CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MARCH 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 Deputy City Clerk Anthony, 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: Assistant City Manager Gloria Shuttlesworth; Deputy City Clerk Claudene Anthony; and City Attorney Pamala H. Ryan.

Councilperson Shelby L. Lowe was absent.

Invocation/Pledge of Allegiance

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

AGENDA Approval:

Additions, Deletions, Substitutions

Asst. City Manager Shuttlesworth read the following revisions to the agenda: revision to No. 10 – resolution regarding the Florida Inland Navigation grant; and added a proclamation – proclaiming April as National Nutrition Month.

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 Davis Johnson** and seconded by **Chair pro tem Davis** to approve the agenda as amended.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, 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 FEBRUARY 17, 2009.**

RESOLUTIONS:

2. **RESOLUTION NO. 22-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF A TURNKEY ENVISIONWARE PC RESERVATION SYSTEM FROM JAMEX, INC. IN THE AMOUNT OF 7,806, AND $3,500 FOR OTHER PROJECT-RELATED COSTS, FOR A TOTAL PROJECT AMOUNT OF $11,306; PAYMENT TO BE MADE FROM LIBRARY IMPACT FEES, ACCOUNT NO. 303-00-271013; 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.

MOTION

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

AWARDS AND PRESENTATIONS:

3. PRESENTATION BY SHANDRA DAWKINS, EXECUTIVE DIRECTOR, FLORIDA RESOURCE CENTER FOR WOMEN AND CHILDREN, INC. ON SUPPORTING THE HEALTH AND WELL-BEING (SHAW) PROJECT THEY WOULD LIKE TO IMPLEMENT IN RIVIERA BEACH.

A presentation was provided by Shandra Dawkins, Executive Director and Jane Wagley, Program Director of the Florida Resource Center for Women and Children, Inc.

3A. PROCLAMATION RECOGNIZING THE MONTH OF MARCH AS NATIONAL NUTRITION MONTH.

ITEM ADDED TO AGENDA

Mayor Masters read the proclamation into the record.

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

4. ORDINANCE NO. 3075 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A ONE-YEAR MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned ordinance into the record.

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to adopt Ordinance No. 3075.

MOTION

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

Gerald Ward, 31 w 20th Street, stated that it was more appropriate for the issue to be addressed by the state legislature and Florida Department of Health.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

5. **ORDINANCE NO. 3076 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY INCLUDING A NEW SECTION ENTITLED "RESIDENTIAL DOCKS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony read the aforementioned ordinance into the record.

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to approve Ordinance No. 3076 on First Reading.

MOTION

Jerrell Harris, Planning and Zoning Administrator, reviewed the backup information.

Gerald Ward, 3930 N Ocean Dr, stated that he submitted a letter for inclusion in the record and continued with comments against approving the ordinance on first reading.

Caryn St. John, 1081 Singer Drive, made comments reference discussions held at previous Planning and Zoning Board meetings reference the proposed ordinance not being included as part of their backup information.

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

MOTION APPROVED

6. **ORDINANCE NO. 3077 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE III, ENTITLED "SITE PLAN REVIEW", BY CREATING A NEW SECTION 31-63 ENTITLED "EXPEDITED PERMITTING" PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony read the aforementioned ordinance into the record.

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to approve Ordinance No. 3077 on First Reading.

MOTION

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

Gerald Ward, 31 W 20th Street, stated that there were many things that the Planning and Zoning Board was unhappy with that was not mentioned in the backup information.

Caryn St. John, 1081 Singer Drive, stated that the she was discontented with knowing that the proposed ordinance was advertised noting that it would be presented to the City Council prior to being presented to the Planning and Zoning Board. She also stated that she was not happy with the City Council not being provided with the detailed discussion held by the members of the Planning and Zoning Board.

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

MOTION APPROVED

7. **ORDINANCE NO. 3078 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "LICENSES AND BUSINESS REGULATIONS", BY CREATING A NEW ARTICLE VII ENTITLED, "CERTIFICATE OF USE"; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony read the aforementioned ordinance into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** to approve Ordinance No. 3078 on First Reading.

MOTION

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

Gerald Ward, 31 W 20th Street, stated that he provided copies of his memo to the City Council and City Attorney on Monday. He continued

with comments reference the item not indicating the possible incurred costs.

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

MOTION APPROVED

RESOLUTIONS:

8. **RESOLUTION NO. 23-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FROM STEPHEN A. BROCK ARCHITECTS, INC. TO CONSTRUCT A 25,985 SQUARE FOOT INDUSTRIAL BUILDING ON A 1.5 ACRE PARCEL, LOCATED AT 2461 PORT WEST BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony 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. 23-10.

MOTION

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

Upon a roll call vote by Deputy City Clerk Anthony, 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.*

Michael Goelz, 2100 Broadway, made comments against former Councilperson Cedrick Thomas campaigning for election to the District 3 seat. He continued with comments reference the proposed project for the revitalization of the downtown marina district.

William H Burrs, 2542 Canterbury Dr South, made comments reference the water bill for the home in which he and his wife reside being the same as the bill for their vacant home.

Angela Wynn, 400 W 35th Street, made comments reference additional fees assessed to the water bill if the customer does not pay by the date as stipulated on the agreement. She continued with comments in support of Chair pro tem Davis being re-elected for District 2.

Fane Lozman, 2100 Broadway, made comments reference the city purchasing his floating vessel at an auction.

Gerald Ward, 31 W 20th Street, announced that the Florida Department of Transportation would be hosting a meeting on March 11th at the Palm Beach Gardens Municipal Complex, 4:30 p.m. until 7:00 p.m.

Norma Duncombe, made comments reference televising the Planning and Zoning Board meetings. She continued with encouraging the residents to vote on March 9th.

Mary Brabham, 1564 W 9th Street, stated for the record that she told Mr. Lozman that she did not have a tape of the mayor. She expressed words of appreciation for the home energy makeover program by Florida Power and Light. She continued with urging the residents to vote on March 9th.

Carol Mahoney, 737 SW 1st Avenue, presented Mayor Masters with a Certificate of Appreciation from the Heart of Boynton.

[1]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. 24-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONSULTING CONTRACT BETWEEN THE CITY OF RIVIERA BEACH AND URBAN FARMERS INC. JOB TRAINING IN THE AMOUNT OF $33,280 FOR THE HIRING OF AN ON THE JOB TRAINING SPECIALIST FOR THE DEVELOPMENT OF JOB OPPORTUNITIES FOR THE JUSTICE SERVICE CENTER'S RE-ENTRY PROGRAM; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONSULTING CONTRACT; AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 151-0202-569-2-3101; AND PROVIDING FOR AN EFFECTIVE DATE.**

   Deputy City Clerk Anthony 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. 24-10.

MOTION

Jeanette Gordon, Criminal Justice Service Center Director, reviewed the backup information.

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

MOTION APPROVED

10. **RESOLUTION NO. 25-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL MARINA REMEDIATION FOR CONSTRUCTION UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM AND APPROVE THE JH SPRAGUE CONSULTING LLC PROPOSAL TO REPRESENT THE CITY AT AN AMOUNT NOT TO EXCEED $6,500 FROM ACCOUNT 425-0000-543-0-3106; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony 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. 25-10.

MOTION

Ed Legue, Marina Director, reviewed the backup information.

Fane Lozman, 2100 Broadway, made comments reference adhering to the recreational purposes outlined in the dedication by Mr. Newcomb and the state. He continued with making comments against the hiring John Sprague and incomplete information being provided to the public regarding the funding for the improvement projects for the marina district.

Gerald Ward, 31 W 20th Street, stated that the proposed resolution should be approved with modifications.

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

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

MOTION APPROVED

11. **RESOLUTION NO. 26-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND BLACK ENTERTAINMENT TELEVISION TO HOST THE 2010 SPRING BLING; DIRECTING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME IN THE SPECIAL EVENTS FUND ACCOUNT NO. 138; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Anthony 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. 26-10.

MOTION

Troy Perry, Fire Chief, reviewed the backup information.

William H Burrs, 2542 Canterbury Dr South, made comments reference the city requiring a deposit from Black Entertainment Television to assist in covering incurred expenses.

Mary Brabham, W 9th Street, made comments reference requesting funds from Black Entertainment Television for various programs within the city such as the academic program or the scholarship program.

There was a consensus of the city council to write a letter, for signature by the mayor, requesting that BET contribute $10,000 to city programs.

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

MOTION APPROVED

BOARD APPOINTMENT(S):

NONE

DISCUSSION BY THE CITY MANAGER:

Asst. City Manager Shuttlesworth announced that a public meeting would be held March 4, 2010 regarding the Little Lake Worth Bridge replacement project hosted by the Florida Department of Transportation 6:00 p.m. until 8:00 p.m. at the Singer Island Hilton Oceanfront, 3700 N Ocean Drive.

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan requested a Closed Executive Session for either March 22nd or March 30th.

There was a consensus of the City Council to schedule a Closed Executive Session for March 30, 2010 at 6:30 p.m.

City Attorney Ryan announced the following cases would be discussed: Jacquelyn Hollis & Margaret Pottinger, as co-personal representatives of the estate of Abdullah Luke (deceased); Brenda McCorvey as personal representative of the estate of Shalena Perry (deceased); Stevens Dormezil and Noel Durrant vs Sugmon's Pool Hall & Sports Bar aka Palm Beach Finest Club aka the Caribbean Club, and the City of Riviera Beach; and Patrick J. Galligan, et al, class representative vs the City of Riviera Beach, the City of Riviera Beach Police Department, Chief Jerry Poreba and Jerry Poreba, individually. The following would be present: Mayor and City Council; City Attorney Pamala H. Ryan; City Manager Ruth Jones; Benjamin Bedard, Esq.; Suzanne Singer, Esq.; and Florida Court Reporting.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chairperson Pardo stated that there was a possibility that there would not be a quorum for the March 17, 2010 City Council Meeting due to members attending the League of Cities in Washington D.C. She announced that the voting precinct for the residents of Singer Island would be located at the Ocean Mall.

There was a consensus of the City Council to cancel the March 17, 2010 Regular City Council Meeting.

Chair pro tem Davis stated that a local government gag order was currently in place and that the League of Cities was working on having the restriction removed. She stated that Amendment 4 was slated to be on the ballot for November and residents needed to educate them selves because it could negatively affect the efforts of the city.

Councilperson Brooks expressed words of appreciation to those who attended the reception held February 19, 2010. She announced that the Monroe Heights Neighborhood Association meeting would be held Saturday, March 6, 2010 10:00 a.m. until 12 o'clock noon at the Lindsey Davis Center. She also announced that the United Neighborhood Association was embarking on its second cleanup efforts campaign.

Councilperson Davis Johnson announced that the American Cancer Society would host a kickoff for the Relay for Life March 5, 2010, at Newcomb Hall, 6:00 p.m. until 7:30 p.m. She stated that the Indiantown Neighborhood Partnership

Initiative had funds available for the replacement of windows, doors, refrigerators, etc. as part of the energy improvement program and that applications were available.

Mayor Masters expressed words of support for Councilperson Davis Johnson and Chair pro tem Davis during their upcoming municipal elections.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:50 p.m.

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

APPROVED:

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
COUNCILPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. Brooks

SECONDED BY: C. Thomas

B. BROOKS aye

J. DAVIS aye

C. THOMAS aye

D. PARDO aye

S. LOWE aye

DATE APPROVED: 04/07/2010