CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 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; Councilperson Billie E. Brooks; 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 Davis was absent.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Councilperson Brooks.

AGENDA Approval:

Additions, Deletions, Substitutions

NONE

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 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 NOVEMBER 17, 2010.**

RESOLUTIONS

2. **RESOLUTION NO. 153-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE MAINTENANCE SERVICE AGREEMENT FOR SERVICE OF EQUIPMENT AND RADIO SERVICE FOR THE FISCAL YEAR 2010/2011, WITH MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. (MOTOROLA), AT A TOTAL COST OF $50,862.96, AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN SAID AGREEMENT; AND AUTHORIZING PAYMENT FROM ACCOUNT NUMBER 001-0817-521-0-4601; AND PROVIDING AN EFFECTIVE DATE.**

3. **RESOLUTION NO. 154-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT AND THE TERMS AND CONDITIONS OF THE DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTER GRANT; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE AMOUNT OF $67,579.32 AND TO MAKE PAYMENT FOR SAME FROM ACCOUNTS, FEDERAL GRANT 107-0920-522-1-6455 AND CITY MATCH, CAPITAL MACHINERY AND EQUIPMENT 303-0920-522-0-6455; AUTHORIZING FIRE RESCUE TO PURCHASE 12 SELF CONTAINED**

BREATHING APPARATUS SETS FROM FISHER SAFETY; AND PROVIDING AN EFFECTIVE DATE.

4. **RESOLUTION NO. 155-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 285-10 ENVIRONMENTAL SEAGRASS AND WATER QUALITY MONITORING TO TETRA TECH EC, INC. OF BOYNTON BEACH, FLORIDA, THE LOW RESPONSIVE AND RESPONSIBLE BIDDER IN THE AMOUNT OF $66,024; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO ESTABLISH A BUDGET AND MAKE PAYMENTS FOR SAME AND PROVIDING AN EFFECTIVE DATE.**

5. **RESOLUTION NO. 156-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF A NEW PLAY SYSTEM FOR DAN CALLOWAY RECREATIONAL COMPLEX FROM MIRACLE RECREATION EQUIPMENT COMPANY OF FORT LAUDERDALE, FLORIDA IN THE AMOUNT OF $49,973.50 BY PIGGY BACKING FROM THE PALM BEACH COUNTY SCHOOL BOARD BID NO. 10C-54B; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE FROM THE CITY'S LOSS FUND ACCOUNT 602-0539-513-0-4508 IN THE AMOUNT OF $49,973.50; AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE MATERIALS AND INSTALLATION CONTRACT; AND PROVIDING AN EFFECTIVE DATE.**

6. **RESOLUTION 157-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE AGREEMENT FOR BID NO. 278-10 ANNUAL FRANCHISE AGREEMENT FOR CABANA SERVICES, BEACH EQUIPMENT RENTAL AND BEACH CLEANING SERVICES, BEACH EQUIPMENT RENTAL AND BEACH CLEANING SERVICE, TO OCEANSIDE BEACH SERVICES OF RIVIERA, BEACH, FLORIDA, AT A TOTAL REVENUE OF $42,000 AND $48,000 FOR THE FIRST AND SECOND YEARS OF THE CONTRACT, RESPECTIVELY; AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE CONTRACT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

END OF CONSENT AGENDA

A motion was made by **Councilperson Brooks** 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 - 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.

Doretha Perry, Human Resources Director, gave an overview on the purpose of the proposed ordinance for the drop plan.

Ken Harrison, Esq., gave an overview on the purpose of the proposed ordinance for pension amounts.

William Burrs stated that he had been working with and asking the pension board to submit an ordinance regarding increasing the amount for retirees who receive less than $700 a month and he asked the elected officials to meet with the pension board. He stated that finally a proposed ordinance was drafted as a result. He further encouraged the City Council to adopt the forthcoming ordinance.

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

NONE

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.*

Sylvia Lee Blue, W 1st Street, expressed words of gratitude to the elected officials in trying to move the city forward. She announced the formation of the Committee for a Better Riviera Beach and that the appropriate paperwork was filed with Palm Beach County on November 24, 2010 for the purpose of supporting economic development and job creation in the city.

Caryn St. John, Singer Drive, announced that Youth Build was hosting a fundraising event on December 7th at the Tikki Waterfront Sea Grill, 5:00 p.m. until 8:00 p.m. at a cost of $20 per person. She also announced that there would be a raffle for a tikki hut and the tickets were $5 each.

Charlene Johnson, Broadway, stated that the contractor who worked on her business at 2700 Broadway conducted unpermitted work and she brought it to the attention of the Building Department. She stated that the building was in the same location for years but she's owned it for six months and had nothing but problems.

Vivian Havener, E 25th Street, announced that a Citizens Police Academy would be conducted by the Police Department beginning January 6, 2011 beginning at 6:00 p.m. at the Port Center, 2051 Martin Luther King, Jr. Blvd, in the training room on the first floor.

Fane Lozman, E 13th Street, inquired as to why there were two assistant city managers when it was not in the budget.

Philip Dukes, Avenue T, announced that Operation ReStore would be hosting a fundraising dinner December 4, 2010 12:00 p.m. until 6:00 p.m. on the corner of 13th Street and Avenue U.

Gerald Ward, W 20th Street, stated that the marina director was not in attendance at the Palm Beach County Commissioner's Workshop held December 2nd and the commissioners were aware of the appeal filed by the city and the CRA regarding the decision made by the judge on the referendum question. He stated that a letter was scheduled to be sent to the tenants and business owners located at the marina and it needed to be made public.

Angela Wynn, W 35th Street, inquired as to whether or not the city had mobile platform for the stage area that was supposed to be located on the south side of the ocean mall area for concerts.

Mike Mahoney, Broadway, read a letter into the record in response to a public records request he submitted on November 1st as it related to the parking concerns next to his business.

Ronnie Felder, W 27th Street, stated that the community needed to rally together in moving the city forward and not entertain the comments of an individual who is not a resident or taxpayer within the city.

Pamela Williams, W 33rd Street, stated that the referendum was not a victory and that the language was not clear and she was glad that a repeal was filed by the city and CRA. She stated that the language of the referendum was being utilized to cause detriment to the current occupants of the marina.

Ammon Yisrael, 26th Court, stated that from his understanding that the city filed an Intent to Appeal for the purpose of clarifying the amendment to the marina property. He stated that if there were discrepancies as to the effect of the amendment then it was logical to file an Intent to Appeal so that clarification could be provided to the residents. He stated that this was election season and negative comments would be made against current seat holders and the voters should be mindful of what they consider.

Timothy Clark, W 34th Street, stated that convicted felons who were released needed to be given a second chance. He stated that when employers see or hear that an individual has a record they automatically dismiss the individual and that he was currently seeking employment opportunities.

George Carter, Palm Drive, encouraged the community support of the fundraising efforts of Youth Build scheduled for December 7th.

Bruce Guyton, stated that economic prosperity was a figment of the city's imagination. He stated that the approval of the referendum left the city economically crippled. He stated that a private investor was willing to come to the city with his check in hand to assist with improving the economic posture of the city. He stated that many residents of the city was weary of the comments and the attacks of Mr. Lozman and encouraged the city attorney to fight and maybe he would leave the city alone.

William Burrs, Canterbury Drive S, stated that the action by the city council to confirm the hiring of the utility district director from another county was not supportive of requests constantly being made of businesses who locate within the city. He stated that he respected the efforts of the newly formed committee however; comments on the clarity of the language were senseless because the judge, county commissioners, and those who voted for it clearly understood.

1Public Comments shall begin at 8:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 8:00 PM, then public comments shall begin immediately after the item has been concluded.

REGULAR

8. RESOLUTION NO. 158-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF TWENTY-FIVE (25) IN-CAR VIDEO SYSTEMS FOR THE CITY'S POLICE VEHICLES FROM GLOBAL TECHNOLOGY SOLUTIONS AND SYNNEX CORPORATION, THROUGH

STATE CONTRACT NUMBER 250-040-08-1; AUTHORIZING THE MAYOR AND CITY CERK TO EXECUTE AN AGREEMENT WITH GLOBAL TECHNOLOGY SOLUTIONS; AUTHORIZING THE FINANCE DIRECTOR TO PAY $36,016 TO GLOBAL TECHNOLOGY SOLUTIONS AND $120,323.75 TO SYNNEX CORPORATION FROM CAPITAL MOTOR VEHICLE ACCOUNT NUMBERS 001-0822-521-0-6451 AND 001-0823-521-0-6451, JUSTICE ASSISTANCE GRANT ACCOUNT NUMBER 111-0822-521-3-6405; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Resolution No. 158-10.

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

9. CONFIRMATION OF THE APPOINTMENT OF LOUIS AURIGEMMA AS THE UTILITY DISTRICT DIRECTOR EFFECTIVE, DECEMBER 6, 2010.

City Manager Jones stated that Mr. Aurigemma would be starting December 6, 2010 instead December 13th as indicated.

Chairperson Pardo inquired about the residency requirement.

City Manager Jones stated that there would be no relocation cost because Mr. Aurigemma would not be relocating. She stated that an ordinance was on record regarding the requirement however it could be waived as a previous precedent was already set.

Chairperson Pardo inquired about the city car being taken home in another county.

City Manager Jones stated that the vehicle was part of the benefit package and that according to the IRS it was also considered as taxable income.

Fane Lozman inquired as to what was exiting procedure if the city did not desire to continue employment of an individual.

Councilperson Thomas inquired as to purpose of waiving the residency requirement.

City Manager Jones stated that due to the housing market she felt that it was necessary to waive this requirement.

Councilperson Thomas stated that he understood but however, there was someone who was qualified and local that applied and the issue regarding a take home vehicle as well as residency requirement would not have been an issue. He stated that the effort should have been put forth to hire within and that something should be put in place to remove the residency requirement from the record instead of determining who it would and would not be applied to.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Lowe** to waive the residency requirement for the utility district director.

MOTION

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

MOTION APPROVED

City Manager Jones stated that at the Palm Beach County Commission Meeting held November 30th, it was indicated that the city needed to host public meetings as it related to the redevelopment of the marina. She stated that the date for the first meeting would be December 13th at 6:30 p.m. and staff was recommending that an outside facilitator assist with the meeting.

LEGAL DISCUSSION/REQUEST

City Attorney Ryan stated that she was requesting a Closed Executive Session for December 8, 2010 beginning at 6:30 for the following cases: Lozman vs. City of Riviera Beach, Case No. 52007CA007552MBAO and the following would be present: Glen Torcivia, Esq., Mayor and City Council, City Manager Jones, and City Attorney Ryan; and Nicholas Onofrio vs City of Riviera Beach and the following would be present: Lonnie Olds, Esq., Alicia Cox, Esq., Mayor and City Council, City Manager Jones, and City Attorney Ryan.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL

Councilperson Thomas expressed words of appreciation to everyone who supported distribution of the turkeys throughout the community. He announced that a youth congress would be held to provide information on the governmental process and goals of the city. He stated that the light on Congress Avenue and 13th Street was in full function. He stated that the National League of Cities conference was currently being

conducted the city did not select a voting member and since Councilperson Davis was currently in attendance, then the city council should take action on authorizing her to be the voting delegate.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to appoint Councilperson Davis as the voting delegate for the city at the National League of Cities Conference.

MOTION

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

MOTION APPROVED

Councilperson Lowe stated that dinners were distributed at the Imperial Plaza on November 24th and it was successful event and expressed words of appreciation to those who assisted in making it enjoyable.

Councilperson Brooks announced that she would be hosting a community meeting on December 4th at 10:00 a.m. at the Lindsey Davis Center. She stated that the principal of Bethune Elementary recommended that the streets around the schools be named Academic Lane and requested that Councilperson Thomas speak with her. She expressed her concern with staff encouraging Waste Management to increase minority participation during negotiations for the new contract.

Chairperson Pardo stated that traffic stacking issues were occurring along A1A in front of the Hilton Hotel. She stated that she received complaints from residents in Palm Beach Isles regarding a dip in the road at the corner on Coral Way and Emerald or Dolphin Drive that causes damage to the undercarriage of their vehicles; she requested that staff look into the problem and take corrective measures. She announced that FDOT would be hosting a meeting on December 9th, 5:00 until 7:00 p.m. at Newcomb Hall to discuss the US1 project scheduled to begin in 2012.

Mayor Masters expressed words of appreciation to those vendors who participated in the various job fairs hosted by the mayor and assisted with putting residents of the city back to work. At this time Mayor Masters requested Ms. Dozier to read a letter into the record received from the president of Senegal, West Africa regarding him being selected one of the mayors from the Black Mayor's Conference to tour West Africa.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 8:47 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: Brooks
SECONDED BY: Davis

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

DATE APPROVED: 12/15/2010