

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JUNE 17, 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 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; Chair pro tem Judy L. Davis; Councilperson Billie E. Brooks; Councilperson Cedrick A. Thomas; and Councilperson Shelby L. Lowe. Also present were: Interim City Manager Gloria Shuttlesworth; City Clerk Carrie E. Ward, Master Municipal Clerk; and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

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

AGENDA APPROVAL:

Additions, Deletions, Substitutions

Interim City Manager Shuttlesworth made the following revisions to the agenda: additional backup information provided for No. 7 – Ordinance reference zoning in progress; and the resolution and contract was provided for consideration of the city attorney's employment agreement. She also stated that a presentation would be made FL Senator Chris Smith.

Adoption of Agenda

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Lowe** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

Chris Penskie, Penskie and Associates, introduced FL Senator Chris Smith.

Senator Chris Smith made comments reference the various actions and proposed bills that were being considered on the state level and how it effects local government and their residents.

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.

CONSENT AGENDA:

MINUTES:

1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON JUNE 3, 2009.**

RESOLUTIONS:

2. **RESOLUTION NO. 64-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING THE PURCHASE OF EQUIPMENT FOR THE MOBILE COMMAND VEHICLE FOR THE CITY'S POLICE DEPARTMENT FROM FARBER OF COLUMBUS, OH, THROUGH A PIGGYBACK PURCHASE MADE BY THE NEW YORK STATE NASPO COOPERATIVE CONTRACT GROUP 38232 AWARD 19745; AUTHORIZING THE FINANCE DIRECTOR TO PAY \$41,661 TO FARBER FROM THE CAPITAL ACCOUNT NO. 310-0817-521-0-6351; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 65-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE BROOKS SUBDIVISION FUNDING AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION FOR THE FUNDING OF INFRASTRUCTURE IMPROVEMENTS OF THE BROOKS SUBDIVISION; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

PUBLIC HEARINGS:

4. **ORDINANCE NO. 3061 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, "LICENSES AND BUSINESS REGULATIONS", ARTICLE V, "OCCUPATIONAL LICENSE TAX", BY REVISING AND UPDATING SECTION 10-150 ENTITLED, "CLASSIFICATIONS AND RATE STRUCTURE" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the Palm Beach Post May 7th, May 27th, and June 10th, 2009.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Lowe** to adopt Ordinance No. 3061.

MOTION

A presentation was given by Jerrell Harris, Planning and Zoning Administrator.

Gerald Ward, 31 W 20th Street, made comments in support of the aforementioned Ordinance and making the effective date for the following two ordinances October 1st.

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

MOTION APPROVED

5. **ORDINANCE NO. 3062 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, "ZONING", ARTICLE IX, "LAND DEVELOPMENT APPLICATION FEES", BY REVISING AND UPDATING SECTION 31-692**

ENTITLED, "LAND DEVELOPMENT APPLICATION FEE SCHEDULE" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the Palm Beach Post May 7th, May 27th, and June 10th, 2009.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to adopt Ordinance No. 3062.

MOTION

A presentation was given by Jerrell Harris, Planning and Zoning Administrator.

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

MOTION APPROVED

6. **ORDINANCE NO. 3063 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE II, "BUILDING AND TECHNICAL CODES", BY REVISING AND UPDATING SECTION 22-33, ENTITLED, "SCHEDULE OF PERMIT FEES" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the Palm Beach Post May 7th, May 27th, and June 10th, 2009.

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Davis** to adopt Ordinance No. 3063.

MOTION

A presentation was given by Jerrell Harris, Planning and Zoning Administrator.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

7. **ORDINANCE NO. 3064 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING A ZONING IN PROGRESS FOR A PERIOD OF SIX (6) MONTHS FOR THE**

CITY TO DEVELOP REGULATIONS FOR RESIDENTIAL DOCKS IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Lowe** to approve Ordinance No. 3064 on First Reading.

MOTION

Robert Bowen, representing Scott and Melinda Barnes, made comments on behalf of his clients.

Gerald Ward, 31 W 20th Street, urged the City Council to defer approval of the ordinance.

Chairperson Pardo requested that language be included to address the ability to rebuild or repair existing docks that may be destroyed.

Jarell Harris, Planning and Zoning Administrator, stated that language could be modified to read "repair, replacement, or reconstruction".

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

MOTION APPROVED

AWARDS AND PRESENTATIONS:

8. **PRESENTATION OF A COMMENDATION AWARD TO DETECTIVE JENNIFER NUBIN FOR DEMONSTRATING EXCEPTIONAL POLICE SERVICES DURING HER CURRENT ASSIGNMENT TO THE PALM BEACH COUNTY SHERIFF'S OFFICE FOR VIOLENT CRIME UNIT.**

ITEM MOVED TO AGENDA FOR JULY 1, 2009 CITY COUNCIL MEETING

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

Doretha Perry, Human Resources, presented the following new employees: Renee Bassett and Veronica White (Police).

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, 748 W 1st Street, made comments in support of the continued employment of City Attorney Ryan.

Lynne Hubbard, 1405 W 23rd Street, made comments reference water rates being increased and contracts for projects being awarded to businesses outside of the city.

George Carter, Riviera Beach Maritime Academy, requested that a resolution of support be placed on the agenda for the next City Council Meeting supporting the Youth Build Program.

Margaret Shepherd, 441 W 32nd Street, made comments reference her fundraising kickoff for AKA's and her granddaughter Som'er.

Angela Wynn, W 35th Street, expressed words of appreciation to Mayor Masters for his efforts in assisting individuals seeking employment.

William Burrs, 1500 W 30th Street, introduced the members of the Northwest Riviera Beach Community Redevelopment Corporation.

Fane Lozman, 200E 13th Street, made comments reference City Attorney Ryan.

Wayne Govan, Austell, GA, announced that the Team Elam event would take place on June 20, 2009.

†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.

REGULAR:

10. **RESOLUTION NO. 66-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AWARDING SCHEDULE 2 OF BID NO. 223-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH A CUT ABOVE LANDSCAPE AND MAINTENANCE INC., OF LOXAHATCHEE, FLORIDA FOR THE INSTALLATION OF A NEW IRRIGATION SYSTEM FOR PHASE I IMPROVEMENTS OF BICENTENNIAL PARK IN THE AMOUNT OF \$14,875.50; 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. 66-09.

MOTION

A presentation was given by Ben Guy, Purchasing Director.

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

MOTION APPROVED

11. **RESOLUTION NO. 67-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED SCHEDULE 3 OF BID NO. 223-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH THE ARAZOZA BROS., CORP. OF HOMESTEAD, FLORIDA, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR SITE GRADING AND RELATED SERVICES FOR PHASE I IMPROVEMENTS OF BICENTENNIAL PARK IN THE AMOUNT OF \$44,128; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Davis** to approve Resolution No. 67-09.

MOTION

A presentation was given by Ben Guy, Purchasing Director.

Gerald Ward, 31 W 20th Street, made comments in support of the proposed Resolution.

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

MOTION APPROVED

12. **RESOLUTION NO. 68-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED SCHEDULE 1 OF BID NO. 223-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH SUNSHINE LAND DESIGN, INC. OF STUART, FLORIDA, THE LOW RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE PURCHASE AND INSTALLATION OF NEW TREES, PALMS, SHRUBS, SOD AND MULCH FOR PHASE I IMPROVEMENTS OF BICENTENNIAL PARK IN THE AMOUNT OF \$101,487.22; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Brooks** to approve Resolution No. 68-09.

MOTION

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

MOTION APPROVED

13. **RESOLUTION NO. 69-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFP NO. 197-08 TO US SECURITY ASSOCIATES OF MIAMI, FLORIDA TO PROVIDE ARMED AND UNARMED SECURITY GUARD SERVICES FOR THE MUNICIPAL COMPLEX AND THE CITY MARINA AT AN ANNUAL BASE COST OF \$149,732; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A ONE YEAR CONTRACT WITH A RENEWAL OPTION FOR THREE (3) ADDITIONAL TWELVE (12) MONTH PERIODS, COMMENCING JUNE 17, 2009; 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 Lowe** to approve Resolution No. 69-09.

MOTION

A presentation was given by Ben Guy, Purchasing Director.

Fernando Tapia, 1100 N Florida Mango, made comments on behalf of US Security Associates.

Fane Lozman, Riviera Beach Marina, made comments against the proposed resolution.

Robert Wummer, 110 Shore Drive, made comments against the proposed resolution.

Angela Wynn, 400 W 35th Street, made comments against the proposed resolution.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to postpone approval of Resolution No. 69-09.

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:

Interim City Manager Shuttlesworth distributed a memorandum from Doretha Perry, Human Resources Director, reference General Employees Civil Service Board appointments that would be on the July 1st City Council Meeting Agenda. She also stated that she would be out of the office beginning June 18th.

LEGAL DISCUSSION/REQUEST:

1. DISCUSSION: CONSIDERATION OF THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT.

City Attorney Ryan stated that she was not requesting a pay raise but was requesting an additional five vacation days. She stated that the language from the charter was included regarding renewal notification and mandatory evaluation.

Councilperson Brooks requested that language be changed in 2(b) to read "this agreement shall be renewed pending a satisfactory evaluation."

Mary Brabham, 1564 W 9th Street, made comments reference not appealing the ruling by the judge in the case against the city on last week.

Margaret Shepherd, 441 W 32nd Street, made comments in support of renewing City Attorney Ryan's contract.

Fane Lozman, 200 E 13th Street, made comments against renewing the contract for City Attorney Ryan.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Lowe** to renew the contract with City Attorney Ryan with the added language requested by Councilperson Brooks.

MOTION

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

MOTION APPROVED

City Attorney Ryan requested the scheduling of a Closed Executive Session. She stated that the ethics policy needed to be presented as an ordinance and requested the pleasure of the City Council.

DISCUSSION AND RECOMMENDATIONS:

Chairperson Pardo provided an update on the meeting she had with Palm Beach County Commissioners Karen Marcus and Jeff Koon. She also provided an update on the meeting she had with Rybovich.

Councilperson Thomas announced that National HIV testing day would be hosted by the 561 Riders and the Comprehensive AIDS Program at the Hester Center in Boynton Beach, June 27th.

Chair pro tem Davis announced that Palm Beach County Senior Services had a program available to assist seniors or anyone who had a person living with them that was at least 62 years of age with paying their utility bill and that information would be available throughout city hall. She expressed words of appreciation to various members of staff who assisted with painting the homes of two senior residents.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10.35 p.m.

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

APPROVED:

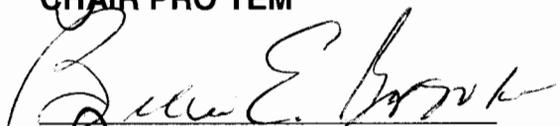

THOMAS A. MASTERS
MAYOR


DAWN S. PARDO
CHAIRPERSON

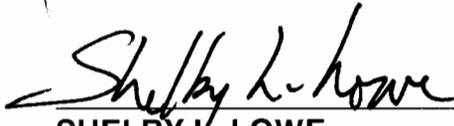
ATTEST:


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: J. Davis
SECONDED BY: B. Brooks

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

DATE APPROVED: 07/01/2009