

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 2, 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 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 Mayor Masters.

AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Jones made the following deletions to the agenda: deleted No. 5 – ordinance reference the comprehensive plan; deleted No. 8 – presentation of the cyber mobile's logo contest winner

Chairperson Pardo pulled No. 7 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I, SECTION 31-1, ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE V., DIVISION 18, ENTITLED "IG GENERAL INDUSTRIAL DISTRICT" AMENDING SECTION 31-382, ENTITLED "USE REGULATIONS" BY INCLUDING NEW USES AND BY PROHIBITING SCRAP METAL PROCESSING; BY AMENDING ARTICLE VI., ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY CREATING A NEW SECTION ENTITLED "SUPPLEMENTAL DISTRICT

REGULATIONS" BY CREATING A NEW SECTION ENTITLED "RECYCLING FACILITIES AND RECYCLING CENTERS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE -- from the agenda and stated that it would be placed on the September 16th Regular City Council Meeting agenda.

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 AUGUST 19, 2009.**

RESOLUTIONS:

2. **RESOLUTION NO. 106-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MUTUAL AID INTERLOCAL AGREEMENT FOR FIRE/RESCUE ASSISTANCE BETWEEN THE CITY OF RIVIERA BEACH AND THE CITY OF WEST PALM BEACH FOR THE PROVISIONS OF MUTUAL AID FOR FIRE/RESCUE ASSISTANCE; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 107-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE TERMS AND CONDITIONS OF THE FLORIDA EMERGENCY MEDICAL SERVICES COUNTY GRANT AWARD FOR THE FISCAL YEAR 2008-09, TO EXPAND AND/OR IMPROVE THE CITY'S EMERGENCY MEDICAL SERVICES DELIVERY; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE STATE EMS GRANT FUND (107) IN THE AMOUNT OF \$40,786 TO PURCHASE TWO (2) SEGWAYS IN THE AMOUNT OF \$18,271 FROM SEGWAY**

OF UTAH LOCATED IN SPANISHFORK, UTAH AND 6 RAD-57 PULSE CO-OXIMETERS IN THE AMOUNT OF \$22,515 FROM MASIMO CORP. OF IRVINE, CA FROM ACCOUNT NO. 107-0921-526-0-6455; AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 108-09 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 FOR THE PURCHASE AND INSTALLATION OF AN EMERGENCY BACK-UP GENERATOR AT FIRE STATION #4 IN THE AMOUNT OF \$33,733 FROM LANGER ELECTRIC COMPANY OF FT. LAUDERDALE, FLORIDA; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE IMPACT FEE FUND NO. 303-00-271009 IN THE AMOUNT OF \$33,733 FOR CAPITAL EQUIPMENT IMPROVEMENT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR THE SAME FROM ACCOUNT NO. 303-0920-5220-3102; AND PROVIDING AN EFFECTIVE DATE.

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

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

5. ORDINANCE NO. 3066 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ADOPTED COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS OF THE 2007 EVALUATION AND APPRAISAL REPORT INCLUDING AMENDMENTS TO THE MAP SERIES, THE TEXT OF THE FUTURE LAND USE, HOUSING, TRANSPORTATION, INFRASTRUCTURE, RECREATION AND OPEN SPACE, CONSERVATION, COASTAL MANAGEMENT,

INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENT ELEMENTS AND ADDING DEFINITIONS, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ITEM DELETED

6. ORDINANCE NO. 3067 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF RIVIERA BEACH; PROVIDING FOR LIMITED SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record and stated it had been published in the August 23, 2009 edition of the Palm Beach Post.

A motion was made by Chair pro tem Davis to adopt Ordinance No. 3067.

MOTION DIED FOR LACK OF SECOND

ORDINANCES ON FIRST READING:

7. ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I, SECTION 31-1, ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE V., DIVISION 18, ENTITLED "IG GENERAL INDUSTRIAL DISTRICT" AMENDING SECTION 31-382, ENTITLED "USE REGULATIONS" BY INCLUDING NEW USES AND BY PROHIBITING SCRAP METAL PROCESSING; BY AMENDING ARTICLE VI., ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY CREATING A NEW SECTION ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY CREATING A NEW SECTION ENTITLED "RECYCLING FACILITIES AND RECYCLING CENTERS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ITEM PULLED FROM AGENDA

AWARDS AND PRESENTATIONS:

8. PRESENTATION OF A PLAQUE TO DIAMONTE DOVE IN RECOGNITION AS THE WINNER OF THE RIVIERA BEACH PUBLIC LIBRARY'S CYBER MOBILE LOGO CONTEST.

ITEM DELETED

9. PRESENTATION OF RETIREMENT MEMENTO TO BENNIE JONES, SR. FOR FIFTEEN (15) YEARS OF DEDICATED SERVICE TO THE PARKS DIVISION OF THE PARKS & RECREATION DEPARTMENT AND THE CITIZENS OF RIVIERA BEACH.

Doretha Perry, Human Resources Director presented retirement mementos to Bennie Jones, Sr. for 15 years of dedicated service to the citizenry.

Bennie Jones, Sr. expressed words of appreciation, and expressed his future plans after retirement.

10. PRESENTATION AND AWARD TO FIREFIGHTER/PARAMEDIC FIELD TRAINING OFFICER KIRKLYN DURHAM AS THE PARAMEDIC OF THE YEAR AS RECOGNIZED BY THE PALM BEACH COUNTY EMS PROVIDERS ASSOCIATION.

Chairperson Pardo presented Firefighter/Paramedic Kirklyn Durham with a plaque for his achievement of Palm Beach County Paramedic of the Year award.

Firefighter/Paramedic Durham expressed words of appreciation.

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.*

Corey Russell, 1999 Marsh Harbour Drive, made comments reference several incidents that occurred in the Marsh Harbour development.

Angela Hanna, 1979 Marsh Harbour Drive, made comments reference the increase in non ad valorem taxes. She also made comments reference Cornerstone no longer trying to sell units but primarily renting units.

Randy Graham, 1516 W 30th Street, made comments reference departments circumventing the process of bringing purchases before the City Council. He also made comments reference the city manager reviewing the overtime charges of all departments. Mr. Graham continued with comments opposing Mr. Thomas requesting appointment to the vacant seat on the City Council.

Bonnie Larson, W 27th Street, requested the status on the following issues that were previously discussed by the City Council: the demolition of old city hall and beautification of A1A. She inquired as to why the pavilion located near the playground

at Well Recreation Center was enclosed by a fence. Ms Larson requested that the Addition/Deletion sheet be placed on the website.

Judith Thomas, 1312 Lucaya Dr, made comments reference a policy being put in place when elected officials decide to campaign for another public office. She continued with comments reference the city currently being densely populated with heavy industry and the possibility of the city to allow additional heavy industry, Ms Thomas also requested that the City Council suspend implementation of the utility bill increase that will be in effect October 1st until the audit for the Utility District is completed.

Bobby Powell, Jr., 1442 W 32nd Street, made comments against the approval of an ordinance that would possibly allow a scrap metal facility to be located within the city.

Chantee' Kirk, 1975 Marsh Harbour, commended the Police Department on their efforts in deterring the crime within Marsh Harbour.

Mary Stenger, 1959 Freeport Drive, made comments reference the increase in CDD fees and non ad valorem taxes within Marsh Harbour.

Ann Iles, 321 W 20th Street, made comments reference actions of the CRA board at its last meeting. She also made comments reference the actions of the committee, which included some of the current elected officials, against the Ocean Mall project.

Angela Wynn, W 35th Street, made comments against allowing a recycling facility in the city.

Mike Mahoney, 2120 Broadway, made comments reference funding received from the city to renovate a building located across the street from his business. He also made comments reference the city enabling a recycling facility to be located within its boundaries.

Jose Messina, 1957 Marsh Harbour, made comments reference the increase in non ad valorem taxes and CDD fees for the residents of Marsh Harbour.

Elaine Espinoza, 1933 Marsh Harbour, made comments reference the increase in non ad valorem and CDD fees for the residents of Marsh Harbour.

Louise Dawkins, 756 W 3rd Street, stated that when considering items the City Council think of themselves as citizens.

Pamela DeFaria, 1993 Marsh Harbour, made comments reference the increase in non ad valorem taxes and CDD fees for the residents of Marsh Harbour.

Marie Allsopp, 1921 Marsh Harbour, made comments reference the increase in non ad valorem taxes and CDD fees although amenities were not being properly maintained.

Lynne Hubbard, 1405 W 23rd Street, made comments against a scrap metal facility being located within the city. She also made comments reference the city assisting the residents of Marsh Harbour to understand their tax concerns as well as the residential issues.

Mary Brabham, 1564 W 9th Street, made comments reference a meeting held in the acreage regarding the health issues that needed to be addressed in the area and she stated that no one from the city attended although other municipalities were represented.

Ann Marie Sorrell, 2016 Island Drive, made comments reference the increase in CDD fees for the residents of Marsh Harbour, the lack of proper maintenance, and the poor quality and construction of the homes.

Rena James, 3300 RJ Hendley, inquired as to why the ordinance reference recycling was pulled from the agenda. She continued with remarks in support of the residents of Marsh Harbour.

Tina White, 800 W 1st Street, made comments reference a meeting held with City Manager Jones and one of the finalist for the city manager's position, John Drago, to interview for the CRA executive director position. She stated that she spoke to Mr. Drago who indicated that he provided two proposals to the city manager one as the director and one as interim director. She then stated that on several occasions the city attorney had provided to the council and the citizens erroneous information; further that she felt the city attorney was incompetent and should be suspended for malpractice.

Fane Lozman, Riviera Beach Marina, made comments reference the amount of funds the city attorney had spent on the case involving the arrest of his houseboat. He continued with comments in reference to the inappropriate actions of the city attorney.

William Burrs, 1500 W 30th Street, made comments reference the City Council being honest with the residents. He continued with comments against the way the ordinance regarding recycling was written; and that language to resolve of the issue should be drafted into the ordinance to completely eliminate concerns for a junk yard.

Sean Jackson, West Palm Beach, FL, made comments reference the City Council being disrespectful to the citizens by way of their actions while conducting meetings. He continued with comments against the appointment of Mr. Thomas to the vacancy he created.

Gerald Ward, 31 W 20th Street, made comments reference the meeting scheduled for September 8th and the public hearing scheduled for September 3rd regarding the budget and the millage rate.

Nora Mahoney, 2120 Broadway, requested that the Planning and Zoning Board meetings be televised. She continued with comments regarding the facilities for homeless people that will be located on 45th Street.

Bettye Hodges, 817 Avenue S, requested a meeting with City Manager Jones and requested that Mr. Thomas not be appointed to fill the vacant seat he created.

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:

11. **RESOLUTION NO. 109-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE 2008-2009 ADDENDUM TO THE BARGAINING AGREEMENT COMMENCING OCTOBER 1, 2007 TO SEPTEMBER 30, 2010 BETWEEN THE CITY OF RIVIERA BEACH AND THE PROFESSIONAL FIREFIGHTER/PARAMEDIC OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC. AND APPROVING THE TRANSFER OF \$122,604 FROM GENERAL FUND SALARY CONTINGENCY AND REMAINING AMOUNT OF \$183,907 TO BE ABSORBED WITHIN THE FIRE DEPARTMENT BUDGET; PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Resolution in the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Resolution No. 109-09.

MOTION

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

MOTION APPROVED

12. **RESOLUTION NO. 110-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE RENEWAL OF LIFE INSURANCE COVERAGE WITH RELIANCE STANDARD LIFE INSURANCE COMPANY TO PROVIDE LIFE INSURANCE FOR CITY EMPLOYEES FOR THE POLICY YEAR 2009-2010; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM VARIOUS CITY DEPARTMENTAL ACCOUNTS IN THE ESTIMATED AMOUNT NOT EXCEEDING \$79,000 FOR THE POLICY YEAR.**

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. 110-09.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT(S):

13. REQUEST CITY COUNCIL TO APPOINT OR RE-APPOINT A MEMBER TO THE POLICE PENSION BOARD.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Thomas** to reappoint Juan Atkins to the Police Pension Board.

MOTION

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

MOTION APPROVED

Councilperson Brooks stated, at a previous meeting the city council appointed Bruce Guyton and reappointed Juan Atkins to the board.

DISCUSSION BY THE CITY MANAGER:

City Manager Jones announced that a Closed Executive Session would be held September 3rd at 6:00 p.m. to discuss furloughs and that a public hearing was scheduled for September 3rd at 7:00 p.m. regarding the 2009/2010 budget.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chair pro tem Davis stated that she would be scheduling a town hall meeting to discuss the ordinance regarding recycling facilities.

Councilperson Lowe stated that the city was putting forth an effort to address the concerns of the residents of Marsh Harbour.

Mayor Masters requested that the city manager meet with the residents of Marsh Harbour to address their concerns. He announced that the job fair would be held at Seabreeze Apartments on Friday on Congress Avenue at 12 o'clock. He also acknowledged former Palm Beach County Commissioner Addie Greene.

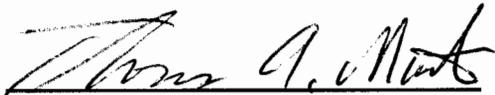
Chairperson Pardo stated that the concerns of the Marsh Harbour residents may need to be brought to the state level because there was a similar situation with condominiums in Miami.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 8:35 p.m.

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

APPROVED:

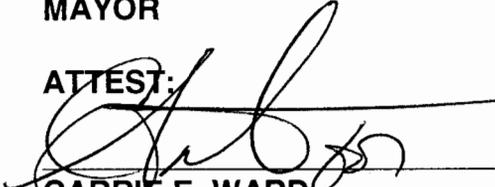


THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



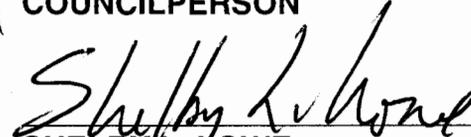
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. Brooks 3
SECONDED BY: S. Lowe 1

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

DATE APPROVED: 09/16/2009