

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, SEPTEMBER 1, 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 Cedrick A. Thomas; Councilperson Billie E. Brooks; 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 Councilperson Thomas.

**AGENDA Approval:**

**Additions, Deletions, Substitutions**

**City Manager Jones** made the following revisions to the agenda: added a joint presentation by Al Johnson, Executive Director Palm Beach County Commission on Ethics and Ret. Judge Edward Rodgers, chairman of the Palm Beach County Commission on Ethics – to be heard prior to the Consent Agenda; and deleted No. 2 – resolution reference debris monitoring service.

**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**

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

**MOTION APPROVED**

**JOINT PRESENTATION BY AL JOHNSON, EXECUTIVE DIRECTOR OF THE PALM BEACH COUNTY ETHICS COMMISSION AND JUDGE EDWARD RODGERS, CHAIRMAN OF THE ETHICS COMMISSION REGARDING THE PALM BEACH COUNTY ETHICS COMMISSION.**

A joint presentation was provided by Ret. Judge Edward Rodgers and Al Johnson of the Palm Beach County Commission on Ethics.

**Fane Lozman, 200 E 13<sup>th</sup> Street**, inquired as to why individuals would contact the Palm Beach County Commission on Ethics if there was evidence of corruption taking place rather than calling the state attorney’s hot line.

The question was responded to by both of the Commissioners.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that this items should not have been an add on since it was well programmed well in advance. He stated that this was something the city really needed to consider being a part of.

**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 AUGUST 18, 2010.**

**RESOLUTIONS:**

- 2. **RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH MALCOLM PIRNIE OF FORT LAUDERDALE, FL AND O'BRIEN'S RESPONSE MANAGEMENT**

INC., OF MAITLAND, FLORIDA BY PIGGYBACKING FROM SOLID WASTE AUTHORITY (SWA) CONTRACT NO. 08-233, AND PIGGYBACKING RFP #2009-7 FROM COOPER CITY TO PROVIDE DEBRIS MONITORING SERVICES ON AN AS-NEEDED BASIS, FOR DISASTERS THAT MAY BE REQUIRED IN RIVIERA BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

- [REDACTED]**
3. RESOLUTION NO. 98-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING BID NO. 266-10 RC-4 CANAL WATER QUALITY IMPROVEMENT PROJECT TO JOHNSON-DAVIS, INC. OF LANTANA, FLORIDA, THE LOW RESPONSIVE AND RESPONSIBLE BIDDER IN THE AMOUNT OF \$340,300; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET AND MAKE PAYMENTS FOR SAME; AND PROVIDING AN EFFECTIVE DATE.
  4. RESOLUTION NO. 99-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING BID NO. 249-09 TO DWL MANAGEMENT LLC OF RIVIERA BEACH, FL, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR LOT CLEARING CUTTING AND RELATED SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$45,000.00 COMMENCING SEPTEMBER 2, 2010, FOR A PERIOD OF ONE YEAR; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM REPAIR AND MAINTENANCE CONTRACTS ACCOUNT NO. 430-0841-524-0-4601; AND PROVIDING AN EFFECTIVE DATE.
  5. RESOLUTION NO. 100-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING BID NO. 239-09 TO J.D. ANDERSON CONSTRUCTION, INC. OF RIVIERA BEACH, FL, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR BOARD UP AND SECURE SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT IN AN AMOUNT NOT TO EXCEED \$45,000.00, COMMENCING SEPTEMBER 2, 2010, FOR A PERIOD OF ONE YEAR; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM REPAIR AND MAINTENANCE CONTRACT ACCOUNT NO. 430-0841-524-0-4601; AND PROVIDING AN EFFECTIVE DATE.
  6. RESOLUTION NO. 101-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF PATRICK J. GALLIGAN, ET AL., CLASS REPRESENTATIVE, PLAINTIFF VS. THE CITY OF RIVIERA

BEACH, THE CITY OF RIVIERA BEACH POLICE DEPARTMENT, CHIEF JERRY POREBA, JERRY POREBA, INDIVIDUALLY, DEFENDANTS, CASE NO.: CL 98-04288-AH, IN THE TOTAL AMOUNT OF \$315,000 AS COMPLETE SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

7. RESOLUTION NO. 102-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE TRANSFER OF THE BUSINESS TAX RECEIPT PERSONNEL AND ACTIVITIES OF COMMUNITY DEVELOPMENT DEPARTMENT TO THE FINANCE DEPARTMENT, BILLING AND COLLECTIONS DIVISION; AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE COMMUNITY DEVELOPMENT AND FINANCE DEPARTMENTS' FY2009/2010 BUDGETS; AND PROVIDING AN EFFECTIVE DATE.

#### END OF CONSENT AGENDA

A motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** 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** read a letter of thank you to the city on behalf of Mr. Willis Williams and the Public Works team for a job well done received from Ms. Shirley Ambrista commending the employees of the Public Works Department on cleaning the alley behind her house. Ms. Ward announced the letter is so recorded in the records of the city.

#### **AWARDS AND PRESENTATIONS:**

NONE

#### **PUBLIC HEARINGS:**

NONE

#### **ORDINANCES ON SECOND READING:**

NONE

#### **ORDINANCES ON FIRST READING:**

NONE

**COMMENTS FROM THE PUBLIC – 8:00 PM\*<sup>1</sup> – 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.*

**Alonzo Brinson, 1062 W 25<sup>th</sup> Street**, stated that he was a resident of the city and wanted to encourage the city council and staff to move forward with negotiations with WastePro.

**Elizabeth Wade, W 13<sup>th</sup> Street**, stated that once again the actions of the city council were embarrassing. She stated there was a motion on top of a motion, and to table and according to Robert’s Rule of Order, a motion to table carries no discussion. She stated that she hoped the notice for the budget presentation on August 31<sup>st</sup> was properly published and that the next time councilpersons decided to hold a community meeting it should be just that. She stated the contents of the meeting were not according to what was published.

**Emma Bates, 1218 W 26<sup>th</sup> Street**, stated that the referendum was on the ballot and encouraged the voters to vote yes in support of it. She expressed her appreciation to the committee members as well as those who took the opportunity to sign the petition.

**Tonya Davis Johnson, 834 W 10<sup>th</sup> Street**, announced that the Palm Beach Partners Business Matchmaker Conference and Expo would be held September 16, 2010 at the Palm Beach County Convention Center, 7:30 a.m. until 5:30 p.m. She encouraged the participation of small, minority, and women owned businesses in the city to attend.

**Norma Duncombe, Lake Shore Drive**, stated that she respect the positions of the elected officials but was disturbed that the referendum was put into an adversarial setting. She stated that the wording for previous referendums was placed on the ballot as written and that an atmosphere has been created causing distention and the inability to move forward.

**Fane Lozman, 200 E 13<sup>th</sup> Street**, stated that the CRA was a dependent of the city and that a motion could be made at any time to dissolve it. He stated that previously the former finance director gave the revenue income of the marina which was based upon the number of slips it currently had. He stated that according to the plan, the number of slips would be reduced and that the amount the city would be receiving from the developer was disproportionate to the revenue income currently received from the marina. He also stated that there was a need for a police oversight board.

**Arce Powell, 3142 H Avenue West**, encouraged the city council to move forward in negotiations with WastePro. He stated that it was a company of integrity, honesty, and provided promotional opportunities for its employees.

**Crist Henderson, 951 Lewis Drive**, stated that she was interested in assisting with starting fundraising efforts in the city for the youth programs but had not received a response of any kind from anyone.

**Sylvester McKinon, 1461 N Mangonia Drive**, owner of Mack and Son, stated that the rumor was that he did not have the experience nor credit or stake in the city. He stated that he had provided a folder for the mayor and city council containing his work history and company credentials and that his company was the only minority company certified with Waste Management in south Florida. He stated that he had received many accolades including commendations from each county commissioner and had been voted business man of the year three years in a row.

**Dorothy McKinon, 1461 N Mangonia Drive**, stated that WastePro committed in writing what they were willing to do for the children and senior citizens of the city and had previously supported various entities within the city.

**Zar Yassine, 2124 Broadway**, stated that he received a telephone call that Public Works was striping the parking spaces next to his business and that he received no notification from the city. He asked if he was being singled out when other businesses along Broadway had side street parking.

**Diana Dimeo, 1030 Powell Drive**, read a letter into the record regarding the marina and the referendum and distributed a copy to each councilperson.

**Angela Wynn, W 35<sup>th</sup> Street**, stated that the next meeting for the Riviera Beach Civic Association would be held September 20<sup>th</sup> beginning at 6:30 p.m. at Newcomb Hall. She stated that she read the contract for WastePro and that it was for the benefit of the city.

**Michael Sloser, 4100 N Ocean Drive**, read the last paragraph of the letter previously read by Ms Dimeo. He stated that it was the responsibility of the city council to disseminate the facts about the project.

**Bonnie Larson, W 27<sup>th</sup> Street**, stated that she was not aware that representatives would be present from the Palm Beach County Commission on Ethics and that it seemed that comments made regarding the awarding of contracts was not completely understood. She stated that the city should look at how it was wasting money instead of requiring a 10% decrease across the board from every department and creating/increasing user fees for residents.

**Margaret Shepherd, 430 Rosemary**, announced that Rev. Griffin Davis, Sr would be celebrating his 45<sup>th</sup> Anniversary on September 12<sup>th</sup> beginning at 6:00 p.m. and requested the support of the elected officials.

**Mike Mahoney, 2120 Broadway**, expressed appreciation for the cleanup of the vacant lot at the corner of Broadway and Silver Beach Road. He stated that the waste receptacle by Atlantic Bank on Broadway needed to be emptied on a continuous basis.

**Nora Mahoney, 2120 Broadway**, stated that it was a necessity for the Planning and Zoning Board meetings to be televised with the comprehensive plan being discussed at this time. She stated that she hoped the budget included funding for holiday decorations.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that communication was not the best in the city; however, citizens needed to know who would be replacing the individuals that took advantage of the buyout plan. He stated that two charter amendments would be on the November ballot, the issue regarding the Ethics Commission and the marina, communication was crucial. He inquired if the city attorney had the authority to hire outside counsel for the marina issue without it being publicly discussed.

**Greg Moree, 21st Street**, stated that his grandmother's house was noted by the historical society as the oldest home in Palm Beach and that it was purchased by Wayne Huizenga and that it should be renovated and moved to Bicentennial Park.

**Russell Mackie, representing WastePro**, read a synopsis of a recommendation that he stated was from City Manager Jones. He stated that a protest was filed and the purchasing director found that the protest did not have any merit and the finding was supported by the city manager. He requested that the city council approve negotiations with WastePro.

**City Manager Jones** stated that the recommendation that Mr. Mackie was reading from was from the Purchasing Department to her.

**Takesha Saffold, W 15<sup>th</sup> Street**, stated that the Gabble Club was affiliated with Toast Masters, a non-profit international organization for public speaking. She invited all to attend their meetings held at the Lighthouse for the Blind, 1710 E Tiffany Drive on the second and fourth Tuesday of each month, 1:30 until 3:00 p.m. She announced that the month of October was Blindness and White Canes Awareness Month.

**Lynne Hubbard, 1405 W 23<sup>rd</sup> Street**, stated that the letter sent by the city clerk to the supervisor of elections read by the city attorney clearly outlined the city council's position on the referendum question. She stated that those who signed the petition clearly understood the proposed referendum question. She then stated that it was the responsibility of the city clerk to educate the residents on the election process in which she so eloquently done.

**Bruce Herring, 1372 W 33<sup>rd</sup> Street**, stated that he was in favor of the marina project. He stated that a flier was distributed throughout the community by the Task Force inviting residents to attend a meeting regarding the marina project wherein he and others including the developer tried to attend but were denied access.

**Hyacinthia Becton**, stated that it was a privileged to know the McKinons that they were pillars in the community, and that many benefited from their generosity. She stated that comments should be issue based on the truth.

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:**

8. **RESOLUTION NO. 103-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE CONTRACT BETWEEN THE CITY OF RIVIERA BEACH AND WILLIAMS SCOTSMAN, INC. FOR THE PURCHASE OF A 60x24 FOOT SECTION MODULAR UNIT IN THE AMOUNT OF \$72,134 BY PIGGYBACKING ON PRICING FROM THE COOPERATIVE PURCHASING NETWORK CONTRACT R4637; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING AN ADDITIONAL \$25,000 FOR OTHER PROJECT-RELATED COSTS WITH PAYMENT TO BE MADE FROM THE CAPITAL ACQUISITION FUND ACCOUNT NUMBER 310-0243-519-0-6455; AND PROVIDING FOR 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. 103-10.

**MOTION**

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

**MOTION APPROVED**

9. **RESOLUTION NO. 104-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF RIVIERA BEACH EXTENDING THE DEADLINE TO EXPEND FUNDS ALLOCATED FOR THE CIVIL DRUG COURT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT; 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 **Chair pro tem Davis** to approve Resolution No. 104-10.

**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:**

**DISCUSSION – RAISING FUNDS FOR THE 2011 SUMMER CAMP**

**City Manager Jones** stated that the item was placed on the agenda at the request of the city council from the August 18, 2010 City Council in an effort to seek direction on how to begin raising funds for the program.

**Councilperson Lowe** suggested that the volunteers along with him meet to determine what was needed, what type of fundraisers should be conducted, and if seed money was needed then bring the request back before the city council.

The city council directed the city attorney to provide information on whether or not the city could solicit donations from its vendors.

**Chair pro tem Davis** stated that she felt that the city should consider entering into an agreement with the Palm Beach County Commission on Ethics. She also stated that the city should consider having a registration requirement for anyone who is paid by businesses that may be conducting business with the city.

**City Manager Jones** stated that prior to the public hearing for the budget on Thursday, she would work with the Parks and Recreation Department and other staff members to see if there was duplication of our program and others offered in the city and see if we could take a portion of the funding set aside for the summer program and utilize it for seed money for the fundraising efforts for the academic program.

**Cynthia Becton, 500 W 24<sup>th</sup> Street**, stated that a model letter was available composed by Non-profits that could be utilized for solicitations. She stated that the volunteers for the program were committed to the children and needed the assurance that the city was committed in working with them.

**City Manager Jones** announced that the first public hearing for the 2010/2011 budget would be held Thursday, September 9, 2010 AT 6:30 p.m.

**LEGAL DISCUSSION/REQUEST:**

NONE

**DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:**

**Councilperson Lowe:** "I spoke with the attorney earlier today and we discussed or it was brought to my attention that an action that was taken on Friday in regards to the referendum may need to be reiterated or clarified in public through a formal vote in order to not violate or clarify our intent as it relate to the referendum issue and the best was to do that I guess was to take another motion and vote here in the public".

**City Attorney Ryan:** "correct, that would be good".

**Councilperson Lowe:** "At this present time I want to move that we accept the referendum for ballot on November 2. Is that clear enough"?

**City Attorney Ryan:** "That's clear enough, let me just make it a little more clearer. I think there is some confusion about what exactly the council the action you were taking two weeks ago at the last City Council Meeting and I just think it would be best if the record was just clarified that it was your intent to accept the certification and allow it to go on the ballot that's really it because that's the letter that went the Elections Office and I just thought it would be best if the council cleared that up and so I think that what your motion is."

**"Councilperson Lowe:** okay that's my motion;

**Councilperson Brooks:** and I'll second it. . . .

**Councilperson Lowe:** I move to accept the certification and place the language on the ballot, that's my motion.

**Councilperson Brooks:** I'll second it. . . .

**Councilperson Thomas:** I want to be in compliance with the state law saying if any group has gotten the required amount of signatures for something to go on the ballot I want to be clear in saying yes that's my duty to say yes put that on the ballot I want to do that but what I don't want to do is to say that I agree with the question that is there so how am I to vote on that if you're grouping them both together. I don't agree with the question but I do agree with the state statute stating that you have to vote to state that it goes on the ballot.

**City Attorney Ryan:** I don't expect you to do anything. There is a letter that was sent to the Supervisor of Elections that councilmembers approved so I just want to make sure that it is stated on the record at a council meeting that that was -- your action of placing it on the ballot was the action you intended at the last council meeting. . . .

**Councilperson Thomas:** does voting for this means I agree with the language

**City Attorney Ryan:** I did not draft the letter

**Councilperson Thomas:** Have you read the letter?

**City Attorney Ryan:** yes

**Councilperson Thomas:** . . . . if I vote yes on this am I voting that I agree with the language.

**City Attorney Ryan:** you are voting to put the language on the ballot I don't think you are necessarily voting that you agree with the language . . . .

**Councilperson Lowe:** how I see is that we agree to place it on the ballot and give you direction to see if it's clear or not those are the steps one and two and then we move on to the next thing. I hear us all saying -- I'm saying that I want to follow the state statute as it relates to putting it on the ballot and then once we do that if somebody wants to make a motion or give direction to the attorney to find out if the language is clear then we can do that.

**Chair pro tem Davis:** .... I would vote that we agree to place it on the ballot and then direct the city attorney to do what needs to be done as far as challenging. Now also I just want to make one thing clear, I did receive a letter from a resident ... I think we need to go ahead and direct our city attorney to do legally what needs to be done.

**Chairperson Pardo:** I just want to remind the council that we did get a memo from our city attorney at the last meeting telling us not to forward and the majority did not go along with her recommendation.

**Mayor Masters:** I don't see where the confusion is at all I believe Councilperson Lowe has stated for the record what we need to do. Now if a person disagrees with that they just state their disagreement .... But that should not nullify the fact that it must be placed on the November ballot."

**Fane Lozman, 200 13<sup>th</sup> Street,** stated that the city council had the opportunity to place a referendum question on the ballot and was asked to do but it was not done. He stated that state statutes read that if enough signatures were collected that the referendum question shall be placed on the ballot. He stated that no matter how the vote goes, statutes state that it shall be placed on the ballot.

**Elizabeth Wade, W 13<sup>th</sup> Street,** stated that the city clerk was the only department head who had to take an oath for her position and she also answers directly to the state as it relates to election laws. She stated that if the city council had placed the question on the ballot, the responsibility for clarity would fall on the city; but when signatures were collected for a question to appear on the ballot, the city council was not in control and the item should have been placed on the Consent Agenda as a courtesy only.

**Norma Duncombe,** stated that according to the posted rules, the public must respect the elected officials, but the actions of the elected officials show no respect for the public. She stated that if you agree vote for it, if you are against it, vote no. She stated

that Mr. Carlos tried to bulldoze his way into the Task Force's meeting and that it was not right.

**Gerald Ward, 31 W 20<sup>th</sup> Street,** stated that this was not the time to discuss legal actions because the residents may go along with the city council and then there would be no need for legal action.

**Chairperson Pardo:** "you have the letter, read the letter

**City Attorney Ryan:** you want me to read the letter ...

**Councilperson Lowe:** and what's in question is . . . .

**City Attorney Ryan:** what is not clear is whether or not the council at the last city council meeting voted to have the referendum placed on the official ballot and I think all you were trying to do is to make sure that ... that is was clarified that you in fact want to place it on the ballot.

**Councilperson Lowe:** I signed a letter at my desk not out in the public stating that and I was trying to get it out to the public so that's the proper way to do and I was trying to make sure that it's known that I agreed to put the language on the ballot and that's it.

**City Attorney Ryan:** I believe that's what Mr. Lowe's motion is to be consistent with the letter.

**Councilperson Thomas:** I have heard several individuals come to the podium and say no matter what you all do it's going on the ballot ...

**Councilperson Brooks:** I make a motion that we table it until we get some legal clarification on what it is that Ms Ryan is wanting us to make a decision on; we're not getting any clear answers.

**Councilperson Thomas:** I second .....

**Councilperson Davis:** . . . and I'm trying to clarify one last time; the issue for some of us was the action that was taken at the last city council meeting; and I have just told you what I thought that action was. Now after having read the statute, reread the statute, and reread the statute, I am saying that the statute is clear to me and I would support placing the language on the ballot but I would also want to direct the city attorney to file whatever dec action is needed in order to get the language cleared up so that people understand very simply what they're voting for and what they're voting against. Now whether that is before the November election or after the city attorney can tell me when that can happen and/or if we need a vote on taking that direction.

**City Attorney Ryan:** that can be an amendment to Mr. Lowe's motion.

**Chair pro tem Davis:** well that would be my amendment

**Councilperson Brooks:** I withdraw my motion

**Chair pro tem Davis:** I withdraw my amended motion

**Chairperson Pardo:** ok we are back to Mr. Lowe's motion accepting the letter that the city clerk wrote to the supervisor of elections saying put it on the ballot. . . ."

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

**MOTION APPROVED**

**Chair pro tem Davis:** " . . . I would like to move that we direct the city attorney to take whatever action is needed in order to ensure that the language is clarified.

**Councilperson Pardo:** is that a motion

**Chair pro tem Davis:** I said I move

**Councilperson Thomas:** If it is I second it."

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

**MOTION APPROVED**

**Councilperson Thomas** expressed appreciation for those who attended the budget presentation held at John F. Kennedy Middle School. He stated that the city needed to be aware when functions were going to be taking place at Kennedy or Suncoast and the city's parking was being utilized so that something could be done regarding traffic control. He requested that the residents not move the barriers placed at the entrance of communities along Congress Avenue because this was an effort to acclimate traffic to travel in the proper direction until the medians were installed.

**Councilperson Brooks** expressed appreciation for those who attended the budget presentation held at John F. Kennedy Middle School. She stated a presentation by Rybovich would be held September 11, 2010 at 10:00 a.m. at the Lindsey Davis Center.

**Chair pro tem Davis** requested clarification on the survey conducted where the business owned by Mr. Yassine as it did not indicate that there would be no parking.

**City Manager Jones** stated that he was aware of the survey but was not aware of when the stripping would take place. She stated that parallel parking was available wherein customers were parking diagonally.

**Chair pro tem Davis** inquired about the date for the bid protest.

**City Manager Jones** stated that SWS requested a bid protest hearing and it was tentatively scheduled for Tuesday at 6:30/7:30. She stated that the public was invited to attend but the public does not participate. She stated that the vendor makes their case as to why they should be awarded their resolution which was for them to be selected. The decision would be rendered on the protest only.

There was a consensus to schedule the bid protest for Tuesday, September 7, 2010.

**Chairperson Pardo** inquired on the status of the report regarding the Riviera Beach Housing Authority.

**Mayor Masters** requested that the resident who volunteered her services for fundraising be contacted by Ms Dozier and to inform her that he welcomes her assistance. He stated that the meeting held by the Task Force was held in the annex of the church not the sanctuary and the chairperson went to the door and told Mr. Carlos and the group that was not their meeting. He stated that the meeting was held on private property and that they should have respected the chairperson but instead someone with a video camera stood at the door and filmed everyone that was in the meeting. He stated that such action was a total disregard, that he was upset, and they had no right to do such thing.

#### **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 10:00 p.m.**

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

APPROVED:

Thomas A. Masters  
THOMAS A. MASTERS  
MAYOR

Dawn S. Pardo  
DAWN S. PARDO  
CHAIRPERSON

ATTEST:

Carrie E. Ward  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

Judy L. Davis  
JUDY L. DAVIS  
CHAIR PRO TEM

Billie E. Brooks  
BILLIE E. BROOKS  
COUNCIL PERSON

Cedrick A. Thomas  
CEDRICK A. THOMAS  
COUNCILPERSON

Shelby L. Lowe  
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: 09/15/2010