

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 6, 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;; and Councilperson Shelby L. **Lowe**. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; and City Attorney **Pamala** H. Ryan.

Councilperson Brooks was absent.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Mayor Masters.

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones stated that the information was provided for No. 10 –proclamation for Oktoberfest and No. 20 –waterfront bond issue.

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 **Lowe** to approve 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 SEPTEMBER 15, 2010.

RESOLUTIONS:

2. RESOLUTION NO. 120-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROVING A WORK ORDER **WITH** JORDAN, JONES AND **GOULDING** (JJG) TO PROVIDE CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES AT A COST OF **\$34,500** FOR A STORM WATER QUALITY IMPROVEMENT PROJECT WITHIN THE CITY'S RIGHT-OF-WAY IN THE AREA OF **16TH** STREET AND AVENUE F TO LAKE WORTH LAGOON IMPACTING THE RC-4 DRAINAGE AREA OF THE CITY, RELIEVING THE CITY OF THESE FUTURE COSTS; AND PROVIDING AN EFFECTIVE DATE.
3. RESOLUTION NO. 121-10 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 \$47,756 FOR AN ADDITIONAL POLICE OFFICER POSITION WITHIN THE WEED AND SEED PROGRAM COMMENCING OCTOBER 1, 2010 THROUGH JUNE 30, 2011: AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET IN THE WEED AND SEED PROJECT FUND (**123**); AND PROVIDING AN EFFECTIVE DATE.
4. RESOLUTION NO. 122-10 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 AMENDMENT TO THE AGREEMENT **WITH** THE PALM BEACH CONSULTING GROUP, LLC FOR PROFESSIONAL SERVICES FOR THE INTERNATIONAL HARBOR AT RIVIERA BEACH PROJECT; INCREASING

THE CONTRACT AMOUNT FROM \$25,000 TO \$32,500; AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$7,500 FROM ACCOUNT NO. **001-0717-515-0-3106**; AND PROVIDING AN EFFECTIVE DATE.

5. RESOLUTION NO. **123-10** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE GENERAL EMPLOYEES JOB CLASSIFICATION **LIST** BY CREATING AND ADDING THE CLASSIFIED POSITION OF IT **SPECIALIST/WEBMASTER**; AND PROVIDING FOR AN EFFECTIVE DATE.
6. RESOLUTION NO. **124-10** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT **WITH MALCOLM PIRNIE INC.**, OF FT LAUDERDALE, FLORIDA BY PIGGYBACKING FROM SOLID WASTE AUTHORITY OF PALM BEACH (SWA) RFP **#08-233** TO PROVIDE DEBRIS MONITORING SERVICES ON AN AS-NEEDED BASIS AS MAYBE REQUIRED BY THE **CITY** OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by Chair pro tem Davis and seconded by Councilperson Thomas to approve the Consent Agenda.

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:

7. PRESENTATION – RIVIERA BEACH YOUTH BUILD REGARDING ITS FIRST PROGRAM GRADUATE, LENARD DAVIS OF RIVIERA BEACH.

Lawrence Knight, Program Director, stated that the youth build program was now national. He presented Lenard Davis who successfully completed the program and received enough credits to earn his high school diploma.

8. PROCLAMATION – DECLARING OCTOBER 2010 AS "DOMESTIC VIOLENCE AWARENESS MONTH" ON BEHALF OF THE FLORIDA RESOURCE CENTER FOR WOMEN AND CHILDREN, INC.



Mayor Masters presented the proclamation to Mr Aldrich Marshall, FRCWC.

Mr. Marshall announced that a forum in behalf of further recognition of Domestic Violence would be held in the council chambers on October 14th at 10.00 a.m

9. PROCLAMATION – DECLARING OCTOBER 11-15, 2010 AS "WHITE CANE WEEK IN THE CITY OF RIVIERA BEACH ON BEHALF OF THE FLORIDA COUNCIL OF THE BLIND, DOLLY BURKE GOLD COAST CHAPTER 67.

Chair pro tern Davis and Mayor Masters presented the proclamation for "White Cane Week to Mr McDowell

Mr. **McDowell** announced that an awareness forum would be held October 12th in the council chambers at 10 00 a m

10. PROCLAMATION – DECLARING OCTOBER 7 – 9, 2010, "OKTOBERFEST WEEKEND" IN THE CITY OF RIVIERA BEACH.

Chairperson **Pardo** and Mayor Masters presented the proclamation for "Oktoberfest Weekend"

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

11. ORDINANCE NO. ~~3073~~ **AN** ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ADOPTED COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS OF THE 2008 CITIZENS' MASTER PLAN INCLUDING AMENDMENTS TO THE MAP SERIES, THE TEXT OF THE FUTURE LAND USE, INFRASTRUCTURE, AND RECREATION AND OPEN SPACE ELEMENTS, AND ADDING DEFINITIONS, IN ACCORDANCE **WITH** CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING **AGENCY; PROVIDING** FOR **SEVERABILITY** AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance into the record and announced that it was published in the September 22, 2010 edition of the Palm Beach Post.

A motion was made by Chair pro tern Davis and seconded by Councilperson **Lowe** to adopt Ordinance No. 3073.

MOTION

Gerald Ward, 31 W 20th Street, stated his opposition to adoption of the

ordinance in that staff had not sufficient time to properly prepare it, that the proposed ordinance was rushed that he doubted that the Land Planning Agency was aware that it was placed on the agenda for tonight. He inquired as to how the city was going to comply with the requirements in the proposed document by the end of the year. He stated that a sign up sheet that would be forwarded to the Department of Community Affairs was not made available until after the start of the meeting and that whomever the next speaker was needed to make sure they signed their name if they were opposing the proposed document.

Fane Lozman, 200 E 13th Street, stated that council was not properly advised on issues as related to the comprehensive plan. He stated that as elected officials, the city council should be aware of the contents of the document, whether or not the city was in compliance or would be in compliance with the respective requirements, and how the requirements affected various proposed projects. He continued with opposition to the document as presented.

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

MOTION APPROVED

12. ORDINANCE NO. ~~3082~~ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT FOR THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2010/2011 THROUGH 201412015, PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance into the record and announced that it was published in the September 24, 2010 edition of the Palm Beach Post.

A motion was made by Councilperson Thomas and seconded by Chair pro tem Davis to adopt Ordinance No. 3082.

MOTION

Fane Lozman, 200 E 13th Street, stated to his knowledge, there was no expertise on the staff to compose a comprehensive plan and he then questioned the experience of the individual who oversaw the contents of the document.

Gerald Ward, 31 W 20th Street, stated that progress was being made; however departments were not providing what was stated in section 1— a five year projection of what they needed. He stated that it was not necessary to fund every request but the city was not planning ahead.

Art Cobb, 102 Aspri Way, stated that he had 22 objections to the plan as presented and that he would be forwarding the list to the Department of

Community Affairs. He stated that minutes from the Planning and Zoning Board were not provided which outlined the concerns of the board. He continued with his objections to the plan in its current state as presented.

Councilperson **Lowe** stated for the record that he objected to the funding of a new police department within the next year; and that the funding should be spent on various community projects that were, to him, more pressing at the current time.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

13. ORDINANCE NO. 3083 AN ORDINANCE OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, AMENDING THE **CITY CODE** OF ORDINANCES (THE "CITY CODE") TO IMPLEMENT CERTAIN ELECTION RELATED PROVISIONS OF THE CITY CHARTER AS AMENDED AT THE MARCH 11, 2008 CHARTER AMENDMENT ELECTION, AND TO CONFORM EXISTING **CITY CODE** PROVISIONS CONCERNING ELECTIONS AND ELECTED OFFICIALS TO THE AMENDED CHARTER; AMENDING CHAPTER 2 "ADMINISTRATION" OF THE **CITY CODE** TO PROVIDE PROCEDURES FOR FILLING VACANCIES IN ELECTED **CITY** OFFICE; AMENDING CHAPTER 5 "ELECTIONS" OF THE CITY CODE TO REVISE **CITY** ELECTION DATES AND PROCEDURES TO CONFORM TO THE AMENDED CHARTER AND TO CONFIRM ADOPTION OF **83-498**, LAWS OF FLORIDA (1983) CONCERNING UNIFORM ELECTION DATES; CONFIRMING APPLICATION OF STATE ELECTION LAWS AND ELECTORAL DUTIES OF **CITY** CLERK; REVISING CANDIDATE QUALIFYING PROCEDURES; PROVIDING PROCEDURE FOR FILLING ANY VACANCY IN CITY ELECTIVE OFFICE CANDIDACY; CONFIRMING DATE FOR COMMENCEMENT OF CITY ELECTIVE TERMS; PROVIDING FOR REPEAL OF ARTICLE II "INSPECTORS AND CLERKS" OF CHAPTER 5 "ELECTIONS" AS REDUNDANT TO EXISTING AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by Chair pro tem Davis and seconded by Councilperson **Lowe** to approve Ordinance No. 3083 on First Reading.

MOTION

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

MOTION APPROVED

14. **ORDINANCE NO. 3084 AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 22, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY ADOPTING A NEW ARTICLE V, ENTITLED "BOARDING OF VACANT BUILDINGS OR STRUCTURES;" PROVIDING FOR REGULATIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; 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 Lowe** to approve Ordinance No. 3084 on First Reading

MOTION

COMMENTS FROM THE PUBLIC - 8:00 PM* - 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.

William Burrs, 2542 Canterbury Dr S, stated that staff had the ability to yo-yo the city council because they were elected for two years. He stated that the city council needed to tell staff what to do and discharge them if they don't do what was requested; the city should have never been in the predicament it was in regarding the waste disposal services.

Fane Lozman, 200 E 13th Street, stated that John Beatty, filed with the city clerk the statement of grounds to recall all five members of the city council; and that a **website** had been set up to explain the recall. He stated that the city council was being recalled on the grounds of malfeasance wherein they had a legal obligation to conduct a competitive bidding process for the leasing of the southern portion of the marina to mega yacht repair facility.

Philip Dukes, 1229 W 23rd Street, stated that the city council was falling into the same decision cycle as previously elected officials as it related to revenue entities ran by the city being privatized. He stated that the current contract for the redevelopment of the marina was not in the best interest of the city. He stated that the example being set for the young people of the community was atrocious.

Norma Duncombe, 3560 Lake Shore Drive, stated that there was dissention between the elected officials and the residents. She stated that in the initial contract, the vendors presented themselves as a company that did not exist. She stated that the picture on the flier that was distributed contained a picture of the marina they operated in the City

of West Palm Beach. Ms Duncombe concluded with stating that elected officials were speaking of trying to save money but were spending money suing the residents of the city and that somehow there needed to be an effort put forth in working together and moving the city forward.

Emma Bates, 1218 W 26th Street, stated that the Riviera Beach Citizens task force requested town hall meetings be held so that the citizens could get a better understanding of the proposed project. She stated that she felt that the city council had failed to represent those who elected them and had acted more like a dictatorship. She stated that October 18th was the beginning for early voting and that she was in need of eight more cars to pickup residents around the city and transport them to the early voting site. She acknowledged her feelings of not being intimidated by the million dollar law suit created on her by the developer. She announced her content to continue.

Herman McCray, Avenue S, stated that negotiations within the city seemed to be disadvantageous. He stated that the elected officials needed to remove themselves from some of the boards they were sitting on. He stated that elected officials were policy makers and not a city manager nor finance director. He stated that the city council needed to listen to those with experience and vested interest in the city. He further stated there was no school for public officials; however they become professionals in all subjects; furthermore because they continue to ignore the voters, they all be would dethrone in March.

Richard Wester, P. O. Box 9522, stated that he received a note stating that the mayor had lost his car and was now driving a city car on a continuous basis. He stated that all elected officials received a car allowance and that they either t drive a city vehicle and not get a car allowance or get an allowance and leave city cars alone. Mr. Wester stated that he had lived in the city for over 65 years and had never seen business conducted the way it done now.

Angela Wynn, W 35th Street, stated that the city's police department was the best. She state that the term of office for elected officials should be three years and the mayor should have a vote. She then inquired if Councilperson Thomas could make a fair judgment in the waste disposal contract being that a family member of his was involved with SWS.

Bobette Wolensensky, Boca Club Blvd., approached the council and stated that when she saw the headline in the news wherein a vendor contracting with the city filed a lawsuit against two of the city's residents for exercising their rights, to have a referendum question placed on the ballot to obtain electors' participation, she had to come before the council. She then stated that the city council had the responsibility to protect the natural resources of the city. She continued with her dissatisfaction to the marina proposal and the other resulting issues involved.

Margaret Shepherd, 430 S Rosemary Avenue, thanked those who attended the services for Rev. Griffin Davis, Sr. anniversary. She also thanked those who supported

the fundraising efforts for her granddaughter to win Miss Fashionetta

Lawrence Bodner, 3193 NW 61st Avenue, stated that he has visited the city marina and could not understand why the elected officials would consider ridding a portion of it for a boatyard. He stated that dredging was going to be necessary to accommodate the boats that would be serviced at the facility which would in turn activate the pollutants that currently sit at the bottom of the water. He stated that amount of pollution that would be caused by the work being done on the mega yachts would only add to the pollutant problem the city previously had.

Gerald Ward, 31 W 20th Street, stated that in reviewing the contract, in paragraph 23.2 on page 23, the city council should have told Waste Management that they wanted to buy their equipment back. He stated that staff failed to research and provide a definitive explanation for agenda items they prepare. He stated that he had provided a letter from FDOT regarding State Road 5, and US 1. He stated that it was determined that the slated plans would not work but he wanted to know had the city received a report as to what was happening with FDOT.

Mike Mahoney, 2120 Broadway, stated that the garbage can was removed from the bank area and it was the thing to do. He stated that a report from FDOT was necessary so that the affected businesses could see what was being proposed. He stated that he had witnessed the amount of pollution created by a small boat business; he could only imagine what would happen with a business providing services to larger boats.

Suki de Jony, SW 19th Ave, stated that the forthcoming agenda item regarding an amendment to the funding for the marina was premature.

Bruce Guyton, 1247 W 26th Ct, stated that he did not take politics personally and although he did not agree with the task force he would not have anything personal against the individuals involved when the issue is put to rest. He stated that the economic condition of the city was worst than the economics conditions of the 1920's. He stated that there was no plan in place to replace the proposed project that would have a positive effect on the economy of the city.

Public Comments 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.

At this point Councilperson **Lowe** asked if there was a provision in the city charter wherein the residents could repeal the lease if they do not agree with it.

City Attorney Ryan answered no, residents could repeal ordinances not resolutions

Chair pro **Tom** Davis stated that the city was not suing the residents based upon the fact that they succeeded in getting a referendum placed on the ballot but because of the

ambiguity of the language.

REGULAR:

15. RESOLUTION NO. 125-10 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 FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF RIVIERA BEACH, FLORIDA AND ALCALDE & FAY, LTD., TO PROVIDE LOBBYIST REPRESENTATION AT THE FEDERAL LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH IN THE AMOUNT OF **\$5,000** PER MONTH FOR ONE (1) YEAR COMMENCING OCTOBER 1, 2010 TO SEPTEMBER 30, 2011; THE SAME TO BE **PAID** FROM THE PROFESSIONAL **SERVICES-** OTHER ACCOUNT NO. **001-0203-519-0-3106**; 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 Chair pro tern Davis to approve Resolution No. 125-10.

MOTION

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

MOTION APPROVED

16. RESOLUTION NO. 126-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING CODE ENFORCEMENT DIVISION TO SEEK **\$25,000.00** OF THE SETTLEMENT FUNDS FOR FUTURE FORECLOSURE ACTIVITIES AIMED AT ELIMINATING BLIGHTED PROPERTIES; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER **\$25,000.00** FROM THE GENERAL FUND CONTINGENCY ACCOUNT NO. **001-0203-519-0-5999** INTO THE CODE ENFORCEMENT ACCOUNT NO. **430-00-350104**; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Chair pro tern Davis and seconded by Councilperson Thomas to approve Resolution No. 126-10.

MOTION

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

MOTION APPROVED

17. RESOLUTION NO. 127-10 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 **INTERLOCAL** AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FOR CONTINUATION OF THE JUSTICE SERVICE CENTER IN THE AMOUNT OF **\$210,000**; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Councilperson Thomas and seconded by Chair pro **tem** Davis to approve Resolution No. 127-10.

MOTION

Carol **Strick** stated that the inequities that exist in society did not provide tools needed by most to be better prepared for the future.

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

MOTION APPROVED

18. RESOLUTION NO. 128-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ARTHUR J. GALLAGHER & COMPANY – **MIAMI** TO PLACE THE APPROPRIATE COVERAGES, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM THE INSURANCE LIABILITY FUND ACCOUNT NO. **602-0539-513-0-4501** UP TO THE AMOUNT OF **\$1,984,607** TO ARTHUR J. GALLAGHER & CO. – **MIAMI** FOR **RISK** PACKAGE FIXED COSTS; 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 approve Resolution No. 128-10.

MOTION

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

MOTION APPROVED

19. RESOLUTION NO. 129-10 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 AGREEMENT TO EXTEND THE EXISTING SOLID WASTE AND RECYCLING CONTRACT **WITH** WASTE MANAGEMENT, INC. FOR A PERIOD OF ONE YEAR COMMENCING OCTOBER **1,2010**; 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 **Low**e to approve Resolution No. 129-10.

MOTION

Herman **McCray** stated that he did not understand why the city would not move forward with the vendor that would charge the citizens lower rates. He stated that the city should have never gotten rid of its sanitation department.

Gerald Ward, 31 W 20th Street, stated that the city code provided specific directions for solid waste services. He stated that there was no justification provided for the proposed resolution and that this was in violation of the city's code.

Fane Lozman, 200 13th Street, stated that it was necessary for an additional year with the current vendor when a RFP took place for waste collection; the city needed to follow what was in the code.

Andrew **DeGraffenreidt**, Esq., stated that the City Clerk provided and each elected official prior to entering into their official capacity took an oath which stated that "... do all in my power to uphold, support, and enforce the charter and ordinances of the City of Riviera Beach." He stated that this portion of the oath was blatantly being ignored as it related to the awarding of the contract for waste collection services. He stated that emergency purchase provision within the procurement was as follows "...such emergency procurement shall be made with such competition as is practical under the circumstances." He stated that his client, based upon the arbitrary and capricious refusal of the city council to follow the laws and policies and procedures of the city, would be filing an official protest and demanding the right of procedural due process under the procurement code.

Margaret Shepherd, S Rosemary Avenue, stated that politics should not be involved in this issue. She stated that sometimes you get what you pay for and going with the least expensive company was not always the best thing to do and that the city was taking a gamble by not having a contract for its waste disposal services.

Art Cobb, Aspri Way, stated that he had some issues that he felt needed to be addressed in the contract and that he would provide a copy of them to each of the elected officials at a later date. He stated that the RFP compiled by staff was the best he had seen in the past 35 years he worked in the solid waste industry. He stated that the city council needed to do what must be done and move forward with dealing with the issue at hand.

William Burrs, Canterbury Drive S, stated that the city council needed to follow the policy and procedures in place and that if the extension of contract was going to be granted then the price should be negotiated also. He stated that it was time to move forward and save the citizens some money.

Derrick **McCray**, 2315 Avenue S, stated that the solid waste services needed to be given to the lowest bidder.

Philip Medico, Coral Springs, on behalf of Southern Waste Systems, requested that the extension be modified, amended, and changed the terms of the agreement to three, 3 month terms with a 30 day notice of termination. He stated staff should be forced to sustain the integrity of the bidding process. He stated that his client was in the same predicament wherein services for the City of Deerfield Beach were awarded to another vendor and they continued to provide service until negotiations were completed.

Anthony Badala, Lantana, stated that Southern Waste Systems (SWS) submitted a protest at the direction of staff, which was done and the bid protest procedure was complete with them winning on two of the concerns they submitted. He stated that the price Waste Management listed in their RFP was \$5.00 less than what is in the extension. He stated that SWS quoted the lowest price and that the city council should move forward with the RFP process as submitted and save the city as well as its residents money.

David Undersaw, Republic Services, stated that his company would not have any of the issues outlined by the interim public works director because they were the second largest hauler in the country and third largest in the world which provides them the ability to start tomorrow if necessary. He stated that his company was opposed to the one year extension.

A discussion ensued amongst the city council, mayor, and representatives from Waste Management.

City Attorney Ryan stated that it was not appropriate to attempt to negotiate the RFP at this time and that discussion needed to be limited to extending the contract.

A lengthy discussion continued. Upon completion of discussion, city council requested clarity on what was being asked for by the representatives of Waste Management.

City Attorney Ryan stated that Waste Management was proposing a six month extension with an automatic six month renewal unless the city gave a 60 day notice which could be given to them at any time but would not be effective prior to the end of the first six months.

A motion was made by Chair pro tem Davis and seconded by Councilperson **Lowe** to amend the extension of the contract to six months with an automatic six month renewal unless the city gave a 60 day notice which would not be effective prior to the end of the first six months.

MOTION

Councilperson Thomas stated that it was mandated that t staff complete the procedure prior to 60 days before the end of the first six months.

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

MOTION APPROVED

20. RESOLUTION NO. 130-10 A RESOLUTION OF THE CITY COUNCIL OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO DISCUSSIONS **WITH** PALM BEACH COUNTY TO MODIFY "AMENDMENT NUMBER 1" TO THE \$5,000,000 **INTERLOCAL** AGREEMENT, BETWEEN THE CITY AND THE COUNTY, FOR MARINA IMPROVEMENTS UNDER THE COUNTY'S 2004 BOND ISSUE FOR WATERFRONT ACCESS PROJECTS, TO INCLUDE THE USE OF THE BALANCE OF FUNDS IN THE GRANT (APPROXIMATELY \$3,800,000) FOR MARINA CAPITAL IMPROVEMENTS INSTEAD OF REPAIRS. THE RESOLUTION FURTHER INCLUDES THE FORMAL DESIGNATION OF THE NAME OF THE MARINA DISTRICT AREA AS THE "INTERNATIONAL HARBOR AT **RIVIERA** BEACH"; 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. 130-10.

MOTION

Fane Lozman, E ~~13~~¹³th Street, stated that Palm Beach County Commissioner Taylor stated in a letter she sent to the governor that the grant was recreational purposes not working waterfront. He stated that the grant application was submitted and accepted based upon the city stating that it would utilize the funds for recreational purposes but now it wants to use the funds for something totally different.

Gerald Ward, 31 W **20**th Street, stated that there was a problem with three key elements listed in the background summary: justifying changing the concept from repair to new stuff; extension of the deadline; and changing the name of the project. He inquired where was compliance with section 27-36 of the Code of Ordinance as it related to Sections 4 and 5 on page 3 of the resolution. He stated that there were no exhibits attached to the outline that the city intended to present at the Palm Beach County Board of County Commissioners Meeting.

Elizabeth Wade, W ~~13~~¹³th Street, stated that funding for revitalization of the marina dwindled over the years. She stated that the city council was putting them in the same predicament they were in with the waste disposal contract. She stated that when the referendum was done regarding the beach project, she was not against having the question placed on the ballot. She stated that it

should be an insult that a vendor, trying to do business with the city, was able to sue residents of the city and the business deal was still moving forward.

Carol **Strick**, Whitehall Drive, stated that the residents of the city had been cheated by the polluted waters from industrial boat building. She stated that the waters were only tested for organic bacteria matter because if they tested for anything else, the working boat facilities located along the intercostals would be shut down.

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 reminded the city council of the workshop scheduled for October 12th regarding all of the city's pension plans. She announced that the Town of Lake Park would host the second workshop on road closures on October 13th at 7:00 p.m. in their council chambers. She announced that the drive through for water payments would be closed the morning of October 8th.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chairperson **Pardo** stated that DD's discount store opened on Broadway and 50 of their 55 employees were residents of the city. She announced that she visited Big Daddy's and that anyone that visits say that they heard about it on Channel 18 would receive a 10% discount. She complimented staff on a job well done for the grand opening of the Ocean Mall. She inquired on the status of the report regarding the housing authority.

City Manager Jones stated that she had not received any responses to the requests made of the housing authority.

Marian Dozier stated that the housing authority was currently having some leadership challenges but she would follow up on the status of the request.

Chair pro tem Davis expressed appreciation for those who assisted in making her community day successful. She announced that the ground had been broken for the construction of Publix on Blue Heron Boulevard.

Councilperson Thomas stated that a status report would be provided to the home daycare providers. He requested that a car log be devised to record every employee that utilizes city vehicles. He announced that he would be visiting the various schools located within the city as the liaison between the city and the school board. He stated that the road work along Congress Avenue and 15th Street would be completed soon so everyone needed to prepare themselves for when the traffic signals become operable.

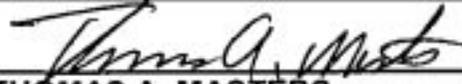
Mayor Masters stated that the job fair held at the Palm Beach County Convention Center was successful. He stated that a policy should be in place regarding the utilization of the city vehicle assigned to the Legislative Department.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:40 p.m.

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

APPROVED:

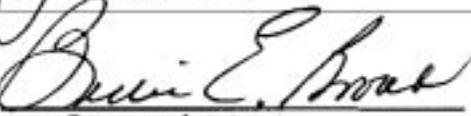

THOMAS A. MASTERS
MAYOR


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:
SECONDED BY:



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

DATE APPROVED: 1012012010