

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 3, 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: Mayor Thomas A. Masters; Chairperson Dawn S. Pardo; Chair pro-tem Judy L. Davis; Councilperson Billie E. Brooks; and Councilperson Tonya Davis Johnson. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC, and City Attorney Pamala H. Ryan.

Councilperson Lowe was tardy.

Invocation/Pledge of Allegiance

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

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda deleted No. 5 – presentation to Rev. James E. Adams and No. 9 – resolution reference Carbon Solutions America. A revised copy of No. 10 – resolution reference green local government -- was provided.

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 Brooks** 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:

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 JANUARY 20, 2009.

RESOLUTIONS:

2. RESOLUTION NO. 15-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIPT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$309,944; FOR THE RECONSTRUCTION OF WEST 34TH STREET FROM AVENUE "R" TO AVENUE "O"; AUTHORIZING THE FINANCE DIRECTOR TO SET UP BUDGET FOR SAME AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN THE PAVING AND DRAINAGE CONSTRUCTION FUND IN THE AMOUNT OF \$311,056; AND PROVIDING FOR AN EFFECTIVE DATE.

ITEM PULLED FOR DISCUSSION

City Clerk Ward read the aforementioned into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Davis Johnson** to approve Resolution No. 15-10.

MOTION

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

MOTION APPROVED

3. **RESOLUTION NO. 16-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE FLORIDA STATE AID TO LIBRARIES GRANT IN THE AMOUNT OF \$11,632; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

END OF CONSENT AGENDA

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** 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:

4. **PROCLAMATION PROCLAIMING FEBRUARY 7, 2010 AS NATIONAL BLACK HIV-AIDS AWARENESS DAY.**

Mayor Masters read the proclamation into the record.

5. **PROCLAMATION PRESENTING A KEY TO THE CITY AND PROCLAIMING JANUARY 17, 2010 AS PASTOR JAMES E. ADAMS DAY.** **ITEM DELETED**

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

6. **ORDINANCE NO. 3060 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF EAST 21ST STREET EAST OF AVENUE "B" DESCRIBED AS A PORTION OF THAT CERTAIN 40-FOOT RIGHT OF WAY AS LAID OUT, CONSTRUCTED, AND MAINTAINED (NOW KNOWN AS 21ST STREET) AS SHOWN ON THE REVISED PLAT OF COCOANUT LODGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 488, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF THAT CERTAIN 50-FOOT RIGHT-OF-WAY (NOW KNOWN AS AVENUE B) STARTING AT THE SW CORNER OF THE PORTION OF LAND DESCRIBED IN ORB 1469 PAGE 488, THENCE WESTERLY ALONG THE NORTH PROPERTY LINE OF LOT 1 BLOCK 2, TO THE NW CORNER OF SAID LOT, THENCE AT A BEARING OF N 16° 47' 47" E A DISTANCE OF 40.97 FEET TO THE SW CORNER OF LOT 7, BLOCK 1, THENCE ALONG THE SOUTH PROPERTY LINE OF SAID LOT TO THE NW CORNER OF THE PORTION OF LAND DESCRIBED IN ORB 1469 PAGE 488 AS SHOWN ON SAID REVISED PLAT OF COCOANUT LODGE. SAID LANDS LYING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THAT CERTAIN PORTION OF A 40-FOOT RIGHT OF WAY (NOW KNOWN AS 21ST STREET) AS SHOWN ON THE REVISED PLAT OF COCOANUT LODGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 488, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WEST OF THE WET FACE OF THE EXISTING BULKHEAD AS SHOWN HEREON; SAID LANDS LYING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY; PROVIDING CONDITIONS; 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 published in the January 20, 2010 edition of the Palm Beach Post.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to adopt Ordinance No. 3060.

MOTION

Mary McKinney, Community Development Director, reviewed the backup information.

Bonnie Larson, W 27th Street, stated that in reading the backup information provided, it seemed as though the timeframe expanded across approximately five years and that due to current economic conditions which affected JSF negatively also, the property may be sold.

Mike Mahoney, 2100 Broadway, stated that the city should not give the property away.

Fane Lozman, 2100 Broadway, made comments reference calls he had with various state officials regarding the abandonment. He stated that an email was sent to the elected officials from Debra Poppel regarding the state's position on the abandonment and he was submitting a copy for the record.

Nora Mahoney, 2100 Broadway, made comments against adopting the proposed ordinance.

Chip Armstrong, 4240 Delmora Ct, made comments in support of adopting the proposed ordinance.

Tony Gigliotti, SICA, made comments in support of adopting the proposed ordinance.

J L Williams, 1191 Morse Blvd, made comments in support of adopting the proposed ordinance.

Angela Wynn, W 35th Street, made comments in support of adopting the proposed ordinance.

Martin Murphy, 1124 Avenue F, made comments in support of adopting the proposed ordinance.

Zar Yassine 26 E 21st Street, made comments in support of adopting the proposed ordinance.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

NONE

RESOLUTIONS:

7. **RESOLUTION NO. 17-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RETURNING SUBMERGED LANDS LYING WITHIN THE WATERS OF THE LAKE WORTH LAGOON TO THE STATE OF FLORIDA; 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. 17-10.

MOTION

Mary McKinney, Community Development Director, reviewed the backup information.

Fane Lozman, 2100 Broadway, made comments reference how the previous abandonment voids the dedication of the three parcels on which the marina was located.

Bonnie Larson, W 27th Street, made comments against approval of the proposed resolution.

Martin Murphy, 1124 Avenue C, made comments in support of the proposed resolution.

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

MOTION APPROVED

COMMENTS FROM THE PUBLIC – 8:00 PM*¹ – Non Agenda or Consent Item Speakers (Three Minute Limitation) *Please be reminded that the City Council has adopted a set of “Rules of Decorum Governing Public Conduct during Official Meetings”, which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium from the meeting and/or the building, if necessary. Please govern yourselves accordingly.*

Margaret Shepherd, West Palm Beach, made comments reference the panel discussion of published authors who live in the city.

Mike Mahoney, 2120 Broadway, made comments reference the deplorable esthetics of the city because of the city’s lack of enforcing its own code.

Nora Mahoney, 2120 Broadway, made comments reference televising the Planning and Zoning Board Meeting although the members and public

attendance was low. She continued with comments reference the necessity for a new copier in the library.

Bonnie Larson, W 27th Street, made comments reference some of the desires of the Planning and Zoning Board which included televising the meetings. She also made comments regarding placing a marquee in front of city hall.

Fane Lozman, Riviera Beach, stated that he spoke with the state attorney regarding his decision on whether or not charges would be filed against the officers who threw him to the ground at a previous meeting. He continued with comments reference the marina director not living within the city.

Richard Wester, 331 W 23rd Street, made comments reference efforts of county union representatives interfering with a vote made regarding the city's firefighter pension plan.

Tina White, 808 W 1st Street, made comments reference the city council adopting a local preference ordinance prior to the RFP document for solid waste collection and disposal.

CJ Harris, Memphis, TN, representing Neighborhood Association Corporation of America, stated that this was a non-profit organization that assisted homeowners with saving their homes through affordable mortgage payments and that they would be at the Palm Beach County Convention Center, February 25th through March 1st and that the services were being provided for free.

Ann Marie Sorrells, 2016 Island Drive, announced that an auction would be taking place in Marsh Harbour in an effort to sell the last vacant units.

Angela Wynn, W 35th Street, announced that Riviera Beach Civic Association meeting would be held February 15th at Newcomb Hall at 6:30 p.m.

At this time, Chairperson Pardo read a letter into to the record from Inez Mickens regarding her gratitude for improved esthetics of city property located behind her residence. She continued with comments reference the high water bills and the grave affect it has on seniors with fixed incomes.

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. 18-10 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 DEVELOPMENT AGREEMENT WITH JSF MARINE, LLC REGARDING THE DEVELOPMENT OF A PORTION OF EAST 21ST STREET; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve Resolution No. 18-10.

MOTION

Mary McKinney, Community Development Director, reviewed the backup information.

Fane Lozman, 2100 Broadway, stated that he would assist any property owner who would want to fight for their property taxes to be reduced as a result of the proposed project.

Bonnie Larson, W 27th Street, requested that the city council do not approve the proposed resolution.

Angela Wynn, W 35th Street, made comments in support of approving the proposed resolution.

Martin Murphy, 1124 Avenue C, encouraged the city council to approve the proposed resolution.

JL Williams, 1191 Morse Blvd, encouraged the city council to approve the proposed resolution.

Mike Clark, 1550 Avenue C, stated that commencement of improvement projects depended upon approval from the state.

Councilperson Davis Johnson requested that timely be replaced with the wording no more than two years.

City Attorney Ryan stated that the language regarding the word timely would be replaced as requested.

An amended motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to replace the word timely with no more than two years throughout the contract.

MOTION

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

MOTION APPROVED

9. 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 AN AGREEMENT WITH CARBON SOLUTIONS AMERICA OF DEERFIELD BEACH, FLORIDA FOR A PERIOD OF ONE YEAR COMMENCING ON FEBRUARY 1, 2010 TO PROVIDE PROFESSIONAL SERVICES FOR A STRATEGIC ENERGY POLICY AND BLOCK GRANTS PROGRAM AS PER THEIR PROPOSAL SUBMITTED ON JANUARY 25, 2010; AUTHORIZING THE FINANCE DIRECTOR TO PAY \$42,500 FROM ACCOUNT NO. 114-1127-541-0-3106; AND PROVIDING AN EFFECTIVE DATE.

ITEM DELETED

BOARD APPOINTMENT(S):

NONE

DISCUSSION BY THE CITY MANAGER:

NONE

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan announced that the Palm Beach County School Board approved the interlocal agreement with the revisions made by city council. She inquired as to whether or not the city council wanted to conduct a workshop regarding the local preference ordinance or place it on the agenda.

There was a consensus of the city council for staff to provide a copy of the ordinance which included the suggested revisions for review.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

10. RESOLUTION NO. 19-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO PURSUE MEASURES TO BECOME A "GREEN LOCAL GOVERNMENT" THROUGH IMPROVED ENVIRONMENTAL PERFORMANCE DEVELOPMENT OF STANDARDS FOR CITY SERVICES AND BUILDINGS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Davis Johnson** to approve Resolution No. 19-10.

MOTION

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

MOTION APPROVED

Chair pro tem Davis stated that the time was near for funding of the outside agency program and there were concerns from the city council reference which agencies would be eligible for funding. She announced that the Energy Home Makeover was in the process of being coordinated. Chair pro tem Davis announced that a book signing for local published authors would be held February 4th at the library. She also stated that the city council should consider establishing a Citizens Finance Advisory Board.

Councilperson Davis Johnson announced that she was in contact with Joanna Aiken of Solid Waste Authority reference necessary items for a citywide cleanup and requested that interested parties contact the Legislative Office. She announced that a NFL skills camp would be held on February 6th.

Councilperson Lowe inquired as to what needed to be done to adjust the capital line item related to Bicentennial Park.

City Manager Jones stated that it was an item that needed to be placed on the agenda for approval because the action called for an amendment to the capital budget.

Councilperson Brooks stated that she went on a tour of the city and that the condition of vacant lots throughout the city was of a concern. She stated that efforts were continuing regarding establishing a voucher program for senior citizens and disabled residents to received assistance with their water bill.

Chairperson Pardo stated that Palm Beach County Day in Tallahassee was March 2nd and 3rd and that there was no response to the email as to who was planning to attend. She stated that city council needed to proceed with the evaluation process for the city attorney. She stated at the last meeting of the Palm Beach County League of Cities, there was discussion reference the county's moratorium on pain clinics; most municipalities were utilizing the same ordinance which she provided to staff for review and to place on the agenda for the next city council meeting.

Mayor Masters stated that the council chambers as well as the first floor lobby would be utilized for the display of black history art throughout the month of February. He announced that Martin Luther King, III would be at the Palm Beach County Convention Center, February 11th at 7:00 p.m.

Roseanne Brown, made comments reference the history and purpose of the program that would be taking place on February 11th at the Palm Beach County Convention Center.

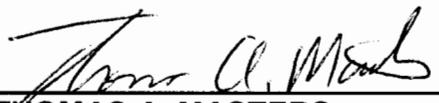
Mayor Masters continued with encouraging residents to continue assisting with Haitian relief efforts.

ADJOURNMENT

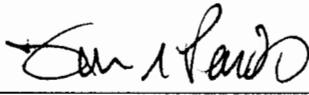
There being no further business, the meeting was duly adjourned at 9:24 p.m.

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

APPROVED:



THOMAS A. MASTERS
MAYOR

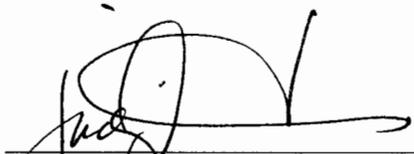


DAWN S. PARDO
CHAIRPERSON

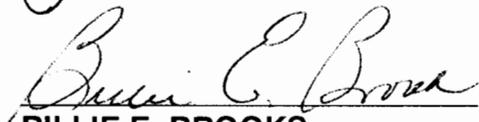
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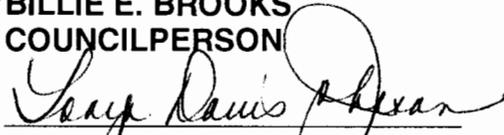
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



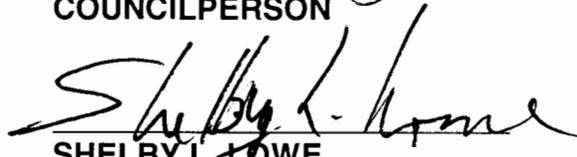
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY:
SECONDED BY:

Davis
Dans Johnson

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

Aye
Aye
Aye
Aye
Aye

DATE APPROVED: 02/17/2010