

CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 18, 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 City Clerk Ward the following were present: Chairperson Cedrick A. Thomas; Chair pro tem Dawn S. Pardo; Councilperson Lynne L. Hubbard; and Councilperson Judy L. Davis (via telephone). Also present were Interim City Manager Gloria Shuttlesworth; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Councilperson Lowe and Mayor Masters were 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. 2A - Resolution reference Florida Inland Navigation District and No. 6A - presentation from Colin Baenziger. She stated that No. 11 - Resolution reference Riviera Beach Education Committee scholarships would be a discussion item.

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:

1. RESOLUTION NO. 16-09 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY EXTENDING THE DEADLINE FOR COMPLETION AND IMPLEMENTATION OF THE CITY'S DISASTER RECOVERY INITIATIVE FROM JANUARY 15, 2009 TO AUGUST 15, 2009; APPROVING \$25,000 IN OPERATING FUNDS FOR TWO TEMPORARY STAFF POSITIONS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDED AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

**ITEM PULLED FOR DISCUSSION**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair pro tern Pardo and seconded by Councilperson Hubbard to approve Resolution No. 16-09.

MOTION

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

MOTION APPROVED

2. RESOLUTION NO. 17-09 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PROPOSAL FROM ALL-SITE CONSTRUCTION, INC. TO CONSTRUCT AN ADDITION TO LINDSEY DAVIS, SA. COMMUNITY CENTER IN THE AMOUNT OF \$300,000 BY PIGGY-BACKING ON PALM BEACH COUNTY'S JOB ORDER CONTRACT R-2007-0945; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS AND MAKE PAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

**ITEM PULLED FOR DISCUSSION**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Hubbard and seconded by Chair pro tern Pardo to approve Resolution No. 17-09.

MOTION

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

MOTION APPROVED

- 2A. RESOLUTION NO. 18-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IN SUPPORT OF THAT CERTAIN PERMIT SUBMITTED BY THE FLORIDA INLAND NAVIGATION DISTRICT AUTHORIZING THE MAINTENANCE DREDGING AND DEEPENING OF THE ATLANTIC INTRACOASTAL WATERWAY ALONG A PORTION OF THE RIVIERA BEACH WATERFRONT; AND PROVIDING AN EFFECTIVE DATE. **ITEM ADDED TO AGENDA**

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by Chair pro tern Pardo and seconded by Councilperson Hubbard to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

3. ORDINANCE NO. 3057 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE III OF THE CITY'S CODE OF ORDINANCES RELATING TO THE RIVIERA BEACH MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND BY PROVIDING FOR A DEFERRED RETIREMENT OPTION

**PROGRAM (DROP); 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 **Davis** and seconded by **Chair pro tern Pardo** to approve Ordinance No. 3057 on First Reading.

**MOTION**

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

**MOTION APPROVED**

4. **ORDINANCE NO. 3058 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN BY PROVIDING FOR A DEFERRED RETIREMENT OPTION PROGRAM (DROP); 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 **Chair pro tern Pardo** and seconded by **Councilperson Davis** to approve Ordinance No. 3058 on First Reading.

**MOTION**

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

**MOTION APPROVED**

**AWARDS AND PRESENTATIONS**

5. **PRESENTATION OF RETIREMENT MEMENTOS TO BE PRESENTED BY MAYOR THOMAS A. MASTERS TO JUANITA BELL FOR TWENTY-SIX AND ONE-HALF YEARS (26 ½) OF DEDICATED SERVICE TO THE CITY AND CITIZENS OF RIVIERA BEACH.**

**Shavona Sims, Human Resources Administrator**, presented retiree Juanita Bell with retirement mementos for her dedicated service to the citizens of the City of Riviera Beach.

6. **PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF JANUARY, 2009.**

**Shavona Sims, Human Resources Administrator**, presented the following new employees for the month of January: Deonte Rice (Public Works); Jerry Owens (Public Works); and Alexander Cruz (Police).

6(A) PRESENTATION BY COLIN BAENZIGER TO UPDATE CITY COUNCIL REGARDING THE CITY MANAGER'S POSITION  
**ITEM ADDED TO AGENDA AND DISCUSSED OUT OF SEQUENCE**

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.*

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

Ella Gilbert, 571 W 36<sup>th</sup> Street, made comments reference the availability of agenda item backup information online.

Mike Mahoney, 2120 Broadway, made comments reference the search for a city manager.

Mary Brabham, 1564 W 9<sup>th</sup> Street, urged the residents to vote on March 10, 2009.

Randy Graham, 1516 W 30<sup>th</sup> Street, announced that a march would be held March 8<sup>th</sup> for unity within the community.

Sylvia Lee Blue, 1516 Broadway, made comments reference various actions of the City Council.

Rena James, 3300 R J Hendley Avenue, made comments reference various actions of the City Council.

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

Tony Gigliotti, Singer Island Civic Association, made comments reference the occurrence of possible campaign violations as it related to the utilization of city property and resources for a campaign.

Ann lies, 321 W 30<sup>th</sup> Street, made comments reference the city manager selection process.

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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.

Fane Lozman, Riviera Beach Marina

Milton Brown, made comments reference the city not hosting an event in celebration of Black History Month.

Tonya Davis Johnson, 834 W 10<sup>th</sup> Street, made comments reference citizens taking pride in the improvements made throughout the city.

Bobby Powell, Jr., made comments reference elected officials moving the city forward.

Keisha Douglas, 401 W 25<sup>th</sup> Street, made comments reference the request from Lola Moore asking to be placed on the agenda for the next City Council Meeting.

Councilperson Hubbard requested that the request from Lola Moore be placed on the agenda for the next City Council Meeting.

REGULAR:

7. RESOLUTION NO. 19-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF SEVEN (7) NEW VEHICLES AND MISCELLANEOUS EQUIPMENT INCLUDING: ONE (1) FORD F-250 PICKUP TRUCK WITH UTILITY BED FOR PROPERTY MAINTENANCE PIGGY-BACKING ON THE FLORIDA SHERIFF'S ASSOCIATION OF COUNTIES CONTRACT NO. 08-16-0908, ONE (1) FORD TRACTOR W/BUSH HOG FOR THE STREETS DIVISION PIGGY-BACKING ON THE SCHOOL DISTRICT OF PALM BEACH COUNTY, ONE (1) STERLING ACCTERRA DUMP TRUCK FOR THE STREETS DIVISION PIGGY-BACKING ON THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. 07-15-0827, ONE (1) FORD EXPLORER 4X4 FOR ADMINISTRATION, ONE (1) UTILITY CART FOR THE STREETS DIVISION, ONE (1) FORD F-250 PICKUP TRUCK WITH UTILITY BED FOR THE STREETS DIVISION AND ONE (1) FORD F-250 PICKUP TRUCK FOR THE STREETS DIVISION ALL PIGGYBACKING ON FLORIDA SHERIFF'S ASSOCIATION OF COUNTIES CONTRACT NO. 08-16-0908, AND FUNDS WILL BE TAKEN FROM PUBLIC WORKS DEPARTMENT ADMINISTRATION DIVISION ACCOUNT NO. 001-1123-534-0-6405 IN THE AMOUNT OF \$24,400, STREETS DIVISION ACCOUNT NO. 001-1127-541-0-6405 IN THE AMOUNT OF \$158,703 STREETS DIVISION ACCOUNT AND PROPERTY MAINTENANCE DIVISION ACCOUNT NO. 001-1128-519-0-4602 IN THE AMOUNT OF \$5,500; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Hubbard and seconded by Chair pro tern Pardo to approve Resolution NO.1 9-09.

MOTION

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

MOTION APPROVED

8. RESOLUTION NO. 20-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF COMPUTERS, SERVERS, LAPTOPS, MONITORS AND OTHER MISCELLANEOUS COMPUTER HARDWARE AND SOFTWARE VIA VENDORS AND CONTRACT PRICES LISTED ON THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, NATIONAL JOINT POWERS ALLIANCE, U. S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE AND SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP PURCHASING AGREEMENTS ON AN AS NEEDED BASIS, AND ALSO TO TAKE ADVANTAGE OF SPECIAL PRICING AND DISCOUNTS FROM THESE VENDORS, WITH AN ESTIMATED ANNUAL AMOUNT OF \$149,900 AS BUDGETED FROM VARIOUS CITY ACCOUNTS, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM APPROPRIATE OPERATING ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Davis and seconded by Chair pro tern Pardo to approve Resolution No. 20-09.

MOTION

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

MOTION APPROVED

9. RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$44,000 FROM THE GENERAL FUND CONTINGENCY ACCOUNT NO. 001-0203-519-0-5999 INTO THE JAZZ AFTER DARK CONCERT SERIES ACCOUNT NO. 001-1232-572-0-5507 TO SUBSIDIZE THE JAZZ AFTER DARK CONCERT SERIES THROUGH THE END OF THE 2009 FISCAL YEAR AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAINTAIN REVENUES GENERATED IN A JAZZ AFTER DARK ACCOUNT TO RECORD THE ACTIVITY; AND PROVIDING AN EFFECTIVE DATE. **DELETED**

10. RESOLUTION NO. 21-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING CITY STAFF TO DEVELOP REGULATIONS FOR THE PROVISION OF

ELECTRIC FENCES IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE BUILDING CODE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Hubbard and seconded by Chair pro tern Pardo to approve Resolution No. 21-09.

MOTION

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

MOTION APPROVED

11. RESOLUTION NO. 22-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE OF \$5,000 FROM THE DONATIONS ACCOUNT, A \$1,000 DONATION FROM JAYSON YOUNG; AND A \$1,000 DONATION FROM THE RIVIERA BEACH EDUCATION ADVISORY COMMITTEE TO PROVIDE SEVEN \$1,000 SCHOLARSHIPS FOR THE 2009-2010 SCHOOL YEAR; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE \$5,000 FROM THE DONATIONS ACCOUNT NO. 130-00-220128; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE DONATION FUNDS TO BE RECEIVED FROM JASON YOUNG AND THE RIVIERA BEACH EDUCATION ADVISORY COMMITTEE IN THE AMOUNT OF \$2,000 AND DISBURSE FUNDS FROM ACCOUNT NO. 130-0203-519-0-5521; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair pro tern Pardo and seconded by Councilperson Davis to approve Resolution No. 22-09.

MOTION

Billie Brooks, made comments in support of the proposed Resolution on behalf of her nephew Jayson Young.

A motion was made by Councilperson Hubbard and seconded by Chair pro tern Pardo approving the education scholarship program for the *2009/2010* school year.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT:

NONE

**DISCUSSION BY THE CITY MANAGER:**

**NONE**

**LEGAL DISCUSSION/REQUEST:**

**UPDATE: EVALUATION OF CITY ATTORNEY AND CONTRACT NOTIFICATION**

**City Attorney Ryan** stated that she met with all members of the City Council except for Councilperson Lowe. She stated that a compilation of all evaluations would be completed and provided to the City Council once she her evaluation with Councilperson Lowe was completed. Mrs. Ryan stated that according to her contract, notification needed to be provided by the City Council as to whether or not they would be continuing her employment.

A motion was made by **Councilperson Davis** and seconded by **Chair pro tem Pardo** to renew the city attorney's contract and began negotiations after the election.

**MOTION**

Councilperson Davis withdrew her motion.

**MOTION WITHDRAWN**

There was a consensus of the City Council to retain Mrs. Ryan as the city attorney.

**DISCUSSION: MEMORANDUM ON CODE OF ETHICS POLICY FOR CITY COUNCIL**

**City Attorney Ryan** stated that a memorandum was distributed to the City Council at the request of Councilperson Davis reference the use of public facilities, use of the city's letterhead when sending correspondence, and the appropriateness of councilpersons speaking in opposition of issues that have been voted upon and approved by the City Council. She stated that her recommendation was that the city council adopts a Code of Ethics similar to the Code of Ethics adopted by the City of Palm Bay with components from the City of Sunnyvale, California. She requested direction of the City Council.

A motion was made by Councilperson **Davis** and seconded by **Councilperson Hubbard** to adopt a resolution for the City Council.

**MOTION**

**City Attorney Ryan** stated that the document presented was not final and that she was looking for direction to move forward with producing a document to be presented for adoption.

**Chairperson Thomas** recommended that the motion be amended to state that violations be submitted to the State Board of Ethics for review and recommendations of action and include all elected officials.

The motion was amended to include the language suggested by Chairperson Thomas.

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

**MOTION APPROVED**

**DISCUSSION AND RECOMMENDATIONS:**

**DISCUSSION: CITY MANAGER SELECTION PROCESS**

**Colin Baenziger, Baenziger and Associates**, stated that according to the schedule, a meeting was to be held February 5<sup>th</sup> and interviews should have taken place February 13<sup>th</sup> and 14<sup>th</sup>. He stated that since this did not occur, he was requesting direction from the City Council.

A motion was made by **Chair pro tem Pardo** to schedule a workshop for February 20<sup>th</sup> to discuss the city manager selection process.

**MOTION DIED FOR LACK OF SECOND**

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** directing Mr. Baenziger to conduct a national search as quickly as possible and upon completion commence with the interviewing process upon completion of the election process.

**MOTION**

An amended motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to begin the national search on February 19, 2009.

**AMENDED MOTION**

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

**MOTION APPROVED**

**Councilperson Davis** expressed words of appreciation for those who expressed concern during her illness.

**Councilperson Hubbard** encouraged the public to participate in City Council Meetings.

**Councilperson Pardo** thanked the residents of Singer Island and candidates for their participation in the meeting that was held February 17<sup>th</sup>.

**Chairperson Thomas** gave an overview of the trip taken to Washington D.C. and stated that he would be taking a trip to Tallahassee to discuss the stimulus package.

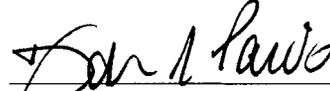
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 8:50 p.m.

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

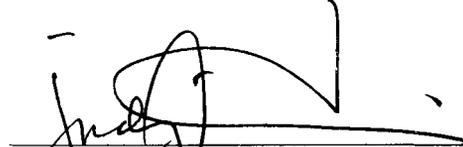
APPROVED:

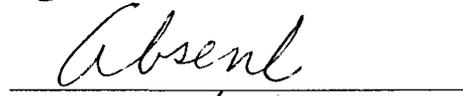
  
THOMAS A. MASTERS  
MAYOR

  
DAWN S. PARDO  
CHAIRPERSON

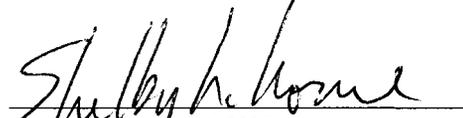
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
JUDY L. DAVIS  
CHAIR PRO TEM

  
BILLIE B. BROOKS  
COUNCILPERSON

  
CEDRICK A. THOMAS  
COUNCILPERSON

  
SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: C. Thomas  
SECONDED BY: J. Davis

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

DATE APPROVED: 0411512009