

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JULY 1, 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: City Manager Ruth C. Jones; 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 City Manager Jones.

AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda: deleted No. 2 – Resolution reference Austin Bowe; moved No. 5 – Resolution reference Florida Department of Transportation – to the Regular Agenda; and provided additional information for No. 8 – Resolution reference vacant positions.

Adoption of Agenda

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** 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:

1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON JUNE 17, 2009.**

RESOLUTIONS:

2. **RESOLUTION NO. 71-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING TOTAL SETTLEMENT OF THE MATTERS OF AUSTIN BOWE V. CITY OF RIVIERA BEACH IN THE AMOUNT OF \$60,121.00 AND \$10,000.00 RESPECTIVELY AS COMPLETE AND FINAL SETTLEMENT OF INDEMNITY COMPENSATION, FURTHER LIABILITY FOR FUTURE MEDICAL CARE AND REHABILITATION TO THE CLAIMANT, INCLUSIVE OF ATTORNEY'S FEES AND COSTS; FURTHER AUTHORIZING PAYMENT FROM THE CITY'S WORKERS' COMPENSATION SETTLEMENT ACCOUNT NO. 602-0539-513-0-1405 TO BE REIMBURSED BY THE INSURANCE CARRIER; AND PROVIDING AN EFFECTIVE DATE.**

ITEM DELETED

3. **RESOLUTION NO. 72-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 225-09 TO A & B DOCK & DECK, OF LAKE WORTH, FLORIDA, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PURCHASE AND INSTALLATION OF A NEW BOATLIFT AT THE MUNICIPAL MARINA AT A COST OF \$10,900; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED MATERIAL AND INSTALLATION AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE CONTRACT AWARD; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE APPROPRIATE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.**
4. **RESOLUTION NO. 73-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 228-09 TO RIDDELL/ALL AMERICAN, OF ELYRIA, OHIO, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PURCHASE OF NEW YOUTH FOOTBALL UNIFORMS FOR PARKS AND RECREATION YOUTH FOOTBALL PROGRAM AT A COST OF \$22,575;**

AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED PURCHASE AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE APPROPRIATE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

5. **RESOLUTION NO. 74-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, OPPOSING THE UNDERPASS AND OVERPASS DESIGN OPTIONS CURRENTLY BEING EVALUATED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE STATE ROAD 710/PORT OF PALM BEACH CONNECTOR BETWEEN OLD DIXIE HIGHWAY AND BROADWAY AVENUE (U.S. 1); REQUESTING THE TERMINATION OF THIS PROJECT; AND PROVIDING AN EFFECTIVE DATE.** **ITEM MOVED TO REGULAR AGENDA**

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. 74-09.

MOTION

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

Gerald Ward, 31 W 20th Street, made comments reference previously proposed alternative routes for the proposed project.

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** 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:

ORDINANCES ON SECOND READING:

6. **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 and stated that it was advertised in the June 24, 2009 edition of the Palm Beach Post.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to adopt Ordinance No. 3064.

MOTION

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

Gerald Ward, 31 W 20th Street, made comments reference staff completing the regulations in a timely manner.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

NONE

AWARDS AND PRESENTATIONS:

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.*

Verdina Coleman, 1200 W 26th Street, made comments reference the frequent break-ins that were occurring in Monroe Heights of which she was a victim but because of the action taken by her neighbors and the quick response of the Police Department, the suspects were caught and her property was recovered.

James Jackson, 1250 Sugar Sands Blvd., made comments reference First Choice Basketball Association being invited to participate in the national championship in Hampton, Virginia. He requested that the community assist the team in attending the championship tournament.

Richard Wester, 331 W 23rd Street, made comments reference employees utilizing city issued credit cards. He also made comments reference residents receiving citations from Code Enforcement even though old city hall was in disrepair.

Emmett Gates, 3900 W Industrial Way, made a complaint against an employee of the Parks and Recreation Department.

Randy Graham, 1516 W 30th Street, made comments reference an Unsolved Murders Committee.

Dennis Hannah, 238 W 15th Street, made comments reference First Choice Basketball program and their fundraising efforts to attend the national basketball championship.

Bonnie Larson, W 27th Street, made comments reference absent property owners.

Tina White, 800 W 1st Street, made comments reference the efforts of the Police Department.

Mary Brabham, 1564 W 9th Street, expressed words of appreciation for the assistance the city provided to the participants of the Palm Beach County Voter's League for their attendance and participation in the national conference.

Gerald Ward, 31 W 20th, made comments reference the perception of the city by other governmental agencies and communication with the residents and business owners of the city. He also announced that an item regarding further restrictions on boat ramps.

Latischa Rolle, Outside Agency Funding Program, stated that First Choice Basketball program received a grant from the city to assist with the cost of the trip.

TPublic 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:

7. **RESOLUTION NO. 75-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING SCHEDULES 1 AND 2 OF BID NO. 214-09 TO OCEAN GATE GENERAL CONTRACTORS, INC. OF STUART, FLORIDA, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR CONSTRUCTION OF PHASE 2 IMPROVEMENTS TO DAN CALLOWAY RECREATIONAL COMPLEX IN THE AMOUNT OF \$2,241,586; AUTHORIZING THE MAYOR**

AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT; 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. 75-09.

MOTION

A presentation was given by Ben Guy, Purchasing Director.

Hattie Parker, 1401 W 7th Street, expressed words of appreciation for being able to participate in the project.

Lynne Hubbard, 1405 W 23rd Street, made comments reference increased local vendor participation.

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

MOTION APPROVED

8. **RESOLUTION NO. 76-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE REDUCTION IN DEPARTMENTAL BUDGETS BASED ON THE SAVINGS FROM THE FREEZING OF VACANT POSITIONS, AND TRANSFERRING THESE AMOUNTS TO AN ACCOUNT FOR FUTURE BUDGET SHORTFALLS; 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 **Chair pro tem Davis** to approve Resolution No. 76-09.

MOTION

Bonnie Larson, W 27th Street, made comments reference the various listed vacant positions.

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

MOTION APPROVED

BOARD APPOINTMENT(S):

NONE

DISCUSSION BY THE CITY MANAGER:

City Manager Jones stated that the City Council was polled reference scheduling a Closed Executive Session for July 14, 2009 at 7:00 p.m. regarding labor negotiations.

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan requested a Closed Executive Session for July 14, 2009 at 6:00 p.m.

There was a consensus to schedule a Closed Executive Session.

The two cases to be discussed: McMahon vs. City of Riviera Beach and Nubin with Special Counsel Don Stephens, Esq. and Lozman vs. City of Riviera Beach (Sunshine Law Case 2) with Special Counsel Glen Torcivia, Esq. The following will also be present: City Attorney Ryan; City Manager Jones; and the Mayor and City Council.

DISCUSSION AND RECOMMENDATIONS:

Councilperson Lowe made comments reference the fencing around the western portion of Monroe Heights Park.

Councilperson Thomas made comments reference the company that transports sand located on 13th Street next to the railroad tracks. He also requested an update from the East Central Regional Wastewater Council.

Councilperson Brooks made comments reference the criminal activity in Monroe Heights and the neighborhood meeting scheduled for July 2nd at 6:30 p.m.

Chair pro tem Davis announced that there was only one essay received for the laptop contest so the student would be receiving one of the laptops and the second computer would be given to a 6th grader participating in the Summer Academic Program. She continued with comments reference the flooding incident at Villa Franciscan.

Chairperson Pardo made comments reference the Palm Beach County League of Cities Board of Directors meeting. She requested a meeting with City Manager Jones and City Clerk Ward to discuss the comments made by Palm Beach County Supervisor of Elections Susan Bucher regarding municipalities paying for their election if not held in November. She stated that a meeting would be held reference beach erosion and that she would be in attendance. Chairperson Pardo requested a Closed Executive Session for July 8th.

Mayor Masters made comments reference Councilperson Lowe attending the US National Conference for Mayors and requested that a summary be provided at the next City Council Meeting. He also requested that Police Chief Williams provide a review of the current operation being conducted on the south side of the city. Mayor Masters announced that the job fair held on Thursdays would be held at George Street Park beginning July 9, 2009.

Police Chief Williams provided an overview of Operation Safe Community.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 8:30 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

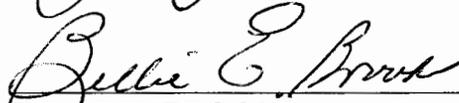
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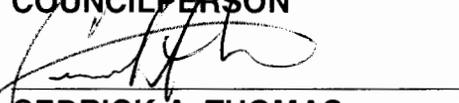
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



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	<u>AYE</u>
B. BROOKS	<u>AYE</u>
J. DAVIS	<u>AYE</u>
D. PARDO	<u>AYE</u>
C. THOMAS	<u>AYE</u>

DATE APPROVED: 07/15/2009