CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 17, 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: Assistant City Manager Gloria Shuttlesworth; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

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

Asst. City Manager Shuttlesworth stated the following revisions were made to the agenda: deleted No. 8 – presentation on the General Employees Pension Plan and No. 12 – appointment to the General Employees Pension Board; added No. 10A – resolution reference Dunlap & Associates.

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

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 NOVEMBER 3, 2010.**

RESOLUTIONS:

2. **RESOLUTION NO. 147-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE REPAIR OF THE JOHN DEERE EXCAVATOR BY NORTRAX OF WEST PALM BEACH, FLORIDA, BEING A SOLE SOURCE PROVIDER FOR THE NECESSARY REPAIRS IN THE AMOUNT OF $17,000.00; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 460-1127-541-0-4605; AND PROVIDING AN EFFECTIVE DATE.**

3. **RESOLUTION NO. 148-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO SOLICIT BIDS FOR THE PURCHASE AND INSTALLATION OF DECORATIVE LIGHTING ON PINE POINT ROAD; AND PROVIDING AN EFFECTIVE DATE.**

4. **RESOLUTION NO. 149-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CHANGING ONE (1) OF THE TWO (2) CLASSIFIED POSITIONS OF ACCOUNTANT SENIOR POSITION BY RECLASSYING THE CLASSIFIED POSITION OF ACCOUNTANT, SENIOR TO THE CLASSIFIED POSITION OF**

ACCOUNTING SPECIALIST IN THE FINANCE DEPARTMENT 2010-2011 FISCAL YEAR BUDGET; AND PROVIDING AN EFFECTIVE DATE.

5. **RESOLUTION NO. 150-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS N IN THE AMOUNT OF $75,197 FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS UNDER THE JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET 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.

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 - BY MELVIN WYNDS OF ED MORSE HONDA, RIVIERA BEACH, PROVIDING DISCOUNTS TO CITY OF RIVIERA BEACH EMPLOYEES AND THEIR FAMILIES.**

PRESENTATION MOVED TO NEXT AGENDA.

7. **PRESENTATION – BY INTERIM DIRECTOR OF PUBLIC WORKS, BRYNT JOHNSON AND JOHN ARCHAMBO OF THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY TO DISCUSS RECYCLING EFFORTS IN THE CITY.**

A presentation was given by John Archambo, Solid Waste Authority.

8. **PRESENTATION – BY KEN HARRISON, ATTORNEY FOR THE GENERAL EMPLOYEES PENSION BOARD ON TWO (2) ORDINANCES AFFECTING THE GENERAL EMPLOYEES PENSION PLAN; 1ST ORDINANCE - REMOVE THE 30 YEAR CAP FROM THE DROP ORDINANCE AND 2ND ORDINANCE - INCREASE THE MONTHLY PENSION AMOUNTS FOR RETIREES WHO RECEIVE LESS THAN $700 PER MONTH. ITEM DELETED**

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

9. **ORDINANCE NO. 3085 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES ENTITLED "UTILITIES" BY AMENDING ARTICLE III ENTITLED "WATER" BY INCLUDING A NEW DIVISION ENTITLED "WATER CONSERVATION", AND AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING ARTICLE II ENTITLED "BUILDING AND TECHNICAL CODES"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record and stated that it was published in the November 7, 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. 3085.

MOTION

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

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.*

Norma Duncombe, Lake Shore Drive, stated that the task force was taken to court over the referendum question on the ballot and during the judges ruling, he stated that if it passed the city needed to make it work. She stated when the referendum regarding the ocean mall passed, the city made it work in accordance with the referendum and that the city should do the same in regards to the referendum with respect to the marina.

Fane Lozman, E 13th Street, stated that he provided copies of a letter provided to the city attorney as it related to threats he received from Sylvia Blue. He stated that a civil rights lawsuit was going to be filed in which Ms. Shuttlesworth would be named. He

stated that barter employees were still working at the marina and that from his understanding that was over.

Sylvia Blue, W 1st Street, stated in response to Mr. Lozman's comments, that he was not a resident of the city and that if she had put a death threat against him, he would not be here.

As a result of disruption, Chairperson Pardo called for a recess and reconvened the meeting at 8:00 p.m.

Ms Blue continued with thanking the elected officials for their efforts in trying to move the city forward. She stated that Mayor Masters (the jobs mayor) could take responsibility for the unemployment level within the city; and announced that he was receiving support from an individual who was dumping raw sewage into the intercoastal at the marina and that he was recently offering $2,000 for a videotape of the mayor's indiscretions. Ms. Blue then stated that the non-resident stated that he would make sure that nothing ever happens at the marina and it was not coincidental that the non-resident wanted everyone recalled except the mayor. She questioned his objective.

Caryn St. John, Singer Drive, announced that Youth Build would be hosting a fundraising event December 7th at the Tikki Bar and Restaurant at the marina 5:00 p.m. until 8:00 p.m. She stated that raffle tickets would be sold for a bamboo ticket hut; to purchase tickets call 841-7600.

Dorothy McKinon, N Mangonia Drive, thanked the elected officials for the investment made in the participants of the Youth Build Program.

Stacey McKindles, Buddy's Café, stated that the establishment was undergoing renovations and requested assistance with expediting the extended hour's license application for Buddy's Café.

Mike Mahoney, Broadway, stated that he submits public records request so that something could be received in writing. He stated that he continuously have difficulty with certain department heads returning his calls; they would have someone else call instead.

Rodney Roberts, W 14th Street, expressed appreciation for those who exercised their right to vote on November 2nd. He encouraged all citizens to participate in all electoral processes when they occur.

George Carter, Palm Drive, announced, on behalf of the Maritime Association, that the 2010 Holiday Boat Parade would be held December 4th beginning at 6:00 p.m. and that stops would occur to pickup toys. He stated that the grand opening for the Boys and Girls Club was held on November 13th and there was very little support.

[1] 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:

10. **RESOLUTION NO. 151-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATION OF STAFF AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A ONE YEAR CONTRACT WITH THE FIRST RANKED FIRM SEA DIVERSIFIED OF DELRAY BEACH, FLORIDA AND THE SECOND RANKED FIRM APPLIED TECHNOLOGY & MANAGEMENT OF WEST PALM BEACH, FLORIDA, COMMENCING NOVEMBER 17, 2010 AND ENDING NOVEMBER 16, 2011 WITH RENEWAL OPTIONS FOR TWO (2) ADDITIONAL TWELVE (12) MONTH PERIODS, TO PROVIDE PROFESSIONAL MARINE/COASTAL ENGINEERING CONSULTING SERVICES FOR IMPROVEMENTS TO THE RIVIERA BEACH MARINA; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE APPROPRIATE OPERATING ACCOUNTS; 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. 151-10.

MOTION

Fane Lozman, E 13th Street, stated that he did not understand why the top ranked and second ranked firm was chosen. He also inquired as to why two outside consultants were committee members and whether or not they were paid for these services.

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

MOTION APPROVED

10(A) **RESOLUTION NO. 152-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING STAFF'S RECOMMENDATION EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE NUMBER ONE RANKED FIRM OF DUNLAP & ASSOCIATES OF WINTER PARK, FLORIDA FOR FINANCIAL ADVISORY SERVICES FOR A PERIOD OF ONE YEAR COMMENCING NOVEMBER 18, 201 THROUGH NOVEMBER 17, 2011 IN AN AMOUNT NOT TO EXCEED $30,000; WITH UP TO TWO ADDITIONAL TWELVE MONTH PERIODS UPON APPROVAL BY THE CITY MANAGER; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT UPON THE REVIEW AND APPROVAL OF THE CITY ATTORNEY; AND PROVIDING AN EFFECTIVE DATED.**

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. 152-10.

MOTION

Chairperson Pardo stated that she did not agree with the city manager having the authorization to approve renewal of the contract.

There was a consensus of the city council to change the contract renewal authorization from city manager to city council.

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

MOTION APPROVED

BOARD APPOINTMENT(S):

11. APPOINTMENTS BY THE CITY COUNCIL TO THE WATERFRONT ADVISORY BOARD.

Councilperson Thomas requested that because Mr. Michael Buckland was not in his district and his appointment, he wanted his name removed from the list and that he would come back with an appointee for District 3.

Chairperson Pardo stated to reverse the appointment districts between Gordon Rowse and Mr. Williams.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to approve the reappointment of James Williams and Rufus Wright; and the appointment of Jason Grimes, Gordon Rowse, and Zar Yassine to the Waterfront Advisory Board.

MOTION

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

MOTION APPROVED

Nora Mahoney, Broadway, inquired about the requirements for advisory board members. She stated that she did not feel that Mr. Yassine would be good for the advisory board.

12. APPOINTMENT BY THE MAYOR TO APPOINT OR REAPPOINT A BOARD MEMBER TO SERVE ON THE GENERAL EMPLOYEES PENSION BOARD.

ITEM DELETED

DISCUSSION BY THE CITY MANAGER:

Assistant City Manager Shuttlesworth announced on behalf of Mrs. Perry, Human Resources Director, anyone desiring to participate in the 2011 Martin Luther King, Jr. committee, contact her at 840-4880 and that the first meeting was scheduled for November 23, 2010 at 2:00 p.m. in the Human Resources Conference Room.

LEGAL DISCUSSION/REQUEST:

Atty. Ryan requested a Closed Executive Session for November 18 at 6:00 p.m. to discuss the case of City of Riviera Beach vs. Riviera Beach Citizens Task Force. She announced the following would be present: Glen Torcivia, Esq., Christy Godeau, Esq., the mayor and city council, herself, Gloria Shuttlesworth as the acting city manager. She stated that closed executive session was also being requested to discuss labor items for the PMSA union. She stated that it was being requested that the session be held on November 18th, either prior to the aforementioned closed executive session or after.

There was a consensus of the city council to schedule a Closed Executive Session on November 18th at 6:00 p.m. to discuss the City of Riviera Beach vs. Riviera Beach Citizens Task Force with a session to discuss labor items for the PMSA union immediately following.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chairperson Pardo announced that a Holiday Party would be held on December 16th at Johnny Longboats 6:00 p.m. until 11:00 p.m. for the annual toy drive she spearheads.

Chair pro tem Davis announced that Inlet Grove was looking for volunteers to assist students with reading. She then stated that efforts were put forth to mediate the situation between the Mahoneys, owners of Dee's T-shirts and Mr. Yassine and no matter what the complaints continue. She stated that efforts needed to be put forth in acting neighborly.

Councilperson Brooks stated that the distribution of the city's newsletter needed to begin again. She stated that community service hours were needed by the kids from Inlet Grove so the upkeep of the area on Broadway where the monumental wall for entrance into the city was located could be a project for them.

Councilperson Thomas expressed appreciation to the members of the Boys & Girls Club and the grand opening for the new facility. He stated that efforts needed to be made on educating the public as to the city's policy and procedures. He encouraged business owners to properly register their businesses inspite of the license fee until it's revisited. He stated that if someone was in need of a turkey contact the Legislative Department.

Councilperson Lowe encouraged staff to work with Ms. McKindles in keeping Buddy's Café open.

Mayor Masters encouraged those who were supportive of him and other elected officials to not be concerned with the negative comments made by members of the public. He stated that if anyone of his campaigning team were caught removing the signs of George Carter, they would be removed from his campaign team.

ADJOURNMENT

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 8:25 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

ABSENT
JUDY L. DAVIS
CHAIR PRO TEM

BILLIE E. BROOKS
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: Thomas
SECONDED BY: Brooks

D. PARDO	Aye
J. DAVIS	Absent
B. BROOKS	Aye
C. THOMAS	Aye
S. LOWE	Aye

DATE APPROVED: **12/01/2010**