

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JULY 7, 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 Assistant City Attorney Racheal Johnson.

Invocation/Pledge of Allegiance

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

AGENDA Approval:

Additions, Deletions, Substitutions

NONE

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 **Chair pro tem Davis** to adopt the agenda.

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 JUNE 16, 2010.

RESOLUTIONS:

2. RESOLUTION NO. 71-10 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 JACK MCLEAN TO PROVIDE OTHER LABOR RELATIONS SERVICES; JULY 8, 2010 – JULY 8, 2011; PAYMENT TO BE MADE FROM ACCOUNT NUMBER 001 0512 5190 3101; 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. 71-10.

MOTION

A lengthy discussion ensued amongst the city council, City Manager Jones and HR Director, Mrs. Perry regarding the services provided by Labor Attorney McLean.

An amended motion was made by **Councilperson Thomas** to utilize the services of Atty. Jack McLean for the length of time that it takes to close out the current contracts that would terminate September 30.2010. Seconded by **Chair pro tem Davis**.

AMENDED MOTION

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

MOTION APPROVED

END OF CONSENT AGENDA

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

- 3. PRESENTATION OF PLAQUE BY MAYOR THOMAS A. MASTERS TO COMMANDER DAVID TORRES FOR TWENTY-NINE (29) YEARS OF DEDICATED SERVICE TO THE POLICE DEPARTMENT AND THE CITIZENS OF RIVIERA BEACH.**

Doretha Perry, Human Resources Director, read the commendations of Commander Torres as he retires after serving the citizens and the police department for over 29 years of committed and dedicated untiring hours in law enforcement. His family and close friends accompanied him and one of his closest friend Mr. David Burgess was present to celebrate with him. Commander Torres thanked the citizens, the police department and his family and spoke of his future plans away from law enforcement.

Mayor Masters presented Ret. Commander Torres with retirement mementos for 29 years of dedicated service.

Asst. Chief of Police Jones announced that a retirement party would be held July 9th at the Doubletree Hotel beginning at 7:00 p.m. in honor of Commander Torres and that tickets were \$37.00.

- 4. PRESENTATION OF PLAQUE BY NATHAN COLLINS, PRINCIPAL, PALM BEACH LAKES COMMUNITY HIGH SCHOOL TO CLARENCE D. WILLIAMS, III, CHIEF OF POLICE FOR HIS SUPPORT TO PALM BEACH LAKES COMMUNITY HIGH SCHOOL DURING THE 2009/2010 SCHOOL YEAR.**

Nathan Collins, Principal for Palm Lakes Community High School, presented a plaque to Police Chief Williams and the members of the Police Department for their assistance when called for various occasions.

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

5. **ORDINANCE NO. 3079 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF RIVIERA BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Ordinance No. 3079.

MOTION

Toni Gigliotti, 2425 Lake Drive, made comments in support of the proposed ordinance.

Tony Newbold, Area Manager for FPL, read the exact language of the existing contract as it related to a buyout.

A lengthy discussion ensued amongst the City Council and Mr. Newbold.

Councilman Lowe stated that he opposed to the idea that the city could take the advantage of certain aspects within the time frame of negotiating for the FPL contract and his colleagues decline. Direct excerpt of discussion:

Lowe: I hate making a 30 year decision under economic duress. He inquired as to whether or not FPL would be willing to return half of the funds the city would have received if an agreement would have been reached in 2000. He asked for an explanation on the case involving the City of Hollywood.

Davis: This has been discussed previously, workshops were held and these types of questions could have been asked at that time or prior to the meeting she

resented having to sit this all over again. She stated that she felt it was disrespectful to have everyone sit through this type of questioning again.

Lowe: Well that's your opinion and I respect that but these questions I want them on record so that 30 years from now somebody would at least say maybe he was right.

Newbold: the significant change was 5.5% to 5.9% which generated an additional \$1.3 million for the City of Hollywood which resulted from a change in the formula which included removing ad valorem taxes.

Lowe: prior negotiations were at 5.9% but now the city was being offered 6% and had the city signed the agreement, it would have resulted in lost revenue.

Newbold: that was a result of the franchise agreement with the City of Fort Lauderdale and FPL made the decision to offer it to any municipality that had a buyout clause included in their agreement.

Lowe: well the point made about the length of time it would take to do a study was subjective. Other options were available to entities if they no longer wanted services provided by FPL.

Newbold: FPL has been in the business for over 80 years and was the cheapest out of 53 other utility providers in the state of Florida.

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

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.*

Zar Yassine, 2124 Broadway, stated that while his child was playing outside of his business, the owner(s) of Dee's T-shirts called the police on him accusing him of endangering his child. He further expounded on the problem it created for him with the state of Florida Division of Children.

Fane Lozman, 200 E 13th Street, made comments reference the amount of money spent on the legal representation in the case involving his houseboat. He continued with stating that members of the community were pulling together to request a referendum to keep the marina public as well as a recall of the city council.

Shelly Schoberg, stated that she was currently enrolled in school and had encountered some financial aid problems and she did not want to give up on three successful years of college because of something beyond her control. She requested assistance.

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:

6. **RESOLUTION NO. 72-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PAYMENT FOR SERVICES FOR C & C LANDSCAPING LAWN MAINTENANCE FOR LOT CLEARING, CUTTING AND RELATED SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$2,010.00 FROM ACCOUNT NO. 430-0841-524-0-4601; 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. 72-10.

MOTION

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

MOTION APPROVED

7. **RESOLUTION NO. 73-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A VOLUNTARY BUYOUT INCENTIVE PROGRAM AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PROGRAM WITH EMPLOYEES WHO VOLUNTARILY PARTICIPATE; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM THE SALARY ACCOUNTS OF THE RESPECTIVE DEPARTMENTS; 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. 73-10.

MOTION

Fane Lozman stated that senior staff should be looked at as well as terminating one of the assistant city managers before consideration of laying off someone with less years of service.

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

MOTION APPROVED

BOARD APPOINTMENT(S):

8. ANNUAL APPOINTMENTS BY THE CITY COUNCIL TO THE VARIOUS ADVISORY BOARDS.

Chairperson Pardo suggested that the application deadline be extended to allow for additional applicants and place the item on the agenda for the next meeting.

City Clerk Ward stated that during research of Advisory Boards in the city code of ordinances, she discovered an advisory board that was not being utilized and that five applications were received for that **Advertising and Industrial Board**, and that the applicants were ready to be appointed and to move forward. She then recommended that city council either appoint the five listed applicants or provide names for appointees to the board. She further advised in accordance with the codes, the individuals were not required to be residents of the city and due to the function of the board it was advisable to make appointments on a broad base.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve the recommendation as submitted by City Clerk Ward and appoint the five applicants for the Advertising Industrial 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:

NONE

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

9. CITY COUNCIL TO APPOINT REPRESENTATIVES TO SERVE FOR ONE YEAR ON VARIOUS BOARDS AND COMMITTEES.

North County Intergovernmental Committee

Councilperson Pardo

Metropolitan Planning Organization

Councilperson Davis

Councilperson Thomas – alternate

Palm Beach County League of Cities Board of Directors

Councilperson Thomas

Palm Beach County League of Cities General Membership Meeting

Councilperson Davis

Councilperson Thomas

Palm Beach County School District

Councilperson Thomas

Coastal Council

Councilperson Pardo

North Palm Beach Chamber of Commerce

Councilperson Brooks

Port of Palm Beach

Councilperson Pardo

Councilperson Thomas – alternate

Intergovernmental Plan Amendment Coordinated Review Committee

Councilperson Pardo

Riviera Beach Education Advisory Committee

Mayor Masters

Councilperson Brooks – alternate

Bio-science Land Advisory Board

Councilperson Lowe

Councilperson Thomas – alternate

Riviera Beach Business Council

Councilperson Brooks

Mayor Masters – alternate

Chair pro tem Davis read a letter she received in the mail regarding waterline maintenance and stated that it was not something distributed by the city. She announced that interviews for the executive director for the CRA would be conducted on Saturday and that the interview committee would be conducting their interviews on Friday and that the events would be televised.

Councilperson Brooks announced that senior residents interested in the water bill assistance program could pickup an application at the Lindsey Davis Center from 10:00 a.m. until 12 o'clock noon.

Councilperson Lowe stated that a discussion needed to be held reference limiting the time of debate amongst the City Council.

Councilperson Thomas requested that staff contact Comcast regarding residents receiving the correct governmental channel. He announced that he was in the process of organizing a Neighborhood Cleanup in District 3 and that further information would be forthcoming.

Chairperson Pardo requested an update on marina negotiations.

City Manager Jones announced the progress of the negotiation team.

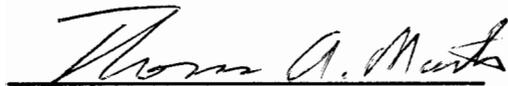
Mayor Masters announced that the senior residents of Villa Franciscan would be selling breakfast, July 10th for a cost of \$5.00. He announced that on July 9th a job fair would be held at the Original Tabernacle of Prayer beginning at 10:00 a.m. located on 22nd Street and Avenue F.

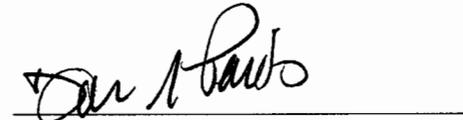
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:30 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. DAVIS
SECONDED BY: B. BROOKS

D. PARDO AYE
J. DAVIS AYE
B. BROOKS AYE
C. THOMAS AYE
S. LOWE ABSENT

DATE APPROVED: 07/21/2010