

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MARCH 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 Deputy City Clerk Anthony the following were present: Mayor Thomas A. Masters; Chairperson Cedrick A. Thomas; Chair pro tem Dawn S. Pardo; Councilperson Lynne L. Hubbard; and Councilperson Judy L. Davis. Also present were Interim City Manager Gloria Shuttlesworth; Deputy City Clerk Claudene Anthony; and City Attorney Pamala H. Ryan.

Councilperson Lowe was tardy.

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: additional backup provided for NO.2 - Resolution reference municipal marina, NO.6 - Resolution reference Spring Bling, No. 12 - Resolution reference summer food program, and No. 13 - Resolution reference Carrick Contracting Corp. ; added No. 9A- Ordinance reference firefighters pension plan and No. 9B - Ordinance reference police pension plan.

Adoption of Agenda

A motion was made by Councilperson Davis and seconded by Chair pro tem Pardo to approve the agenda as amended.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, 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. 23-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA POWER AND LIGHT COMPANY AND THE CITY OF RIVIERA BEACH FOR THE CONSTRUCTION AND MAINTENANCE OF A CITY WELCOME SIGN TO BE FUNDED THROUGH A \$50,000 CONTRIBUTION FROM FLORIDA POWER AND LIGHT COMPANY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND FURTHER, DIRECTING AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

2. RESOLUTION NO. 24-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL MARINA REMEDIATION UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

ITEM PULLED FOR DISCUSSION

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. 24-09.

MOTION

Gerald Ward, 31 W 20th Street, made comments reference the contents of the application.

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

MOTION APPROVED

3. RESOLUTION NO. 25-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS RECREATION ASSISTANCE PROGRAM (RAP) FUNDS IN THE AMOUNT OF \$2,500 FOR COSTS ASSOCIATED WITH THE 2008 ANNUAL WINTER WONDERLAND TOY GIVE-A-WAY; AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 26-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE JOB CLASSIFICATION LIST BY CREATING THE UNCLASSIFIED POSITION OF PROJECTS MANAGER UNDER CLASS TITLE ADMINISTRATIVE AND PROVIDING AN EFFECTIVE DATE.

ITEM PULLED FOR DISCUSSION

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

A motion was made by Councilperson Davis and seconded by Councilperson Hubbard to approve Resolution No. 26-09.

MOTION

A motion was made by Councilperson Hubbard and seconded by Councilperson Davis to un-table the aforementioned Resolution.

MOTION

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

MOTION APPROVED

There was a consensus of the City Council making the position contractual for six months.

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

MOTION APPROVED

5. RESOLUTION NO. 27-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF HIRAM DANIELS, III VS. THE CITY OF RIVIERA BEACH, CASE NO. 502007CA010866XXXXMB AJ; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT ON BEHALF OF THE CITY IN THE AMOUNT OF \$25,000.00 AS FULL SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

6. RESOLUTION NO. 28-09 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 BETWEEN THE CITY OF RIVIERA BEACH AND BLACK ENTERTAINMENT TELEVISION (BET) AND DIRECTING THE FINANCE DIRECTOR TO SET UP BUDGET FOR SAME IN THE SPECIAL EVENTS FUND ACCOUNT NO. 138 AND PROVIDING AN EFFECTIVE DATE.

ITEM PULLED FOR DISCUSSION

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

A motion was made by Councilperson Hubbard and seconded by Councilperson Davis to approve Resolution No. 28-09.

MOTION

Tahrie Anderson, 1148 W 36th Street, made comments in support of the proposed Resolution.

Bonnie Larson, W 27th Street, made comments against the proposed Resolution.

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

At this point Chairperson Thomas announced that Councilperson Lowe would be tardy due to flight delays and that he would be leaving early for city related business.

AWARDS AND PRESENTATIONS

7. PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF FEBRUARY, 2009.

Doretha Perry, Human Resources Director, presented the following new employees: Everton Morgan, Jr. (Police); Warren Poteat (Police); Kyle Christoffel (Police); and Andrea Marshall (Police).

8. PRESENTATION COMMENDING THE OUTSTANDING ACCOMPLISHMENTS OF ONE OF THE RECREATION DEPARTMENTS YOUTH BASKETBALL TEAMS.

Chairperson Thomas presented the members of the 4-12year old basketball teams with Certificates of Accomplishments.

9. PRESENTATION BY THE RIVIERA BEACH POLICE PENSION BOARD OF RESOLUTION AND PLAQUE TO THE FAMILY OF THE LATE WILLIAM "BOONE" DARDEN, JR.

Billie Brooks, Police Pension Board Chairperson, presented the family of the late William "Boone" Darden, Jr. with a plaque for his dedicated service to the Police Pension Board.

Grisell Darden expressed words of appreciation.

COMMENTS FROM THE PUBLIC -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.*

Warrie Leonard, 1901 W 23, made comments reference funding for the Academic Summer Program.

Chad Rollins, 6923 174th Street North, made comments reference funding for the Academic Summer Program.

Cinthia Becton, 500 W 24th Street, made comments reference funding for the Academic Summer Program and the benefits of the program.

Rodney Roberts, 1581 W 14th Street, lack of voter participation in the March 10th Municipal Election.

Haywood Howard, 1260 W 26th Court, made comments reference the Academic Summer Program.

Tahrie Anderson, 1148 W 36th Street, made comments reference a fundraiser being held to raise funds for the Riviera Beach Boys and Girls Club music program.

Alice Haywood, 2800 Broadway, made comments reference the passing of an ordinance regarding mobile food licensing.

Solomon Kedmi, 2447 N Ocean Avenue, made comments reference the problems he was experiencing at his restaurant located at the Ocean Mall.

Bonnie Larson, W 27th Street, made comments reference the hiring of a city engineer. She also made comments reference the contents of the BET contract.

Gerald Ward, 31 W 20th Street, made comments reference vacancies on the Planning and Zoning Board and the Zoning Board of Adjustment. He also made comments reference letters mailed by Florida Power and Light Company relating to the upgrade of the Riviera Beach Plant.

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

- 9(A) 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.

Deputy City Clerk Anthony read the aforementioned Ordinance into the record and stated that it was advertised in the March 8, 2009 edition of the Palm Beach Post.

A motion was made by Chair pro tern Pardo and seconded by Councilperson Davis to adopt Ordinance No. 3057.

MOTION

Gerald Ward, 31 W 20th Street, made comments reference the fiscal impact of the proposed ordinance.

A discussion ensued amongst the City Council, Thomas Roell, Esq. attorney for the Firefighter Pension Board, and Jeffery Williams, Finance Director.

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to table adoption of Ordinance No. 3057.

MOTION TO TABLE

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilpersons Pardo and Thomas dissenting.

MOTION APPROVED

- 9(B) 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.**

Deputy City Clerk Anthony read the aforementioned Ordinance into the record and stated that it was advertised in the March 8, 2009 edition of the Palm Beach Post.

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to adopt Ordinance No. 3058.

MOTION

Charles Lupo, 2328 S Congress #2C, made comments on behalf of the firefighter's union.

Lt. Anthony Scott, Riviera Beach Police, made comments in support of the proposed ordinance.

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to table adoption of Ordinance No. 3058.

MOTION TO TABLE

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilpersons Pardo and Thomas dissenting.

MOTION APPROVED

ORDINANCES ON FIRST READING:

NONE

RESOLUTIONS:

NONE

REGULAR:

10. RESOLUTION NO. 32-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO MODIFY THE REQUEST FOR PROPOSAL FOR INDEPENDENT, EXTERNAL AUDIT SERVICES FOR THE CITY OF RIVIERA BEACH BY ADDING AN ADDITIONAL YEAR, ENDED 9/30/08; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Davis and seconded by Councilperson Hubbard to approve Resolution No. 32-09.

MOTION

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

MOTION APPROVED

11. RESOLUTION NO. 29-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT COMMENCING OCTOBER 1, 2008 TO SEPTEMBER 30, 2011 BETWEEN THE CITY OF RIVIERA BEACH AND THE SERVICE EMPLOYEE INTERNATIONAL UNION (SEIU) AN ORGANIZATION REPRESENTING THE GENERAL EMPLOYEES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR AN EFFECTIVE DATE.

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

A motion was made by Councilperson Davis and seconded by Councilperson Lowe to approve Resolution No. 29-09.

MOTION

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

MOTION APPROVED

12. RESOLUTION NO. 30-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SUBMISSION OF THE GRANT APPLICATION TO PARTICIPATE IN THE FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM COMMENCING JUNE 08, 2009 THROUGH AUGUST 14, 2009; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF RIVIERA BEACH; AND AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE AMOUNT OF \$35,349.90 IN THE SUMMER FOOD GRANT FUND (137); APPROVAL FOR STAFF TO SELECT VENDOR TO SUPPLY

MEALS FOR THE SUMMER FOOD SERVICE PROGRAM; 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. 30-09.

MOTION

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

MOTION APPROVED

13. RESOLUTION NO. 31-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PORTION OF THE SCHEDULE 1 IMPROVEMENTS FOR BID NO. 214-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH CARRICK CONTRACTING CORP. OF LAKE PARK, FLORIDA, THE LOWEST RESPONSIBLE BIDDER FOR THE CONSTRUCTION OF TWO (2) NEW TENNIS COURTS FOR PHASE II IMPROVEMENTS OF THE DAN CALLOWAY RECREATIONAL COMPLEX IN THE AMOUNT OF \$77,500.00; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Hubbard and seconded by Councilperson Lowe to approve Resolution No. 31-09.

MOTION

There was a consensus by the City Council directing the Purchasing Director to report any change orders approved by the City Manager to the City Council.

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

MOTION APPROVED

BOARD APPOINTMENT:

14. COMMITTEE APPOINTMENTS FOR OUTSIDE AGENCY FUNDING FOR YOUTH AND RECREATION ORIENTED ACTIVITIES, WHICH DO NOT CONFLICT OR COMPETE WITH CITY OPERATED PROGRAMS.

Councilperson Hubbard appointed Darren Studstill.

Councilperson Davis appointed Tamar Reno

Chair pro tern Pardo appointed William Contole

Mayor Masters appointed Lonnie Lovett.

Councilperson Lowe appointed Latisha Hollis Rolle

Chair pro tem Pardo requested that funds be set aside for utilization by residents or teachers.

Councilperson Davis suggested that \$2,500 be set aside to fulfill request made by residents or teachers.

There was a consensus of the City Council to set aside \$2,500 to fulfill requests submitted by residents or teachers.

DISCUSSION BY THE CITY MANAGER:

Interim City Manager Shuttlesworth made comments reference a memo distributed regarding the Metropolitan Planning Organization giving the city priority 5 on its project and that it would be voted on March 19, 2009 at 9:00 a.m. in the Governmental Center on the 12th Floor. She stated that staff would be attempting to schedule a budget retreat for April 4th.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS:

Mayor Masters stated that Olympia Auto Body Shop had a training program for anyone interested in auto body skills. He also stated that a job fair would be forthcoming with Walmart and Sears stores.

Councilperson **Davis** announced that Dr. Carol Springer donated two laptop computers to be given away. She stated that she would be hosting a painting project for two homes located at 1900 and 1910 12th Street. Ms. Davis requested that the clip submitted by the family of Airmen 1st Class Elizabeth Jacobson be aired on TV18 on March 26th. She inquired about the hiring of a state lobbyist.

There was a consensus of the City Council to air the clip submitted by the family of Airmen 1st Class Elizabeth Jacobson on TV18 on March 26th.

Councilperson Hubbard expressed words of appreciation to those who supported her during her campaign for reelection. She also expressed words of appreciation to her fellow elected officials and members of staff.

Councilperson Lowe announced that the city was selected to be the host for the Transportation Infrastructure Services Committee for the National League of Cities, May 28, 2009 through May 30,2009.

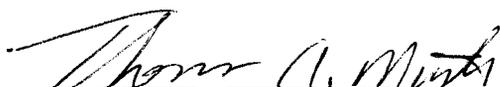
Chair pro tern Pardo provided an update on the intercoastal dredging projects. She also announced that Senator Atwater and Senator Smith would be present in the city on March 21st for a tour of the intercoastal project and a tour of Lockheed Martin.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:21 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

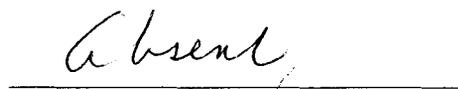
ATTEST:



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: 5. Lowe

5. LOWE	<u>aye</u>
B. BROOKS	<u>absent</u>
J. DAVIS	<u>aye</u>
D. PARDO	<u>aye</u>
C. THOMAS	<u>aye</u>

DATE APPROVED: 04/15/2009