

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JULY 15, 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 Cedric A. Thomas; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth 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 Councilperson Thomas.

AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda: No. 6 reference Neighborhood Stabilization Programs 1 & 2- moved from Awards and Presentations to the Regular Agenda; deleted No. 10 –Resolution reference grant application to the Florida Boating Infrastructure Fund; added No. 3A – Resolution reference Intercity Rail Component; and wording change to No. 5 – proclamation for the Muscular Dystrophy Association.

Adoption of Agenda

A motion was made by **Chair pro-tem Davis** and seconded by **Councilperson Brooks** 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 JULY 1, 2009.

RESOLUTIONS:

2. RESOLUTION NO. 77-09 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 EMERGENCY SERVICES AGREEMENT FOR MUTUAL ASSISTANCE AND AUTOMATIC AID BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR THE PROVISION OF MUTUAL AID ASSISTANCE AND AUTOMATIC AID; AND PROVIDING AN EFFECTIVE DATE.
3. RESOLUTION NO. 78-09 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 AND \$10,000 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 AND \$17,000 OF PAST ATTORNEY'S FEES AND TAXABLE 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.
- 3A RESOLUTION NO. 85-09 A RESOLUTION OF THE CITY COUNCIL CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO

PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FLORIDA EAST COAST CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA; 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-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:

NONE

ORDINANCES ON FIRST READING:

- 4. ORDINANCE NO. 3065 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14 ENTITLED "PENSIONS AND RETIREMENT PROGRAMS", ARTICLE II ENTITLED "GENERAL EMPLOYEES", SECTION 14-26 OPTIONAL FORMS OF RETIREMENT BENEFITS OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES BY PROVIDING FOR A DEFERRED RETIREMENT OPTION PROGRAM (DROP); PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned into the record

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Brooks** to approve Ordinance No 3065 on First Reading.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous with Chairperson Pardo out.

MOTION APPROVED

AWARDS AND PRESENTATIONS:

5. **PRESENTATION OF A PROCLAMATION DESIGNATING THE MONTH OF AUGUST OUTLINING RIVIERA BEACH FIRE DEPARTMENT'S COMMITMENT TO MUSCULAR DYSTROPHY ASSOCIATION AND DESIGNATING AUGUST AS "RIVIERA BEACH FIRE RESCUE FIREFIGHTERS PART OF LOCAL 2928 FIREFIGHTER APPRECIATION MONTH"**. **HEADING CORRECTED**

Mayor Masters read the proclamation into the record.

6. **PRESENTATION BY CITY STAFF ON THE NEIGHBORHOOD STABILIZATION PROGRAMS (NSP) 1 AND 2.**

MOVED TO REGULAR AGENDA

7. **PRESENTATION OF COMMENDATION BY CHIEF OF POLICE CLARENCE D. WILLIAMS, III TO DETECTIVE JENNIFER NUBIN FOR DEMONSTRATING EXCEPTIONAL POLICE SERVICES DURING HER CURRENT ASSIGNMENT TO THE PALM BEACH COUNTY SHERIFF'S OFFICE VIOLENT CRIME UNIT.**

Assistant Chief David Harris provided the background of Detective Nubin.

Clarence Williams, Chief of Police and **Mayor Masters** presented Detective Nubin with her service bar and certificate.

Detective Nubin expressed a word of thanks.

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.*

Fane Lozman, 200 E. 13th Street, made comments reference the case involving his house boat.

Margaret Shepherd, 441 West 32nd Street, expressed a word of thanks to the elected officials.

Nora Mahoney, 2120 Broadway, made comments reference Al Zucaro. She requested a status report on the Bicentennial Park project and the Publix Supermarket project.

Judith Thomas, 1312 Lucaya Drive, made comments reference the additional assessment proposed by the Marsh Harbor Community Development District.

Madelene Irving, 1615 West 9th Street, made comments reference the city's regulations on operating motorized scooters. She also made comments reference the installation of speed bumps in her neighborhood.

Bonnie Larson, W 27th Street, made comments reference emphasis on gated communities throughout the application for the Neighborhood Stabilization Program funding.

Dr. Angela Winn, West 35th Street, made comments reference budget cuts.

Fred Angelo, 2328 S. Congress Avenue, made comments reference Senate Bill 1000 -- Firefighter Diversified Funding Act. He requested the council's consent to have discussion reference this issue placed on the agenda for the August 5th Regular City Council Meeting.

There was a consensus of the City Council to place discussion of the Firefighter Diversified Funding Act on the agenda for the August 5th Regular City Council Meeting.

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:

6. **RESOLUTION NO. 79-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENDORSING THE SUBMITTAL OF APPLICATIONS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM ROUNDS 1 AND 2; 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. 79-09

MOTION

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

Tina White, 808 W. 1st Street, made comments against the approval of portions of the proposed resolution concerning gated communities being considered as blighted areas.

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

MOTION APPROVED

8. **RESOLUTION NO. 80-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PAYMENT TO MODCOMP SYSTEMS & SOLUTIONS FOR EMERGENCY PROFESSIONAL AND TECHNICAL CONSULTING SERVICES ON THE CITY'S COMPUTER NETWORK SYSTEM IN THE AMOUNT OF \$14,962.50 FROM ACCOUNT NO. 001-0243-513-0-4601; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Lowe** to approve Resolution No. 80-09.

MOTION

A presentation was given by Troy Perry, Fire Chief.

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

MOTION APPROVED

9. **RESOLUTION NO. 81-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE ESTABLISHMENT OF THE YOUTHBUILD USA PROGRAM AT THE RIVIERA BEACH MARITIME ACADEMY; AUTHORIZING CITY STAFF TO COLLABORATE WITH RIVIERA BEACH MARITIME ACADEMY REPRESENTATIVES IN THE IMPLEMENTATION OF THE YOUTHBUILD USA PROGRAM; 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. 81-09.

MOTION

A presentation was given by George Carter, Riviera Beach Maritime Academy.

Jim Jackson, 1250 Sugar Sands Blvd., made comments in support of the proposed Resolution.

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

There was a consensus of the City Council designating Chair pro-tem Davis as the representative on the Youth Build committee.

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

MOTION APPROVED

10. RESOLUTION NO. 82-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER RUTH JONES OR HER DESIGNEE TO SUBMIT A GRANT APPLICATION TO THE FLORIDA BOATING INFRASTRUCTURE FUND AND COMMITTING TO MAINTAIN THE IMPROVEMENTS FOR TWENTY (20) YEARS; AND PROVIDING AN EFFECTIVE DATE. **DELETED**

11. RESOLUTION NO. 83-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT WITH JOY PRODUCTION, INC. OF RIVIERA BEACH, FLORIDA TO PROVIDE CONSULTING SERVICES FOR JAZZ AFTER DARK FROM JULY 1, 2009 THROUGH SEPTEMBER 30, 2009 IN THE AMOUNT OF \$1,000 PER MONTH; AND APPROVE AN AGREEMENT WITH HUGHIE TOOTHMAN OF FT. LAUDERDALE, FLORIDA TO PROVIDE PROFESSIONAL SOUND AND LIGHTING FOR JAZZ AFTER DARK CONCERTS FROM JULY 1, 2009 THROUGH SEPTEMBER 30, 2009 IN THE AMOUNT OF \$1,650 PER MONTH; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENTS; AUTHORIZING THE FINANCE DIRECTOR TO PAY EACH AMOUNT FROM ACCOUNT NO. 001-1232-572-0-5507; 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. 83-09.

MOTION

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

MOTION APPROVED

12. RESOLUTION NO. 84-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SETTING THE MAXIMUM MILLAGE RATE FOR FISCAL YEAR 2009-2010 AT A RATE OF 9.426 MILLS; 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. 84-09.

MOTION

Jeffery Williams, Finance Director, stated that staff was recommending a maximum millage rate of 9.426.

John Clayton, 1809 Avenue E, made comments against raising the millage rate.

Fane Lozman, 200 E 13th Street, made comments reference making the maximum millage rate the current millage rate.

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

MOTION APPROVED

BOARD APPOINTMENT(S):

13. CITY COUNCIL TO APPOINT OR RE-APPOINT FIVE (5) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO SERVE ON THE GENERAL EMPLOYEES CIVIL SERVICE BOARD.

Chairperson Pardo appointed **Latisha Hollis** as a regular member to the board.

Councilperson Thomas appointed Sandra Moore as an alternate member to the board.

DISCUSSION BY THE CITY MANAGER:

City Manager Jones reiterated the budget workshops scheduled for July 20th and 21st beginning at 6:30 p.m.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS:

Chair pro tem Davis made comments reference complaints received by residents in regards to county law enforcement activity at Phil Foster Park on July 4th. She also made comments reference the City of Hollywood's MWBE program.

Councilperson Brooks provided the status on renaming the municipal complex after former mayor Bobby E. Brooks. She also made comments reference her vote against the water rate increase at the Utility District Meeting.

Councilperson Thomas announced that he would be submitting his letter of resignation from the City Council to pursue being elected to the seat for Florida House Representative District 84.

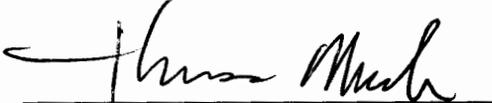
Mayor Masters announced that the job fair would be held in Sonoma Bay on Thursday at 12:00 noon. He also announced that the citations he received during his campaign were dismissed.

ADJOURNMENT

There being no further business the meeting was duly adjourned at 9:30 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

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: B. Brooks
SECONDED BY: C. Thomas

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

DATE APPROVED: 08/05/2009