CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MAY 19, 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 Cedrick A. Thomas; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; and Assistant City Attorney Rachael D. Johnson.

Mayor Masters was tardy.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by City Clerk Ward.

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following additions to the agenda: additional information provided for No. 6 – presentation by the Criminal Justice Commission; added 7(A) – presentation by Florida Power & Light and 16(A) – resolution regarding Innovative Business Strategies, Inc.; deleted No. 10 – presentation on discretionary sales surtax and No. 16 – resolution regarding the Weed and Seed program; moved No. 11 – discussion regarding the scholarship program to after No. 13; and revisions to the body of the resolution for No. 14 – resolution regarding the academic summer program.

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 Thomas** to adopt 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. **NONE**

RESOLUTIONS:

2. **RESOLUTION NO. 49-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE 2010 POLICE FISCAL BUDGET ACCOUNTS TO MAKE PAYMENT TO PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF $96,624.56, AND AUTHORIZE THE FINANCE DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS TO APPLY $12.50 FUNDS IN THE AMOUNT OF $16,831.00; AND PROVIDING AN EFFECTIVE DATE.**

3. **RESOLUTION NO. 50-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER $23,875.00 FROM FUND BALANCE TO THE OFFICE OF THE CITY CLERK ELECTION BUDGET ACCOUNT NOS. 001-0410-519-0-3101, 001-0410-519-0-3404, AND 001-0410-519-0-4901 TO COVER COSTS INCURRED AS A RESULT OF THE MARCH 23, 2010 RUN OFF ELECTION AND THE NEW ADDITIONAL COST INCURRED AS A RESULT OF THE AGREEMENT BETWEEN PALM BEACH COUNTY'S SUPERVISOR OF ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.**

4. **RESOLUTION NO. _51-10_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE $9,905 FROM THE LAW ENFORCEMENT TRUST FUND BALANCE ACCOUNT NO. 150-00-399999 TO THE LAW ENFORCEMENT EXPENDITURE ACCOUNT NO. 150-0817-521-0-4001 AND FROM THE WEED AND SEED PROGRAM EXPENDITURE ACCOUNT NO.123-0822-521-4001 TO COVER SPONSORSHIP OF PARTICIPANTS TO ATTEND THE 25TH ANNUAL NATIONAL CONFERENCE ON PREVENTING CRIME IN THE BLACK COMMUNITY IN ORLANDO FLORIDA, ON MAY 26 -29, 2010; AND PROVIDING AN EFFECTIVE DATE.**

END OF CONSENT AGENDA

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve the Consent Agenda.

MOTION

PETITIONS AND COMMUNICATIONS FOR FILING:

City Clerk Ward stated that communication was received from Palm Beach County Supervisor of Elections Susan Bucher requesting that the city host early voting for the Primary Election in August and the General Election in November. She requested that direction be given to respond that the City of Riviera Beach would not be able to host early voting due to the recent increase of costs incurred from the county's elections office in accordance with their agreement with municipalities. She indicated funds were now depleted in the city's election accounts.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** directing City Clerk Ward to respond to Supervisor of Elections Susan Bucher that the city would not be able to host early voting in August and November for the primary and general elections.

MOTION

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

MOTION APPROVED

AWARDS AND PRESENTATIONS:

5. **PRESENTATION BY THE AMERICAN CANCER SOCIETY ABOUT "RELAY FOR LIFE OF RIVIERA BEACH", TO BE HELD JUNE 4-5, 2010, AT CALLOWAY PARK.**

Anthony Robinson, Palm Beach American Cancer Society Executive Director, gave a presentation on the services provided by the American Cancer Society and Relay for Life scheduled June 4-5, 2010 to be held in the Dan Calloway Complex at Tate Gym.

6. **PRESENTATION BY THE CRIMINAL JUSTICE COMMISSION ON THE STATE OF THE YOUTH VIOLENCE PREVENTION PROJECT AND FUNDING REQUIREMENTS.**

Barbara Cheives, Criminal Justice Commission Chairperson and Brenda Oakes, CJC Youth Violence Prevention Planning Coordinator, reviewed the establishment and the progress of the Criminal Justice Commission.

7. **PRESENTATION – STATUS REPORT ON THE $1.6 MILLION STATE OF FLORIDA ECONOMIC DEVELOPMENT TRANSPORTATION FUND GRANT ON BEHALF OF THE LOCKHEED MARTIN CORPORATION (LMC).**

Asst. City Manager White gave a status report on the $1.6 million grant on behalf of Lockheed Martin Corporation.

Gerald Ward, 31 W 20th Street, made comments on the necessity of a project manager to ensure that set deadlines were met and projects being completed in a timely fashion.

7(A) **PRESENTATION BY A FLORIDA POWER & LIGHT INDEPENDENT CONTRACTOR ON AN ENERGY-SAVING CEILING INSULATION INCENTIVE PROGRAM FOR OLDER HOMES IN THE CITY OF RIVIERA BEACH.**

ITEM ADDED TO AGENDA

Aldo Costa, A Best Insulation, reviewed the Florida Power & Light ceiling insulation incentive program and provided information to be shared with the residents regarding the program.

UNFINISHED BUSINESS

8. **DISCUSSION: FINANCE DIRECTOR'S SEMI-ANNUAL FINANCIAL REPORT.**

Jeffery Williams, Finance Director, presented the semi-annual financial report.

Gerald Ward, 31 W 20th Street, made comments reference the sound fiscal stability of the city and possible ways of increasing the city's return on investments.

Fane Lozman, 2100 Broadway, made comments reference his displeasure of the demolition of the dry slip facility and having renters removed from the wet slips in anticipation of Viking Yacht taking over costing the city potential revenue.

There was a consensus of the City Council to form an investment banking committee.

City Manager Jones stated that based upon the concerns voiced by the City Council, she would provide a proposal on the establishment of an investment banking committee.

9. DISCUSSION: MID-YEAR FURLOUGH IMPACTS.

Jeffery Williams, Finance Director, presented the mid-year furlough impacts.

A lengthy discussion ensued amongst the City Council and staff to end mandatory furloughs at this time.

Fred Angelo, Professional Firefighters Union, urged the City Council to end furloughs.

A motion was made by **Councilperson Thomas** to end furloughs immediately and find funds to balance the remainder of the budget.

MOTION

At this point Chairperson Pardo passed the gavel to second the motion.

Upon a roll call vote by City Clerk Ward, the motion failed with Councilpersons Davis, Brooks, and Lowe dissenting.

MOTION FAILED

10. 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. ITEM DELETED

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

ITEM DISCUSSED OUT OF SEQUENCE

City Manager Jones stated that efforts had been put forth by members of the City Council to raise funds for the scholarship program. She stated that as of to date, there was $2,100 on hand and a commitment of $3,900 a total of $6,000. She stated there was a $15,000 balance in the budget for the Youth and Recreation Outside Agency Program and she requested that those funds be utilized for the scholarship program.

Chair pro tem Davis stated that as a result of the cellphone program $875 was contributed to program and that she would donating $125 to bring the total to $1000.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to reallocate the remaining balance of the budget from the outside agency program to the scholarship program.

MOTION

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

MOTION APPROVED

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

12. **ORDINANCE NO. 3066 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ADOPTED COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS OF THE 2007 EVALUATION AND APPRAISAL REPORT INCLUDING AMENDMENTS TO THE MAP SERIES, THE TEXT OF THE FUTURE LAND USE, HOUSING, TRANSPORTATION, INFRASTRUCTURE, RECREATION AND OPEN SPACE, CONSERVATION, COASTAL MANAGEMENT, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENT ELEMENTS AND ADDING DEFINITIONS, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL OF THE ADOPTED COMPREHENSIVE PLAN TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Ordinance into the record and stated that it was advertised in the May 7, 2010 edition of the Palm Beach Post.

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Davis** to adopt Ordinance No. 3066.

MOTION

Gerald Ward, 31 W 20th Street, made comments reference information that was stricken through in the attached exhibit.

Fane Lozman, 2100 Broadway, made comments reference the public recreational facility that was mentioned in Policy No. 1.2.1 in the supporting document.

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

MOTION APPROVED

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.*

Delores Dawson, 664 W 5th Street, made comments reference the closing of Simpson Memorial Church, and stated this was where the Concern Mothers of the Southside Coalition host their meetings; however, the church would be closing its doors June 1st and they were requesting that the city purchase the facility to be utilized as senior building for the purpose of them holding their meetings.

Rev. William Burrs, 2542 Canterbury Dr S, made comments reference the statements made by various individuals that were present at the joint workshop held May 20th wherein they opposed the project of the marina as presented.

Dr. Angela Wynn, W 35th Street, made comments reference the current owners of Rybovich purchased the name and company and were not the descendants of the individual who established the company and associated with other entities.

Zar Yassine, 2124 Broadway, made comments reference the parking issue being stated by the owners of Dee's T-Shirts and stated he was having serious problems with the owners and asked for a resolution to the problem.

Gerald Ward, 31 W 20th Street, made comments reference the passing of Senate Bill 1118 and the possible effect it would have on a recently passed ordinance regarding the waterfront. He continued with comments reference the necessity to discuss FP&L franchise agreement.

Fane Lozman, 2100 Broadway, made comments advising of the amount of funds spent on the case involving his house about.

[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:

13. REQUEST ACCEPTANCE ON THE SECOND (2ND) YEAR FUNDING FOR THE RIVIERA BEACH YOUTH AND RECERATION OUTSIDE AGENCY FUNDING PROGRAM.

Tamar Reno, Agency Program Committee Member, read the committee's recommendations and requested City Council approval.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve the committee's recommendation.

MOTION

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

MOTION APPROVED

14. **RESOLUTION NO. 52-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROPRIATING FUNDING FOR ACADEMIC SUMMER CAMP 2010 TO BE HELD JUNE 14 – JULY 23, 2010, ON THE CAMPUS OF JOHN F. KENNEDY MIDDLE MAGNET SCHOOL; TRANSFERING $130,000 FROM COMMUNITY PARTNERSHIPS BENEFIT ACCOUNT TO THE ACADEMIC SUMMER CAMP FUND TRANSFER ACCOUNT; SETTING UP A BUDGET IN THE AMOUNT OF $130,000 FUNDING FOR THE SIX WEEK ACADEMIC SUMMER CAMP FOR MIDDLE SCHOOL STUDENTS; 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 Brooks** to approve Resolution No. 52-10.

MOTION

Haywood Howard, 2106 W 26th Street, urged the City Council to increase the budget for the camp from $130,00 to $163,000.

Milton Brown, 625 W 10th Street, made comments in support of the proposed resolution.

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

MOTION APPROVED

15. **RESOLUTION NO. 53-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE THE FUND BALANCE IN THE LAW ENFORCEMENT TRUST FUND ACCOUNT NUMBER 150-0817-521-2-6455 TO FUND THE PURCHASE OF LAPTOP COMPUTERS, VEHICLE LAPTOP STANDS, MICROSOFT OFFICE SOFTWARE LICENSES, AND WIRELESS DATA SERVICE FOR CITY'S POLICE DEPARTMENT; AUTHORIZING THE PAYMENT OF $82,605.30 TO DELL MARKETING L.P.; AUTHORIZING THE PAYMENT OF $2,135 TO STROBES-R-US; AUTHORIZING THE PAYMENT OF $13,699 TO SHI INTERNATIONAL CORPORATION; AUTHORIZING THE ACTIVATION OF EIGHTY-THREE (83) ADDITIONAL AIRCARDS FROM AT&T MOBILITY; 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 **Chair pro tem Davis** to approve Resolution No. 53-10.

MOTION

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

MOTION APPROVED

16. **RESOULTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE FUNDING IN THE AMOUNT OF $64,000.00 FOR THE HIRING OF A POLICE OFFICER FOR THE WEED AND SEED PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET AND PROVIDING AN EFFECTIVE DATE.** **ITEM DELETED**

16(A) **RESOLUTION NO. 54-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING INNOVATIVE BUSINESS STRATEGIES, INC. TO INCLUDE THE CITY OF RIVIERA BEACH IN ITS FEDERAL GRANT APPLICATIONS TO PROVIDE TECHNICAL ASSISTANCE TO SMALL CITIES AND TO ADVANCE SUPPORT OF CAPACITY-BUILDING AND SUPPORT SOCIO-ECONOMIC PARITY IN THE CITY OF RIVIERA BEACH.**

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

MOTION APPROVED

BOARD APPOINTMENT(S):

NONE

DISCUSSION BY THE CITY MANAGER:

City Manager Jones announced that the Town of Lake Park would be hosting a workshop on the study of certain street closures on May 26, 2010 at 7:00 p.m. in their chambers.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chair pro tem Davis announced that there was a box located outside of the Legislative Office for the purpose of collecting supplies for Ofc. DeSantis and the soldiers currently serving in Iraq; and she encouraged donations.

Councilperson Brooks stated that she would like for the city manager and finance director to provide a report on whether or not funds were available to cover the deficit that would be created if furloughs were ended immediately.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** directing the city manager and finance director to provide a report on whether

or not funds were available to cover the deficit that would be created if furloughs were ended immediately.

MOTION

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

MOTION APPROVED

Councilperson Thomas expressed words of appreciation to Ms Mickens for the appreciation dinner she sponsored for the city officials. He continued with announcing that assistance with the electric bill was available through the Community Action Council and that residents could contact the Legislative office to get the telephone number.

Mayor Masters announced that a trip would be taken to Freeport, Bahamas in an effort to establish a sister city relationship. He stated that he felt the negotiating team needed to be directed to renegotiate with the developers in an effort to address the concerns of the elected officials and the residents regarding the plans for the city's marina.

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:

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