

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 4, 2009 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 Thomas was present and presided. Upon a roll call by Deputy City Clerk Anthony the following were present: Chairperson Cedrick A. Thomas; Chair pro tem Dawn S. Pardo; and Councilperson Lynne L. Hubbard. Also present were Interim City Manager Gloria Shuttlesworth; Deputy City Clerk Claudene L. Anthony; 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 Chair pro tem Pardo.

**AGENDA APPROVAL:**

**Additions, Deletions, Substitutions**

**Interim City Manager Shuttlesworth** made the following revisions to the agenda: added No. A - presentation from Robert Cutcher; revised NO.2 -- Resolution reference construction of the Police Department and provided additional backup for No. 5 - selection delegation for Washington D.C. trip.

**Chairperson Thomas** stated that Councilperson Lowe requested that No. 4 - Resolution reference Equitable Cities Conference be conducted at 7:30.

**Adoption of Agenda**

A motion was made by **Chair pro tem Pardo** and seconded by Councilperson **Hubbard** 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:**

NONE

**RESOLUTIONS:**

NONE

**PETITIONS AND COMMUNICATIONS FOR FILING:**

NONE

**END OF CONSENT AGENDA**

**AWARDS AND PRESENTATIONS**

**A. PRESENTATION BY MR. ROBERT CUTCHER, CUTCHER & ASSOCIATES, P. E. TO DISCUSS FLORIDA INLAND NAVIGATIONAL DISTRICT (FIND) GRANTS.**

A presentation was made by Robert Cutcher, Cutcher and Associates.

**Gerald Ward, 31 W 20<sup>th</sup> Street,** made comments reference outsourcing projects.

**Fane Lozman, Riviera Beach Marina,** made comments reference the Palm Beach County Commission taking back \$5 million that was allocated for the marina.

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 silence all audio devices to avoid interference with recording equipment. Please govern yourselves accordingly.*

Mary Brabham, 1564 W 9<sup>th</sup> Street, made comments reference the establishment of the Westside Civic Association.

Margaret Shepherd, 441 W 32<sup>nd</sup> Street, made comments reference the participation in the Martin Luther King, Jr. Kickoff Celebration. She also made comments reference the return of funds donated for the souvenir booklet.

Steve White, 1668 Essex Lane, made comments reference the selection of a city manager.

Billie Brooks, 1325 W 28<sup>th</sup> Street, provided an update on the activities at John F. Kennedy Middle School.

William Burrs, 1500 W 30<sup>th</sup> Street, made comments reference funding for the Northwest Riviera Beach Community Redevelopment Corporation.

Gerald Ward, 31 W 20<sup>th</sup> Street, made comments reference the Tri-Rail meeting scheduled to be held in the City Council Chambers February 5, 2009. He also made comments reference documents from the Intercoastal Charette being available on the internet as of February 6, 2009.

Nora Mahoney, 2120 Broadway, made comments reference televising the Planning and Zoning Board meetings.

Mike Mahoney, 2120 Broadway, made comments reference No Parking Signs not being enforced and public access on 22<sup>nd</sup> Street.

Latoya Wilson, 1221 W 24<sup>th</sup> Street, made comments on behalf of the Washington Elementary School Music Department.

Cynthia Morrow, 1221 W 24<sup>th</sup> Street, made comments on behalf of the Washington Elementary School Music Department.

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<sup>1</sup> Public Comments will begin at 8:00 PM or if an item is already in progress at 8:00 PM, Public Comments will begin immediately after the item has concluded.

**Solomon Burgess, 1981 Freeport Drive**, made comments reference the criminal activity in Marsh Harbour.

**Norma Duncombe**, made comments reference the cleanup of the contaminated water on the Solitron site.

**Elizabeth Robinson, 620 W 34<sup>th</sup> Street**, made comments reference the City Council supporting the Health Fair scheduled February 7, 2009.

**Fane Lozman, Riviera Beach Marina**, made comments reference the electricity being turned off to his boat. He also made comments reference various employees of the marina.

**PUBLIC HEARINGS:**

**NONE**

**ORDINANCES ON SECOND READING:**

**NONE**

**ORDINANCES ON FIRST READING:**

**NONE**

**RESOLUTIONS:**

- 1. RESOLUTION NO. 12-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL EXCEPTION AND SITE PLAN APPLICATION FROM RIVIERA BEACH 'COMMUNITY CHAPEL FOR THE CONSTRUCTION OF A NEW CHURCH AND PARSONAGE CONSISTING OF 8,725 SQUARE FEET LOCATED AT 3121 AVENUE "J" IN THE MULTIFAMILY DWELLING DISTRICT (RM-15); PROVIDING AN EFFECTIVE DATE.**

**Deputy City Clerk Anthony** read the aforementioned Resolution into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Hubbard** to approve Resolution No. 12-09.

**MOTION**

A presentation was made by Mary McKinney, Community Development Director.

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

**MOTION APPROVED**

REGULAR:

2. RESOLUTION NO. 13-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PROGRAM DESIGN AND CONSTRUCTION SCHEDULE CONCEPT REPORT FOR THE RIVIERA BEACH POLICE FACILITY AND AUTHORIZE COMPLETION OF THE REMAINING PLANNING ACTIVITY TO INCLUDE PREPARATION OF THE DESIGN CRITERIA PACKAGE, THE PUBLIC ANNOUNCEMENT OF THE CONSTRUCTION PROJECT AND THE COMPETITIVE QUALIFICATION BASED SELECTION OF A DESIGN BUILD FIRM IN COMPLIANCE WITH APPLICABLE LAWS; AUTHORIZING THE PURCHASING DIRECTOR TO COMMENCE THE REQUEST FOR PROPOSAL (RFP) PROCESS FOR THE POLICE BUILDING CONSTRUCTION; AUTHORIZING THE FINANCE DIRECTOR TO MAKE EXPENDITURES FROM THE CAPITAL BOND FUND 310 ESTABLISHED FOR SAID CONSTRUCTION PROJECT QUALIFICATION (RFQ) PROCUREMENT PROCESS FOR CONSTRUCTION OF THE RIVIERA BEACH POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by Chair pro tem Pardo and seconded by Councilperson Hubbard to approve Resolution No. 13-09.

MOTION

Paul Veltri, 3641 Palm Drive, inquired as to whether this would be a RFQ for an architect or a builder.

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

MOTION APPROVED

3. RESOLUTION NO. 14-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID FOR THE REPLACEMENT OF THE EXISTING FUEL TANKS AND FUEL MANAGEMENT SYSTEM AT THE PUBLIC WORKS-VEHICLE MAINTENANCE FACILITY AND THE MUNICIPAL MARINA TO B&M CONSTRUCTION OF DEERFIELD BEACH, FLORIDA IN THE AMOUNT OF \$1,034,885; AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE CONTRACT WITH B&M CONSTRUCTION FOR \$1,034,885, \$480,385 TO BE PAID TO INSTALL THE FUEL TANKS AND FUEL MANAGEMENT SYSTEM AT THE PUBLIC WORKS-VEHICLE MAINTENANCE FACILITY AND \$554,500 TO INSTALL THE FUEL TANKS AT THE MUNICIPAL MARINA; AUTHORIZING THE CITY MANAGER TO MAKE AND INITIATE CHANGE ORDERS UP TO TWELVE PERCENT (12%); FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM VEHICLE MAINTENANCE ACCOUNT NO. 308-1129-519-0-6405 AND FROM

MARINA ACCOUNT NO. 422-0000-543-0-6405 AND PALM BEACH COUNTY WATER ACCESS GRANT ACCOUNT NO. 424-0000-543-5-6351; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by Chair pro tem Pardo and seconded by Councilperson Lowe to approve Resolution No. 14-09.

MOTION

Gerald Ward, 31 W 20<sup>th</sup> Street, made comments reference the backup information provided.

Fane Lozman, Riviera Beach Marina, made comments reference the availability of county funds.

There was a consensus of the City Council directing staff to provide a memorandum if there was a need to utilize the 12% change order provision.

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilperson Hubbard dissenting.

MOTION APPROVED

4. RESOLUTION NO. 15-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE CITY OF RIVIERA BEACH EQUITABLE CITIES CONFERENCE FINAL REPORT AND SUPPORTING THE SIX (6) ACTION AREAS IDENTIFIED IN THE REPORT; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by Councilperson Lowe and seconded by Councilperson Hubbard to approve Resolution No. 15-09.

MOTION

A presentation was given by Paul White, Assistant City Manager.

Mary Brabham, 1564 W 9<sup>th</sup> Street, made comments in support of the proposed Resolution.

Bessie Brown, 391 W 35<sup>th</sup> Street, made comments in support of the proposed Resolution.

Steve White, 1668 Essex Lane, made comments in support of the proposed Resolution.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, made comments in support of the proposed Resolution.

**David Cross, 1030 Sugar Sands Blvd.**, made comments in support of the proposed Resolution.

**Hazel Lucas, 3111 S Dixie Highway**, made comments in support of the proposed Resolution.

**Andrew Byrd, 764 W 5<sup>th</sup> Street**, made comments in support of the proposed Resolution.

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

**MOTION APPROVED**

**BOARD APPOINTMENT:**

**NONE**

**DISCUSSION BY THE CITY MANAGER:**

**5. DISCUSSION: LEGISLATIVE PRIORITIES REVIEW AND SELECTION OF DELEGATION FOR WASHINGTON, DC TRIP.**

**Interim City Manager Shuttlesworth** stated that she provided a memorandum regarding the trip to Washington D.C. and there was a need to determine who would be attending. She stated that a memorandum was distributed regarding Jazz After Dark.

There was a consensus of the City Council that Councilperson Pardo and Councilperson Hubbard would be the delegates for the city in Washington D.C.

**LEGAL DISCUSSION/REQUEST:**

**Councilperson Hubbard** made comments reference the city attorney's contract.

The City Council requested a two week notification extension from Attorney Ryan regarding her employment.

**City Attorney Ryan** agreed to the two week extension.

**City Attorney Ryan** stated that she provided a proposed Code of Ethics policy to the City Council for review.

## **DISCUSSION AND RECOMMENDATIONS:**

**Councilperson Lowe** announced the various boards he was appointed to at the National League Cities Conference.

**Councilperson Hubbard** requested that all contractors, subcontractors, skilled and unskilled laborers within the city provide their information to the Legislative Office.

**Mayor Masters** announced that a job fair would be conducted on February 5, 2009 at 12 o'clock noon in the Council Chambers.

**Chair pro tern Pardo** stated that a meeting would be held February 11<sup>th</sup> at 3:00 p.m. in the Council Chambers reference the breakwater project.

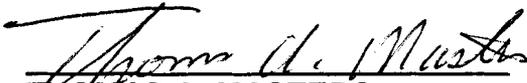
**Chairperson Thomas** made comments reference complaints received regarding campaigning during City Council Meetings. He also made comments reference the availability of FCAT tutorial on Saturdays from 9:00 a.m. until 1:30 p.m. at John F. Kennedy Middle School.

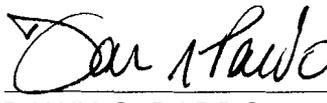
## **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 9:24 p.m.**

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

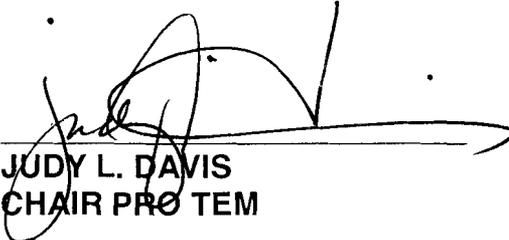
APPROVED:

  
THOMAS A. MASTERS  
MAYOR

  
DAWN S. PARDO  
CHAIRPERSON

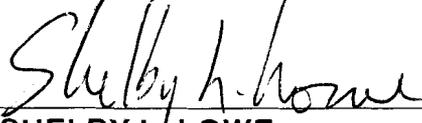
ATTEST:

  
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: C. Thomas  
SECONDED BY: S. Lowe

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

DATE APPROVED: 04/15/2009