CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, AUGUST 4, 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 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.

Mayor Masters and Councilperson Brooks 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 added No. 5a – a resolution authorizing the submission of a grant for marina construction – to the Consent Agenda. She added No. 9 – a presentation from the Palm Beach County School Board under Awards and Presentations.

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 **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

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.

CONSENT AGENDA:

MINUTES:

1. **MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD JULY 21, 2010.**

RESOLUTIONS:

2. **RESOLUTION NO. 82-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXERCISE THE FIRST AMENDMENT TO THE PORT CENTER LEASE AGREEMENT WITH HEATHER CROFT, LLC TO EXTEND THE TERM OF THE LEASE FOR ONE TWO-YEAR PERIOD AND SAME TERMS FOR 2,658 SQUARE FEET OF COMMERCIAL RENTABLE SPACE LOCATED AT THE PORT CENTER, 2051 MARTIN LUTHER KING, JR. BOULEVARD ON THE THIRD FLOOR FOR THE HUMAN RESOURCES DEPARTMENT OF THE CITY OF RIVIERA BEACH AS OUTLINED IN THE LEASE REFERENCE DATA SHEET FOR AN ANNUAL COST OF $64,881.78; AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE SAID LEASE EXTENSION; AND PROVIDING AN EFFECTIVE DATE.**

3. **RESOLUTION NO. 83-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 25810; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH CERES ENVIRONMENT SERVICES, INC., OF BONIFAY, FLORIDA AND ASHBRITT INC. OF POMPANO BEACH, FLORIDA TO PROVIDE DEBRIS MANAGEMENT AND REMOVAL SERVICES ON AN AS-NEEDED BASIS, FOR FUTURE DISASTERS IN RIVIERA BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

4. **RESOLUTION NO. 84-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF RIVIERA BEACH TO APPROVE AND ADOPT THE 2009 REVISED PALM BEACH COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN; AND PROVIDING AN EFFECTIVE DATE.**

5. **RESOLUTION NO. 85-10 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 DEVELOPMENT REGIONS GRANT AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING FOR EARL L. PLEASANT CUSTOM CERAMIC TILE EXTENDING THE COMPLETION DATE TO FEBRUARY 19, 2011; AND PROVIDING AN EFFECTIVE DATE.**

5(a). **RESOLUTION NO. 88-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL MARINA CONSTRUCTION UNDER THE FLORIDA FISH AND WILDLIFE COMMISSON FLORIDA BOATING INFRASTRUCTURE GRANT PROGRAM; AUTHORIZING JH SPRAGUE CONSULTING LLC, TO PREPARE THE GRANT APPLICATION AND REPRESENT THE AS REQUIRED; AND PROVIDING AN EFFECTIVE DATE.**

ITEM ADDED TO AGENDA

END OF CONSENT AGENDA

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

9. PRESENTATION – JOHN SANCHEZ, PALM BEACH COUNTY SCHOOL BOARD

ITEM ADDED TO AGENDA

John Sanchez, Palm Beach County School Board, reported on the traffic update for the new Suncoast High School scheduled to open August 17th.

A lengthy discussion ensued amongst the mayor, city council, Mr. Sanchez, and other representatives from Palm Beach County School Board.

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

6. **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 and stated that it was published in the July 25, 2010 edition of the Palm Beach Post.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to adopt Ordinance No. 3079.

Discussion ensued amongst the City Council and Mr. Tony Newbold, representative for F.P.L.

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

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.*

Keith Marshall, 1071 W 3rd Street, stated that the city needed to find funding for the Youth Empowerment Program. He stated that if the city did not give the youth of the city something then they would give the police something to do.

Emma Bates, 1218 W 26th Street, expressed appreciation to the members of the Riviera Beach Citizen Task Force for their efforts in collecting signatures for the referendum that would place the issue regarding the marina on the November ballot. She announced that two buses would be traveling to Tallahassee at the end of August

to transport interested voters to meet with representatives that impacted their concerns with the proposed plans surrounding the marina and newcomb hall.

Elizabeth Wade, 1571 W 13th Street, expressed appreciation to members of the public who signed the petition placing the referendum regarding the marina on the November ballot. She stated that the Waste Management contract needed to be reviewed as it related to the fee charged to the residents.

Richard Wester, 331 W 23rd Street, stated that there was a need to increase property taxes in an effort to receive services currently provided by the city and county. He continued with comments made by Emmit Gaines regarding the problem he's been having at the gym with an employee.

Jessie Pinkney, 1417 W 23rd Street, expressed appreciation for the support provided to the Summer Academic Program. She presented tokens of appreciation made by the participants in the jewelry program.

Veronica Thompson, 955 W Kalmia Dr, stated that the city needed to fund the Youth Empowerment Program because of the positive effects it has on kids.

Cyrstal Allen, 955 W Kalmia Dr, encouraged the city council to find funding for the Youth Empowerment Program.

Michael Sloser, 4100 N Ocean Drive, stated that the city council recently approved the resolution increasing property taxes. He stated that an answer to the budget shortfall was to approve the agreement with Viking.

Ezra Saffold, 141 Riviera Drive, announced that an event was planned to celebrate the opening the new Boys & Girls Club facility for August 11th at the Tikki Restaurant for a cost of $10 per person.

Diana DeMeo, 1030 Powell Drive, encouraged the city council to dispel the rumors reference approving an agreement with Viking would eliminate Newcomb Hall and Bicentennial Park.

Dr. Philip Dukes, 1229 W 23rd Street, inquired as to whether or not the services for waste collection were going to be bidded on again when the committee selected WastePro. He stated that residents agree redevelopment needed to be done within the city but agreements needed to be in favor of the city not the developer.

Bruce Guyton, 1247 W 26th Ct, stated that the city was loosing its livelihood due to the lack of economic activity. He encouraged the city council to move forward with the marina project and that he was in support of it.

Henry Burrs, stated that residents had the right to voice their concern. He stated that the city council should have voted to place the question regarding the marina on the ballot instead of forcing the citizens to conduct a petition drive.

TPublic 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:

7. **RESOLUTION NO. _86-10_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT IN THE AMOUNT OF $1,236,000 BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR THE CONTINUATION OF THE DISASTER RECOVERY PROGRAM FROM JULY 1, 2010 UNTIL SEPTEMBER 16, 2010; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND FURTHER AUTHORIZE THE FINANCE DIRECTOR TO DISBURSE FUNDS PER THE COST OF REHABILITATION FOR HURRICANE RELATED DAMAGES IN EXCESS OF $10,000; 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. 86-10.

MOTION

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

MOTION APPROVED

8. **RESOLUTION NO. _87-10_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROVING THE SECOND AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO) REALLOCATING THE GRANT FUNDS FROM THE JERRY THOMAS BRIDGE WATER TAXI DOCKING PROJECT ($100,000.00) TO THE 14TH STREET WATER TAXI DOCKING PROJECT ($96,910.00); EXTENDING THE COMPLETION DATE FOR A WATER TAXI DOCKING FACILITY TO DECEMBER 31, 2010; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT; 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. 87-10.

MOTION

Chair pro tem Davis read a letter into the record forwarded to Laurie Rande, Florida Department Of Transportation, from the Palm Beach County Metropolitan Planning Organization regarding the construction and completion of the water taxi docking project at the project

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 requested a Closed Executive Session prior to the Budget Workshop scheduled for August 12, 2010 at 4:30 p.m. to discuss labor issues.

There was a consensus of the city council to schedule a Closed Executive Session for August 12, 2010 at 4:30 p.m.

City Manager Jones requested authorization to amend the buyout option by extending the timetable until August 31, 2010.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Lowe** to extend the deadline for the buyout policy to August 31, 2010.

MOTION

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

MOTION APPROVED

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan stated that a confidential memorandum was distributed to the city council regarding the Galligan vs CRB case and that she would like to place a resolution on the agenda for the next City Council meeting if a Closed Executive Session was not requested.

Councilperson Thomas requested a closed executive session.

There was a consensus of the City Council to schedule a Closed Executive Session on August 12th following the session reference labor issues.

City Attorney Ryan announced that the following would be present: City Council, City Manager Jones, City Attorney Ryan, and special counsel for the city.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chairperson Pardo stated that she met with Al Johnson, Commission on Ethics Director. She stated that she would be inviting him to speak before the City Council at a future meeting. She also stated that she did not appreciate individuals approaching her daughter and discussing the marina issue with her or her position on any item brought before the city council. She continued with comments on the plans for Newcomb Hall.

Chair pro tem Davis announced that she would be hosting a budget presentation for residents in her district on August 10th at Newcomb Hall. She stated that she was currently working on bringing Linkup Florida and Lifeline Assistance Program to the city in conjunction with the Florida Public Service Commission by August 25th.

Councilperson Brooks announced that the Sickle Cell Foundation would be hosting a public forum on August 5th at Hurst Chapel beginning at 6:30 p.m. She announced that her neighborhood meeting would be August 7th beginning at 10:00 a.m. at the Lindsey Davis Center. She stated that volunteers were still needed for the cleanup campaign scheduled for September 25th. She inquired as to whether or not it was illegal for two councilpersons to host a budget presentation.

City Attorney Ryan stated that it needed to be advertised and minutes were necessary.

Councilperson Thomas announced that volunteers were needed for the cleanup campaign scheduled for September 25th in District 3. He requested that City Manager Jones contact the vendor currently holding the rolloff contract and request that at least five dumpsters are donated for residents to place whatever they desired in them during this time. Councilperson Thomas announced that a meeting was scheduled for August 14th for home daycare providers at 9:45 a.m. to discuss Florida Legislative HB 1045 that was approved in May.

Mayor Masters announced that on August 14th the Riviera Beach Youth Recreation Association would be distributing school bags from 5:00 p.m. until 7:00 p.m. at Spinnacle Landing; and a school bag distribution was scheduled for August 14th 11:00 a.m. until 2:00 p.m. at Indian Trace. He announced that the Congress Avenue bridge, which runs between Dr. Martin Luther King, Jr. Blvd. and 45th Street would be renamed after Rev. Herman McCray. He announced that representatives from Toys R U would be at Workforce Alliance on August 5th starting at 9:00 a.m. accepting applications for a new store that's due to open in the near future. He announced that a job fair was scheduled for August 12th at Hurst Chapel. He also announced that actor Danny Glover would be present in the city August 19th and that he would be speaking at New Macedonia Baptist Church, 748 W 9th Street.

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: 08/18/2010