CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MAY 5, 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 Cedrick A. Thomas. 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: delete Nos. 3 – Resolution reference appropriating funds for various Housing Trust Fund accounts and 10 – Resolution reference Memorandum of Understanding with Creative Sustainable Solutions LLC.

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

Adoption of Agenda

A motion was made by **Councilperson 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 REGULAR CITY COUNCIL MEETING HELD APRIL 21, 2010.**

RESOLUTIONS:

2. **RESOLUTION NO. 45-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 248-09 TO TACTICAL PROTECTION CORPORATION OF MIAMI, FLORIDA, TO PROVIDE ARMED SECURITY GUARD SERVICES FOR THE MUNICIPAL COMPLEX AND THE CITY MARINA AT AN ANNUAL BASE COST OF $119,735.60, WITH AN ESTIMATED TWO (2) YEAR SAVINGS OF $98,616.88 OVER THE PREVIOUS CONTRACT PRICING; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A ONE YEAR CONTRACT WITH A RENEWAL OPTION FOR TWO (2) ADDITIONAL TWELVE (12) MONTH PERIODS, COMMENCING MAY 15, 2010 AND ENDING MAY 14, 2011; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE APPROPRIATE OPERATING ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.** **ITEM PULLED FOR DISCUSSION**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Thomas** to approve Resolution No. 45-10.

MOTION

Robert Wummer, 110 Shore Drive, encouraged the City Council to read the entire package provided.

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

MOTION APPROVED

3. **RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE $265,210 FROM ACCOUNT NO. 609-00-345-903 TO VARIOUS HOUSING TRUST FUND ACCOUNTS NO.S 609-0717-*; AND PROVIDING AN EFFECTIVE DATE.**

ITEM DELETED

4. **RESOLUTION NO. __55-10__ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE $180,000 FROM CAPITAL FUND BALANCE AND $35,533 FROM ENGINEERING REVIEW FEE'S TO FUND COSTS RELATED TO ENGINEERING CONTRACT SERVICES; AND PROVIDING AN EFFECTIVE DATE.**
RESOLUTION NUMBER CHANGED DUE TO DUPLICATION

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. 58-10.

MOTION

Gerald Ward, 31 W 20th Street, made comments reference the city advertising for an engineer and possibly getting two for the price of one with today's market conditions.

An amended motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to amend the resolution to read to cover cost ending September 30. 2010.

AMENDED MOTION

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

AMENDED MOTION APPROVED

Upon a roll call vote by City Clerk Ward, the vote was unanimous to approve Resolution No. 58-10.

MOTION APPROVED

5. **RESOLUTION NO. __43-10__ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE REGIONAL PLANNING COUNCILS OF SOUTHEAST**

FLORIDA IN PREPARING A COMPREHENSIVE JOINT APPLICATION UNDER THE FEDERAL SUSTAINABLE COMMUNITIES INITIATIVE AND ESTABLISHING A WORKING RESOURCE PARTNERSHIP AGREEMENT WITH APPROPRIATE WATER RESOURCE, HOUSING, ENVIRONMENTAL AND TRANSPORTATION AGENCIES, LOCAL GOVERNMENTS, NONPROFITS, ACADEMIA AND PRIVATE SECTOR ORGANIZATIONS; PROVIDING FOR DISTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

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

6. **PRESENTATION OF AWARD CERTIFICATES OF APPRECIATION BY CHAIRPERSON DAWN S. PARDO TO INDIVIDUALS AND ORGANIZATIONS THAT DONATED DICTIONARIES TO HER CHRISTMAS DICTIONARY DRIVE FOR CITY'S STUDENTS.**

   Chairperson Pardo presented certificates of appreciation to individuals who donated dictionaries for the participants in the DOT'S Success Reading Program.

7. **PRESENTATION OF COUNCIL AWARDS BY CHAIRPERSON DAWN S. PARDO TO SHAHID FREEMAN AND DOROTHY McKINON OF DOT'S SUCCESS ACADEMY'S SATURDAY READING PROGRAM AND CERTIFICATES OF APPRECIATION TO THEIR TEACHERS.**

   Chairperson Pardo presented awards of appreciation to Mrs. Dorothy McKinon, Mr. Shahid Freeman, and the volunteers of DOT's Success Reading Program.

8. **PRESENTATION BY BILLIE E. BROOKS AWARDING CERTIFICATES OF APPRECIATION AND A COUNCIL AWARD TO CITY EMPLOYEES AND OTHER VOLUNTEERS ON THE "GREAT AMERICAN CLEAN-UP OF MONROE HEIGHTS" HELD APRIL 17, 2010.**

   Councilperson Brooks presented a certificate of appreciation to the volunteers who participated in the "Great American Clean Up. She then presented the

Council Award to Mrs. Bernice Wooten, in recognition of outstanding success in organizing the efforts for the event.

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

NONE

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.*

Bonnie Larson, W 27th Street, made comments reference the lack of proper maintenance on city owned property located on 22nd Street between Broadway and Avenue E. She continued with comments stating she felt department heads should be present in City Council Meetings with laptops.

Ty Starks, 500 W 1st Street, inquired about fly ash being present in the city, at the Port of Palm Beach, which causes many health issues; she questioned if the council was aware.

James Harper, Jr., American Cancer Society, announced that Relay for Life would be held June 4th and 5th at Dan Calloway Park beginning at 6:00 p.m.

Bill Wummer, 160 Riviera Drive, made comments reference information he found on the company the council approved for security service as it related to bankruptcy issues and the company being fined for not paying overtime.

Fane Lozman, 2100 Broadway, made comments reference the amount of funds the city expended on the case involving his house boat. He continued with comments reference his efforts to keep the marina as a recreational facility.

Mike Mahoney, 2120 Broadway, made comments reference Hong Kong Harbor and the presence of bacteria in the area. He continued with comments reference the deplorable condition of the vacant property, owned by the bank, across the street from Winn Dixie located on Broadway.

Nora Mahoney, 2120 Broadway, made comments reference the Planning and Zoning Board being televised. She continued with comments reference the discussion at the workshop on April 29, 2010.

Milton Brown, 1065 W 10th Street, made comments reference the city supporting the academic summer program and making it part of the city's budget.

Mary Brabham, 1564 W 9th Street, made comments reference the county discontinuing funding for county programs within municipalities i.e. the Youth Empowerment Program and requesting that municipalities financially support the various programs.

[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. 44-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF CODE ENFORCEMENT BOARD CASE NO. CEB 01-144 FOR CODE ENFORCEMENT LIENS ON PROPERTY LOCATED AT 1546 MARTIN LUTHER KING, JR. BOULEVARD; ACCEPTING PAYMENT IN THE AMOUNT OF $25,000 AS FULL AND FINAL SETTLEMENT; 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. 44-10.

MOTION

Bonnie Larson, W 27th Street, inquired as to why a reduction was being considered and the total amount of the lien.

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

MOTION APPROVED

10. **RESOULTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITYOF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RIVIERA BEACH AND CREATIVE SUSTAINABLE SOLUTIONS, LLC, CREATING A PARTNERSHIP TO REDUCE GREENHOUSE GASES THROUGH THE IMPLEMENTATION OF THE "DOWN TO EARTH" GLOBAL SUSTAINABILITY INITIATIVE.** **ITEM DELETED**

11. **RESOLUTION NO. 46-10 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 THE PALM BEACH CONSULTING GROUP LLC FOR PROFESSIONAL SERVICES ON THE MARINA DISTRICT PROJECT TO ASSIST THE CITY AND CRA WITH DEVELOPMENT AND IMPLEMENTATION OF THE MARINA DISTRICT CONCEPT PLAN; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 001-0717-515-0-3106; 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 Lowe** to approve Resolution No. 46-10.

MOTION

Fane Lozman, 2100 Broadway, inquired about soliciting proposals for the services requested.

Bonnie Larson, W 27th Street, made comments reference hiring a consultant prior to obtaining permission as to what can be done at the marina.

Consensus to remove insurance requirement be removed from the contract.

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

MOTION APPROVED

12. **RESOLUTION NO. 47-10 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 CONTRACT WITH JH SPRAGUE CONSULTING L.L.C. TO PROVIDE CONSULTATION SERVICES ON THE MARINA DISTRICT PROJECT TO ASSIST THE CITY AND CRA WITH DEVELOPMENT AND IMPLEMENTATION OF THE MARINA DISTRICT IN THE AREA OF GRANT APPLICATION PROCESSES; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 001-0717-515-0-3106; 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 Thomas** to approve Resolution No. 47-10.

MOTION

There was a consensus of the to revise the contract to read that the city's representative/liaison be City Manager Ruth Jones.

Nora Mahoney, 2120 Broadway, inquired as to whether or not there was a conflict having a consultant that was hired by the CRA being hired by the city. She also inquired about city lobbyist working on behalf of the city to solicit funds for various projects.

Bonnie Larson, W 27th Street, inquired as to why a consultant was being hired when the city was not aware of what was being permitted at the marina by the Department of Environmental Protection.

Fane Lozman, 2100 Broadway, made comments reference incorrect information included in the grant application for $1.9 million. He inquired about the lack of a competitive selection process for hiring a consultant.

Gerald Ward, 31 W 20th Street, made comments reference the contract mentioning the cost of $25,000 and the resolution read $15,000.

City Manager Jones stated that the contract would be revised to read $15,000.

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

MOTION APPROVED

13. **RESOLUTION NO. 48-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROPRIATING FUNDS FOR THE YOUTH BUILD PROGRAM IN THE AMOUNT OF $66,000 FOR ON–THE-JOB TRAINING PROGRAMS IN THE CONSTRUCTION, PLUMBING, ELECTRICAL, ROOFING, AND LANDSCAPING INDUSTRY, AS WELL AS, PREPARING THE YOUNG ADULTS TO RECEIVE THEIR GENERAL EQUIVALENCY DIPLOMA (GED) OR EQUIVALENT; AND AUTHORIZING THE ACCEPTANCE OF THE SCOPE OF SERVICES;; 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. 48-10.

MOTION

Lawrence Knight, Program Director, reviewed the mission and schedule of the Youth Build Program.

Belinda Gilbert, Adult Education Program, made positive comments reference the educational support provided to the participants of the Youth Build Program.

Nora Mahoney, 2120 Broadway, made comments reference funds being utilized to fund the academic summer program.

Mike Mahoney, 2120 Broadway, made comments reference the funding source for the Youth Build Program.

George Sylvester, Singer Island Rotary Club, made comments reference the support provided by the members of the Rotary Club to the Youth Build Program.
George Carter, RB Marine Academy, made comments in support of the Youth Build Program.

Dorothy McKinon, N Mangonia Drive, made comments in support of the Youth Build Program.

Caryn St John, 1081 Singer Drive, made comments in support of the Youth Build Program.

Bill Contole, 1030 Grand Bahama Lane, made comments in support of the Youth Build Program.

Fane Lozman, 2100 Broadway, made comments reference funds being utilized to fund the academic summer program.

An amended motion was made by **Councilperson Thomas** and seconded by **Councilperson Lowe** requiring that a meeting be held with the board members of the Youth Build Program and the City Council every 60 days.

AMENDED MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous to approve the amended motion.

AMENDED MOTION APPROVED

Upon a roll call vote by City Clerk Ward, the vote was unanimous to approve Resolution No. 48-10.

MOTION APPROVED

14. DISCUSSION: REQUEST CITY COUNCIL TO MEET IN A CLOSED EXECUTIVE SESSION TO DISCUSS THE TENTATIVELY AGREED UPON LABOR CONTRACT BETWEEN THE CITY AND PROFESSIONAL MANAGEMENT FOR SUPERVISORS ASSOCIATION (PMSA) THAT REPRESENTS THE SUPERVISORY PERSONNEL.

There was a consensus of the City Council to schedule a Closed Executive Session for May 13, 2010 at 6:00 p.m.

15. DISCUSSION: REQUEST CITY COUNCIL TO DECIDE WHETHER TO GO OUT FOR BID ON THE CITY'S HEALTH/DENTAL/PHARMACY INSURANCE.

Chairperson Pardo stated that it was her understanding that there was a consensus at the previously held workshop to go out for bid.

Councilperson Thomas stated that he was not in attendance at the workshop; however, he met with members of staff and based upon the information provided, he was not in agreement with going out for bid on the health/dental/pharmacy insurance.

Asst. City Manager White stated that it would be beneficial for the city to enter negotiations with the current carrier, and if at that time cost was not favorable to the city, staff would recommend the bid process but negotiations should be conducted first.

Carlton Moore, McKinley Financial, stated that the compensation received is from the company not the city. He further explained the process involved in healthcare and related insurance negotiations.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** authorizing staff to negotiate with the current health/dental insurance carrier and to return with a recommendation by July 7, 2010.

MOTION

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

MOTION APPROVED
DIRECTIVE

A motion was made by **Councilperson Lowe** to adjourn the meeting.

MOTION DIED FOR LACK OF SECOND

16. DISCUSSION: FINANCE SEMI-ANNUAL FINANCIAL REPORT.

There was consensus of the City Council to move discussion to the May 19, 2010 City Council Meeting agenda.

17. DISCUSSION: MID-YEAR FURLOUGH IMPACTS.

There was consensus of the City Council to move discussion to the May 19, 2010 City Council Meeting agenda.

18. DISCUSSION: DIRECTION ON EXECUTING AN AGREEMENT WITH PALM BEACH COUNTY TO SUPPORT THE LEVY OF A ONE PERCENT (1%) DISCRETIONARY SALES SURTAX FOR EMERGENCY FIRE RESCUE SERVICES AND FACILITIES.

There was consensus of the City Council to move discussion to the May 19, 2010 City Council Meeting agenda.

19. DISCUSSION: POTENTIAL FUNDING SOURCES FOR CONTINUATION OF THE CITY'S EDUCATION SCHOLARSHIP PROGRAM.

There was consensus of the City Council to move discussion to the May 19, 2010 City Council Meeting agenda.

20. DISCUSSION: POTENTIAL FUNDING SOURCES FOR CONTINUATION OF THE CITY'S SUMMER CAMP PROGRAM.

Councilperson Thomas requested that the city provide the funding for the summer camp program and that it becomes a permanent part of the budget.

Nora Mahoney, 2120 Broadway, made comments reference the lack of effort put forth by staff to seek funding sources for the program.

James Harper, West Palm Beach, made comments in support of the summer camp program.

Mike Mahoney, 2120 Broadway, offered his services and stated that other businesses within the city should be approached for funding.

Cinthia Becton, 500 W 24th Street, made comments reference the necessity for council members to lead the charge on potential funding sources for the program.

Councilperson Lowe stated that citywide fundraising events should be held in an effort to raise funds for such programs.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to fund the 2010 summer program in its entirety.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT(S):

NONE

DISCUSSION BY THE CITY MANAGER:

NONE

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan requested that a Closed Executive Session be scheduled for May 13, 2010 at 5:30 to discuss the case of 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.

There was a consensus of the City Council to schedule a Closed Executive Session May 13, 2010 at 5:30 p.m.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

NONE

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 11:05 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

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
CHAIR PRO TEM

BILLIE E. BROOKS
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: Davis
SECONDED BY: Brooks

D. PARDO aye
J. DAVIS aye
B. BROOKS aye
C. THOMAS Abstain
S. LOWE aye

DATE APPROVED: 06/02/2010