye  
**B. BROOKS** aye  
**T. D. JOHNSON** aye  
**S. LOWE** aye

**DATE APPROVED:** 02/03/2010