CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JULY 21, 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; and Councilperson Cedrick A. Thomas. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Mayor Masters absent (excused) and Councilperson Lowe absent (excused).

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 deleted No. 7 – Ordinance reference FP&L.

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 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 JULY 7, 2010.**

RESOLUTIONS:

2. **RESOLUTION NO. 74-10 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 BETWEEN THE PALM BEACH COUNTY TOURIST DEVELOPMENT COUNCIL AND THE CITY OF RIVIERA BEACH FOR THE 2010 BLACK ENTERTAINMENT TELEVISION (BET) SPRING BLING EVENT AND ACCEPTING FUNDS IN THE AMOUNT NOT TO EXCEED $75,000 TO OFFSET COSTS ASSOCIATED WITH SPONSORING THE SPRING BLING EVENT; FURTHER DIRECTING THE FINANCE DIRECTOR TO DEPOSIT FUNDS IN THE BET SPRING BLING SPECIAL REVENUE FUND (138); AND PROVIDING AN EFFECTIVE DATE. ITEM PULLED FOR DISCUSSION**

   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. 74-10.

   MOTION

   Questions ensued.

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

   MOTION APPROVED

3. **RESOLUTION NO. 75-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 15107 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE 2010-2011 RENEWAL SERVICE CONTRACT**

WITH POWER PRO-TECH SERVICES OF MAITLAND, FLORIDA TO PROVIDE SCHEDULED SERVICE AND MAINTENANCE ON GENERATORS LOCATED THROUGHOUT THE CITY IN THE AMOUNT OF $29,500; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM VARIOUS DEPARTMENTAL OPERATING BUDGETS; AND PROVIDING AN EFFECTIVE DATE.

4. **RESOLUTION NO. 76-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF RIVIERA BEACH'S PURCHASING DEPARTMENT TO PURCHASE GOODS AND SERVICES FROM VARIOUS PIGGYBACK CONTRACTS PUBLICLY SOLICITED BY OTHER GOVERNMENT ENTITIES, TO INCLUDE SOLE SOURCE AND PROPRIETARY PURCHASES FOR THE PURPOSE OF VARIOUS COMMONLY USED COMMODITY PURCHASES IN FISCAL YEARS 2010-2013; AND PROVIDING AN EFFECTIVE DATE.**

5. **RESOLUTION NO. 77-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID FOR RECONSTRUCTION OF WEST 34TH STREET TO B&B UNDERGROUND CONTRACTORS, INC. IN THE AMOUNT OF $385,739.35; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; 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 ON NEW CITY VOLUNTEER PROGRAM.**

ITEM WILL BE PLACED ON THE NEXT AGENDA

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

7. **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. ITEM DELETED TO ALLOW SUFFICIENT TIME FOR ADVERTISEMENT FOR SECOND READING.**

ORDINANCES ON FIRST READING:

8. **ORDINANCE NO. _3080__ 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" BY AMENDING ARTICLE VI, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS"; BY CREATING A NEW SECTION, ENTITLED "IG GENERAL INDUSTRIAL SCRAP METAL PROCESSING OVERLAY ZONE"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record and announced that it was published July 6, 2010 Palm Beach Post.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Ordinance No. 3080 on First Reading.

MOTION

Brett Matthews, 8033 Big Pine Way, stated that the residents that would be affected by this change were not properly informed.

The following made comments against the proposed ordinance:

Gayle Popelka, 1037 Big Torch Street,
Lovetta Harmon, 8128 Big Pine Way,
Elaine Pridmore, 1021 Big Torch Street
Norma Duncombe
Lisa Branon, 2019 Little Torch Street
Erik Russell, 4015 Rock Point Place
Otis Patton, 7030 Hawks Nest Terrace
Michael Zitter, 6206 Sandy Bank Terrace
Leon Kochler, 6208 Sandy Bank Terrace
Irene Fitch, 8114 Big Pine Way
Mary Brabham, 1564 W 9th Street

Canan Winston Joseph, 6501 Sandy Bank Terrace
Joseph Foorcade, 7011 Hawks Nest Terrace
Jay Brentlinger, 8040 Big Pine Way
Dr. Iecha Johnson, 1052 Big Torch Street
Christopher Emery, 5102 Crossing Rocks Court

Chairperson Pardo advised of additional residents in opposition to the proposed ordinance: Lisa Hedge, Michael Hedge, and Monika Hedge.

At the request of the City Council Mary McKinney, Community Development Director, reviewed the purpose for the proposed ordinance,

Councilperson Thomas requested the support of the City Council to not approve the proposed ordinance as presented.

Upon a roll call vote by City Clerk Ward, the motion failed unanimously.

MOTION FAILED

At this point, Chairperson Pardo called for a recess.

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.*

Mary Brabham, 1564 W 9th Street, stated that the city council should consider having the budget reviewed by an external entity to determine if there were revenue possibilities being overlooked.

Anthony Robinson, 621 Clearwater Park Road, stated that previously scheduled Relay For Life was postponed until July 23rd but because of possible pending weather forecast, it was cancelled until next year.

Emmett Gates, III, 1271 N Ocean Ave, stated that he was continuously being harassed by an employee at Well's Gym and requested that the occurrences be investigated and a solution be established.

Emma Bates, 1218 W 26th Street, stated different councilpersons were approached to place the issue regarding the marina on the ballot but to no avail. She stated that the residents were not provided the opportunity to have their say and signatures were currently being collected to have the issue placed on the ballot. She then asked Councilperson Cedrick Thomas to place the question from the Riviera Beach Citizens

Task Force on the November 2nd ballot regarding the city's marina to be voted on by the residents of the City.

Nora Mahoney, 2120 Broadway, stated that the Planning and Zoning Board Meetings need to be televised. She stated that Christmas decorations needed to be included in the budget. She stated that she read that there would be a marina district tax and that the public needed to be provided information on the proposed tax.

Mike Mahoney, 2120 Broadway, advised of the action he took in the incident that occurred involving the police, the Department of Children and Families Services, and Mr. Yasmine concerning his child.

Lynne Hubbard, 1405 W 23rd Street, urged the city council to place the issue regarding the marina on the ballot as a referendum. She urged residents to sign the petition so that they could have their say in what happens with the marina.

Larry Jones, 3558 Oleander Terrace, read questions he had regarding employee benefits. He stated that he would provide a copy of the questions to the city manager and requested that the questions be answered in a timely manner.

Gerald Ward, 31 W 20th Street, stated that proper notification to residents regarding projects within 300' of their residence was not being complied with and that the issue was previously discussed but there was no improvement in the notification process. He announced that FDOT would be hosting a meeting on July 27th at Newcomb Hall beginning at 5:00 to discuss the proposed plans for US1/Broadway.

Milton Brown, 625 W 10th Street, announced that the Summer Academic Camp would be ending July 23rd and expressed appreciation for council support. He stated that he was hearing residents speaking against the proposed marina project but there was nothing being offered in its stead and that additional tax revenue was needed in the city.

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 8100 PM, then public comments shall begin immediately after the item has been concluded.

REGULAR:

9. **RESOLUTION NO. 78-10 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 CRIMINAL JUSTICE COMMISSION TO PROVIDE FUNDING IN THE AMOUNT OF $64,000 FOR AN ADDITIONAL POSITION WITHIN THE WEED AND SEED PROGRAM THROUGH SEPTEMBER 30, 2011; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE FINANCE**

DIRECTOR TO SET UP A BUDGET IN THE WEED AND SEED PROJECT FUND (123); 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. 78-10.

MOTION

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

MOTION APPROVED

10. **RESOLUTION NO. 79-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SETTING THE MAXIMUM MILLAGE RATE FOR FISCAL YEAR 2010-2011 AT A RATE OF 9.4260 MILLS; 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. 79-10.

MOTION

Upon a roll call vote by City Clerk Ward, Councilpersons Thomas, Brooks, and Davis voted yes, and Councilperson Pardo advised she wanted further discussion. At that time, discussion ensued amongst the City Council and Staff regarding further reducing the budget without raising the millage.

Gerald Ward, 31 W 20th Street, stated that the City Council needed to direct staff to establish other ways of finding revenue or saving money other than increasing the millage rate.

Deana Hall, Realtor Association of the Palm Beaches, stated that the housing market does not appear to be improving much over the next two years and that the City Council needed to keep that in mind when setting the millage rate.

Karen Hoskins, Asst. Finance Director, announced that the public hearing would be held September 9, 2010 at 6:30 p.m. and that it would be advertised on the proposed tax bill that will be sent to all property owners by the Palm Beach County Tax Collector's Office and the second reading would be held September 23, 2010 at 6:30 p.m.

The motion failed with Councilpersons Pardo and Thomas dissenting.

MOTION FAILED

Karen Hoskins, Asst. Finance Director, stated that the proposed millage rate needed to be in the office of the Palm Beach County Tax Collector by the end of the week.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to set the maximum millage rate at 8.926.

MOTION

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

MOTION FAILED

11. **RESOLUTION NO. 80-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DEPARTMENT TO MAKE PAYMENT IN THE AMOUNT OF $2,500 TO CULINARY FLAIR AS FINAL PAYMENT FOR PROVIDING LUNCH TO PARTICIPANTS IN THE YOUTH EMPOWERMENT PROGRAM'S SUMMER CAMP; AND PROVIDING FOR PAYMENT OF POSSIBLE ADDITIONAL FEES THAT MAY BE INCCURRED BY OTHER CITY DEPARTMENTS DURING THE 2009-2010 BUDGET YEAR; 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. 80-10.

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 stated that she distributed the evaluation tool to the city council that was utilized last year for the city attorney's evaluation and was requesting as to how the process would proceed this year.

Councilperson Thomas stated that he would like to conduct the evaluation process as it was done last year and would like to be responsible for calculating the scores.

City Attorney Ryan announced that she accompanied Chairperson Pardo to the Palm Beach County School Board Meeting where she was recognized for her contribution to the students of the city for the collection of 500 dictionaries.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chairperson Pardo stated that the city manager's evaluation was due and requested that the city council schedule a meeting.

Chair pro tem Davis stated that she would spearhead the process and provide a copy of the proposed evaluation tool to evaluate the city manager.

Councilperson Thomas announced that a basketball camp would be hosted by Eddie Shannon on July 24, 2010 beginning at 8:00 a.m. at John F. Kennedy Middle School for ages 5-18. He stated that letters would be distributed to home daycare operators regarding an informational meeting scheduled for the month of August. Councilperson Thomas also announced that Law Enforcement and Public Service Appreciation Day would be July 25, 2010 and it would be held at Mt Olive Missionary Baptist Church. He announced that a cleanup would be held in District 3 on September 25th 8:00 a.m. until 12:00 noon. Mr. Thomas requested that signage for public hearings be posted in the affected areas just as election signs are posted.

Councilperson Brooks announced that the neighborhood meeting would be held Saturday, July 25th at the Lindsey Davis Center at 10:00 a.m. She announced that a public discussion of the budget would be held in her district during the month of August. She announced that a District 1 cleanup would be held September 25th in conjunction with the National Cleanup Effort.

Chair pro tem Davis requested that the agenda and backup information for the Planning and Zoning Board Meetings be posted on the website in a timely manner. She announced that the MPO would be supporting the city in its efforts to get an extension on the funding for the water taxi. She requested that residents be informed on how to obtain access to the tennis courts at Well Recreation Center. Councilperson Davis announced that the Palm Beach County Caucus for Black Elected Officials was celebrating 10 years and that they would be hosting a gala on October 21st at PGA National and the ticket price was $150.00 per person or $1,500 table sponsorship for businesses. She stated that she spoke with a FPL representative regarding having the electrical lines along Broadway buried and she was advised that a copy of the road plans were needed to see if it could be accomplished; she requested that the necessary information be provided.

Chairperson Pardo expressed her dissatisfaction with visitors being allowed to park their vehicles on the grass in the Bicentennial Park area in spite of the amount of funds spent for renovations. She requested a report on the separation of the utilities for the Tiki Restaurant. Chair pro tem Davis asked for an immediate answer.

Ed Legue, Marina Director, stated that the electrical was not separate at this time but there was a contract in place to complete the work.

Chairperson Pardo stated that when the agreement was approved in 2008 it was the pleasure of the city council to have the utilities separated and it was not done as of to date and that an explanation of why it wasn't done should be distributed to the city council by Friday, July 24th. She announced that the A1A project would be starting next week and there would be traffic delays for 18 months.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:15 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	AYE

DATE APPROVED: 08/04/2010