

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JUNE 16, 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; Councilperson Cedrick A. Thomas; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by City Attorney Ryan.

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda: deleted No. 9 – resolution reference Waste Pro; moved No. 12 – resolution reference a settlement case – to the Consent Agenda. She stated that the three items were postponed at the last City Council Meeting until clarification was received for the Department of Environmental Protection. She stated that clarification was received and although the City Council had not received a new document staff was not requesting approval but discussion only for Nos. 13-15.

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 Thomas** to approve the agenda as amended.

MOTION

An amended motion was made by **Chair pro tem Davis** to approve the agenda without Nos. 13, 14, and 15 being added to the agenda.

MOTION DIED FOR LACK OF SECOND

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

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 JUNE 2, 2010.**

RESOLUTIONS:

2. **RESOLUTION NO. 65-10 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 SUBORDINATION OF UTILITY INTEREST AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION SUBORDINATING THE CITY'S INTEREST IN A PARCEL OF LAND LOCATED ON STATE ROAD 710; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 66-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SECOND AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO) TO EXTEND THE COMPLETION DATE FOR A WATER TAXI DOCK TO DECEMBER 31, 2010; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Brooks** to approve Resolution No. 66-10.

MOTION

Gerald Ward, 31 W 20th Street, stated that the project has been in process since 2006 and that the city continuously returns grant funding because it fails to complete the work outlined in grants.

Tina White stated that such items as this is a strategic effort indicating that the city is incompetent and needs to be taken over by the county.

A lengthy discussion ensued.

John Sprague, a consultant for the city's marina, stated for the record, the grants received for rebuilding the city's marina cannot be used for the water taxi end of the bridge. He stated that if the city was talking about the marina, it could probably be utilized for that because it is a slip and its transit.

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

MOTION APPROVED

END OF CONSENT AGENDA

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Lowe** 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:

City Clerk Ward stated the following correspondence was received and requested to be entered into the record: Mrs. Mary Neal, 1126 W 26th Street, which stated that she was opposed to leasing out the marina for the use of industrial purposes and that it should be utilized for recreational purposes only; Mrs. Lillian Williams, 1213 W 26th, stating that she was opposed to leasing the marina, it should be used by the public not controlled by a private company; Ms. Tracy Wright, 1301 W 2nd Street, stating that she was opposed to having to share the marina for industrial purposes; and Mrs. Mary Orange, 1240 W 26th, stating she was opposed to leasing the marina because far too long the city has been misrepresented and because of the city's misuse of prime property.

AWARDS AND PRESENTATIONS:

4. **PRESENTATION BY MR. ANDRE RUSSELL, RECRUITER/ACADEMIC ADVISOR, BARRY UNIVERSITY CONCERNING EMPLOYEES ATTENDING CLASSES IN THE UTILITY DISTRICT DEPARTMENT WITH A 20% DISCOUNT IN THE COST TO ATTEND.**

Andre Russell, Barry University, gave a presentation on the discount Barry University affords to the employees and residents of Riviera Beach.

5. **PRESENTATION BY THE PITTMAN LAW GROUP, STATE LOBBYIST FOR THE CITY OF RIVIERA BEACH.**

Sean Pittman, Pittman Law Group, reviewed the report provided to the City Council and highlighted some of the issues that should be closely watched.

Gerald Ward, 3930 N Ocean Dr, stated that he felt that the governor was correct in vetoing the funds which include the 13th Street project and that Mr. Pittman was also correct in stating that the city needs to start earlier rather than waiting until the session starts.

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

NONE

RESOLUTIONS:

6. **RESOLUTION NO. 67-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID FOR STATE ROAD A1A IMPROVEMENT PROJECT TO H & J CONTRACTING, INC. IN THE AMOUNT OF \$10,310,803.01; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; 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 Lowe** to approve Resolution No. 67-10.

MOTION

Gerald Ward, 31 W 20th Street, stated that there was a dire need for a contract and project manager and the evidence was shown at the marina as it related to proper drainage.

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

MOTION APPROVED

7. **RESOLUTION NO. 68-10 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 TARGET ENGINEERING GROUP, INC. FOR PROVIDING CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR THE STATE ROAD A1A IMPROVEMENT PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; 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 Thomas** to approve Resolution No. 68-10.

MOTION

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.*

Mrs. Mary Brabham, stated that she was requesting that Councilperson Thomas keep the residents in his district informed regarding the progression of the FDOT project for SR 710 and any other projects being conducted in the immediate area.

Dr. Phillip Dukes, 1211 Avenue T, stated that the contract for the leasing of the marina was in total favor of the developer. He stated that young people are often encouraged to be entrepreneurs but as elected officials, leasing the marina at this magnitude was not setting a good example. He inquired as to how the city would gain financially from the proposal.

Ms Tina White stated that West Palm Beach City Commissioner Molly Douglas told her client, Waste Pro that if they did not get her in line that their business would be hurt and further they would not be granted the waste contract with the City of Riviera Beach in which they were confirmed as the highest ranking contractor. She then stated her

opposition toward denial of the proposed marina project and that in past projects a number of jobs were promised to the residents of the city but during and upon completion of the projects, it turned out not to be true and the same thing would happen with the marina project.

Mrs. Emma Bates, 1218 W 26th Street, stated that she felt that the city was moving too fast on the marina project especially with all of the unanswered questions. She stated that she read a letter written by Chairperson Pardo which stated that there were only 35 noisy people running around opposing the project and they were economically ignorant. She stated that they may be economically depressed but not ignorant.

Mr. Abram Elam, 1206 W 23rd Street, extended an invitation to all residents and announced the Team Elam Charity Event scheduled for June 19th at Dan Calloway Park, 9:00 a.m. until 3:00 p.m.

Mrs. Angela Wynn, W 35th Street, and **Mrs. Jeanette Torres**, provided information on the services provided by Heaven and Earth Outreach Center. They stated that the goal was to provide a safe educational and recreational environment for young people and they were in need of assistance.

Mrs. Norma Duncombe stated that she received an email that referenced the noisy individuals opposing the marina project. She stated that a few years back there was a group of noisy people opposing the building of a hotel and as a result the hotel was not built and fewer tax dollars were being collected on the property. She further encouraged the public to get involved because all residents are affected.

Rev. William Burrs, 2542 Canterbury Dr S, encouraged the residents to support Tina White and stated that the individuals that want her to sit down is because she has exposed this for what it is. He stated that advice should not be taken from elected officials from other municipalities because they would not allow city officials to come into their meetings and do the same. He further stated that the deal was not for the benefit of the city and that the elected officials should listen to its residents

Mr. Alejandro Zamora, Esq., representing Tactical Protection Corp., stated that he was there to clarify information that was submitted to the City Council about his client's company at its May 5th City Council Meeting and he was willing to answer any questions or concerns. He provided the City Council with a packet of corresponding documents he felt would clarify many concerns.

Ms Lynne Hubbard, 1405 W 23rd, on behalf of Riviera Beach Citizens Task Force and Westside Civic Association, read a statement into the record urging the City Council to not approve the utilization of any part of the Riviera Beach Marina for industrial commercial purposes by the Rybovich/Huizenga Group and requested that the council support the residents they represent. She continued with addressing statements that were included in a letter supposedly written by Councilperson Pardo reference the individuals who were against the proposed plans.

Ms Bonnie Larson, W 27th Street, stated that presentations should not be placed on the agenda if there are topics that would have a lot of discussion. She stated that she had read through notes wherein she requested in 2007 that the City Council discontinue additions/deletions to the agenda. She also requested that a copy of the changes to the contract involving Rybovich be provided to the public.

Mrs. Cunningham, 1101 Old Dixie Highway, stated that she was disappointed when her new tenant attempted to obtain an occupational license and was informed that the building was non-conforming. She stated that as a result she wrote an article that appeared in the opinion section of the Palm Beach Post.

Mr. Fane Lozman, 2100 Broadway, stated that he joined forces with various residents and beginning July 1st a petition would be circulated to recall Shelby Lowe, Cedrick Thomas, and Billie Brooks and recall Judy Davis and Dawn Pardo in September. He stated that in conjunction with the recall petition a referendum petition would be circulated to discontinue the marina project.

Ms Verdina Coleman, 1200 W 26th Street, announced that an employment program opportunity was available through Workforce Alliance for individuals with dependent children who were living in the home with them and under the age of 18. She stated that individuals could visit the office Monday through Thursday at 1:00 p.m. and that the office was located at 1951 Military Trail.

Mr. Gerald Ward, 31 W 20th Street, stated that part of the responsibility as a chairperson was to work with the city manager and city clerk on the agenda and to run meetings efficiently. He stated that special meetings and cancelling them has a cost associated with it. He stated that the agenda process needed to be improved to allow proper time for review by departments, the elected officials, and the public prior to a meeting.

Ms Hattie Parker, 1401 W 7th Street, stated that the terms agreed upon between her company and the general contractor for phase II of the improvements to Dan Calloway Park were changed and as of to date payment had not been received for services provided. She requested that council seek resolution.

The council advised that a report be provided to them by the end of the week.

¹Public 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. 69-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO TERMINATE THE GRANT BETWEEN**

THE CITY OF RIVIERA BEACH AND THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO) FOR FUNDS IN THE AMOUNT OF \$100,000 FOR A WATER TAXI STOP UNDER THE JERRY THOMAS BRIDGE (BLUE HERON BOULEVARD); 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. 69-10.

MOTION

There was a consensus of the City Council for staff to request of the MPO that funds be transferred to be utilized for additional funding toward the water taxi project at the marina.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Davis** to postpone approval of the aforementioned resolution until a response was received from the MPO.

MOTION FOR POSTPONEMENT

Bonnie Larson, W 27th Street, stated that agenda items needed to be worded more clearly so that the public could understand.

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 NEGOTIATIONS TO START WITH WASTE PRO OF WEST PALM BEACH, FL AS THE HIGHEST RANKING CONTRACTOR BASED ON THE SELECTION PROCESS FOR RFP NO. 246-09 FOR PROVIDING SOLID WASTE, VEGATION AND RECYCLING SERVICES CITY-WIDE; AND PROVIDING AN EFFECTIVE DATE.**
10. **DISCUSSION: REQUEST CITY COUNCIL FOR A CLOSED EXECUTIVE SESSION TO DISCUSS PROPOSED BARGAINING UNION LABOR CONTRACTS BETWEEN ALL UNIONS.**

City Attorney Ryan stated that the date of June 23rd was being requested.

City Manager Jones suggested that the session be held June 21st immediately following the Budget Workshop.

13. **RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE ASSIGNMENT AGREEMENT BETWEEN VIKING DEVELOPERS, LLC, AND SUB-DEVELOPER, RYBOVICH RIVIERA BEACH LLC, AS IT RELATES TO THE DEVELOPMENT OF CERTAIN PROPERTY LOCATED WITHIN THE**

CITY'S MARINA DISTRICT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; 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 Lowe** to accept the resolution.

MOTION

Councilperson Lowe withdrew his second once he realized the motion was to approve the resolution.

At this point, the motion died for lack of second.

MOTION DIED FOR LACK OF SECOND

A motion was made by **Chair pro tem Davis** to remove the items from the agenda and discuss them at a later date.

MOTION DIED FOR LACK OF SECOND

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to discuss the item.

MOTION

After a discussion amongst the mayor and city council, Chairperson Pardo suggested that a date be set for a workshop and at that time each councilperson have their questions they wished to be answered at that time and at the workshop agree upon what would be the next step. She stated that she would like to schedule the workshop for June 23rd at 7:00 p.m. immediately following the CRA meeting and the items be placed on the July 7th Regular City Council Meeting Agenda.

Wayne Richards, Esq., stated that there were four proposed changes and requested that he review the proposed changes.

After a discussion amongst the city council, Atty. Richards withdrew his request.

Atty. Ryan stated that the only change in the assignment agreement was the assignee which was now Rybovich Riviera Beach, LLC.

Councilperson Thomas withdrew the second to discuss the item.

SECOND WITHDRAWN

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Thomas** to approve the aforementioned resolution.

MOTION

The following made comments in support of the proposed resolution:

**Bruce Herring, 1372 W 33rd Street,
Mike Jones, 1555 Palm Beach Lakes Boulevard**

The following made comments in opposition to the proposed resolution:

**Fane Lozman, 2100 Broadway
Rev. William Burrs, 2542 Canterbury Drive, South**

Elizabeth Wade, stated that she would not tell the council whether or not to support the project; but, the city would not receive any more than it asks for.

Bonnie Larson, W 27th Street, stated that there was an item on the agenda for the Port of Palm Beach to turn the area from Silver Beach Road to West Palm Beach into a marina district.

Gerald Ward, 31 w 20th Street, stated that the City Council should do what was previously suggested which was to hold a workshop.

Lynne L. Hubbard, 1405 W 23rd Street, stated that the City Council should wait until the workshop and then consider the item(s).

At this point, Chair pro tem Davis withdrew her motion to approve the resolution
MOTION WITHDRAWN FOR APPROVAL OF RESOLUTION

There was a consensus to hold a workshop on June 23rd to discuss items 13, 14, and 15.

14. **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 A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF RIVIERA BEACH, THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY, AND RYBOVICH RIVIERA LLC, FOR THE DEVELOPMENT OF PROJECTS WITHIN THE MARINA DISTRICT AS CONTEMPLATED BY THE CONCEPTUAL MASTER DEVELOPMENT PLAN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO FACILITATE THE TERMS OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**



15. **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 A 25 YEAR SUBMERGED AND UPLAND LANDS LEASE WITH RYBOVICH RIVIERA**

BEACH LLC; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO FACILITATE THE TERMS OF THE LEASE; AND PROVIDING AN EFFECTIVE DATE.

BOARD APPOINTMENTS:

11. APPOINTMENT OF TWO (2) MEMBERS AND THE RE-APPOINTMENT OF FIVE (5) MEMBERS TO THE LIBRARY BOARD.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Thomas** to approve the five re-appointments and the appointment of two new members to the Library Advisory Board.

MOTION

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

MOTION APPROVED

DISCUSSION BY THE CITY MANAGER:

NONE

LEGAL DISCUSSION/REQUEST:

12. RESOLUTION NO. 70-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF JACQUELYN HOLLIS AND 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. THE CITY OF RIVIERA BEACH, ET. AL, CONSOLIDATED CASE NO. 502008CA004430XXXMB AO; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF \$55,000 AS COMPLETE SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

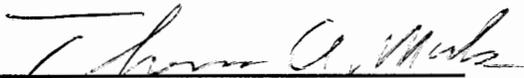
NONE

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:55 p.m.

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

APPROVED:



THOMAS A. MASTERS
MAYOR

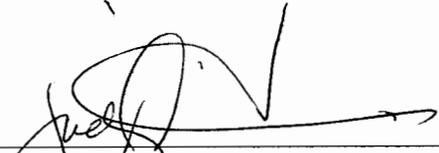


DAWN S. PARDO
CHAIRPERSON

ATTEST:



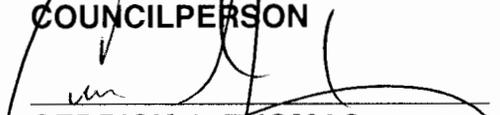
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: J. L. Davis
SECONDED BY: C. Thomas

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

DATE APPROVED: 07/07/2010