

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 16, 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 Deputy City Clerk Anthony, 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; Deputy City Clerk Claudene L. Anthony; and Assistant City Attorney Rachael Johnson.

Invocation/Pledge of Allegiance

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

AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Jones made the following deleted the following items from the agenda: No. 11 – Resolution reference increase in the number police sergeants and No. 12 – Resolution reference grant funding for the library. She requested that No. 23 – Resolution reference interlocal agreement with the Community Redevelopment Agency – be discussed prior to No. 15 – Ordinance reference the millage rate.

Chairperson Pardo stated that No. 19 – Ordinance reference recycling – would be discussed after No. 16 – Ordinance reference adopting the budget.

Adoption of Agenda

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

1. **MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON SEPTEMBER 2, 2009.**

RESOLUTIONS:

2. **RESOLUTION NO. 111-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE LEASE AGREEMENT WITH MCNAUGHTON BOOK SERVICE OF WILLIAMSPORT, PA; AUTHORIZING THE LIBRARY DIRECTOR TO EXECUTE SAID AGREEMENT; PAYMENT TO MCNAUGHTON IN THE AMOUNT OF \$19,944 FOR SERVICE OF NEW AND POPULAR LEASED BOOKS, OCTOBER 2009 THROUGH SEPTEMBER 2010; AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 001-1336-571-0-6601; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 112-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH THE ARCHITECT DESIGN GROUP (ADG) OF WINTER PARK, FLORIDA FOR DEVELOPMENT OF DESIGN SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND RELATED SERVICES FOR A NEW RIVIERA BEACH POLICE COMPLEX AND VARIOUS IMPROVEMENTS TO EXISTING BUILDINGS LOCATED ON THE MUNICIPAL CAMPUS; 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 Brooks** and seconded by **Councilperson Lowe** to approve Resolution No. 112-09.

MOTION

Councilperson Lowe requested that approval of the resolution be postponed until the capital plan was reviewed with the city manager.

Chairperson Pardo expressed her discontent with staff's recommendation.

Ben Guy, Purchasing Director, gave an overview of the criteria upon which the recommendation was based upon. He stated for the record that the recommended firm had a team of subcontractors they would be utilizing which were all from Palm Beach County except two.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Brooks** to postpone approval of the aforementioned resolution indefinitely.

MOTION TO POSTPONE

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

MOTION APPROVED

4. **RESOLUTION NO. 113-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO ALL-SITE CONSTRUCTION INC., OF RIVIERA BEACH, FLORIDA, IN THE AMOUNT OF \$47,470.60 FOR THE DESIGN AND CONSTRUCTION OF A WELCOME SIGN AND SITE LANDSCAPING LOCATED AT AUSTRALIAN AVENUE AND 1ST STREET BY PIGGYBACKING PALM BEACH COUNTY JOB ORDERING CONTRACTING AGREEMENT 2007-0945; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE CITY MANAGER TO MAKE CHANGE ORDERS UP TO FIFTEEN PERCENT (15%); AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO ALL-SITE CONSTRUCTION INC. IN THE AMOUNT OF \$47,470.60 AND TO THE GORDIAN GROUP FOR RELATED PROFESSIONAL SERVICES IN THE AMOUNT OF \$2,373.53 FROM THE APPROPRIATE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.**
5. **RESOLUTION NO. 114-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 229-09, FENCE INSTALLATION PROJECT FOR THE PARKS AND RECREATION DEPARTMENT, TO TROPIC FENCE,**

INC. OF POMPANO BEACH, FLORIDA, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PURCHASE AND INSTALLATION OF FENCING AROUND BICENTENNIAL PARK AT A COST OF \$40,631; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED PURCHASE AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE APPROPRIATE ACCOUNT; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS NOT TO EXCEED THE AMOUNT OF TEN PERCENT (10%) OF THE TOTAL CONTRACT AMOUNT; AND PROVIDING AN EFFECTIVE DATE.

6. RESOLUTION NO. 115-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF MATERIALS FOR THE REPLACEMENT OF PARTS NEEDED TO MAKE THE NECESSARY REPAIRS ON THE ACTIVITY POOL LOCATED AT BARRACUDA BAY FROM COM-PAC FILTRATION (SOLE SOURCE VENDOR) OF JACKSONVILLE, FLORIDA, IN THE AMOUNT OF \$21,667; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 001-1236-572-0-6351 CAPITAL IMPROVEMENTS OTHER THAN BUILDING FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. 116-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PAYMENT IN THE AMOUNT OF \$103,807.22 TO THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS FOR ANNUAL RENEWAL AND REPLACEMENT COSTS FOR RADIO ACCESS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 308-0817-521-0-4604 IN THE AMOUNT OF \$81,428 AND ESTABLISH THE NECESSARY ACCOUNT AND BUDGET SO THAT PAYMENT IS MADE FROM STATE APPROVED \$12.50 FUNDS IN THE AMOUNT OF \$22,379.22; AND PROVIDING AN EFFECTIVE DATE.
8. RESOLUTION NO. 117-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING IN THE AMOUNT OF \$5,000,000; AUTHORIZING THE FINANCE DIRECTOR TO REVISE THE BUDGET FOR THE CITY OF RIVIERA BEACH MARINA EXPANSION PROJECT IN THE AMOUNT OF \$5,000,000; 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 Lowe** and seconded by **Councilperson Thomas** to approve Resolution No. 117-09.

MOTION

Ed League, Marina Director, stated that the amendment was a request to extend the timeframe in which the funds from the waterfront access grant could be expended.

Gerald Ward, 31 W 20th Street, stated that the Waterfront Advisory Board was in support of the proposed resolution.

Fane Lozman, Riviera Beach Marina, made comments reference the utilization of funds on a facility that would eventually be privately operated.

Tina White, 808 W 1st Street, made comments reference authorizing the utilization of funds for the renovation of the dry storage facility.

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

MOTION APPROVED

At this point, Chairperson Pardo announced that public comments would be limited to two minutes.

9. **RESOLUTION NO. 118-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENDORSING DESIGN CONCEPTS FOR U.S. HIGHWAY ONE; 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 Lowe** and seconded by **Chair pro tem Davis** to approve Resolution No. 118-09.

MOTION

Gerald Ward, 31 w 20th Street, made comments reference the bicycle path included in the proposed plan, the exclusion of maintenance cost for the proposed landscaping, and the lack of parking requested by businesses in the affected area

Mike Mahoney, 2120 Broadway, made comments reference the necessity for on street parking.

Nora Mahoney, 2120 Broadway, made comments against the inclusion of a bike path.

Jerrell Harris, Planning and Zoning Administrator, gave an overview of the proposed plans for U. S. Highway One.

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

MOTION APPROVED

10. RESOLUTION NO. 119-09 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 PROFESSIONAL SERVICES BETWEEN THE CITY OF RIVIERA BEACH AND ALCALDE & FAY, LTD. TO PROVIDE LOBBYIST REPRESENTATION AT THE FEDERAL LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH; IN THE AMOUNT OF \$5,000 PER MONTH FOR ONE (1) YEAR; THE SAME TO BE PAID FROM PROFESSIONAL SERVICES-OTHER, ACCOUNT NO. 001-0203-519-0-3106; AND PROVIDING AN EFFECTIVE DATE.

11. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN EXTENSION OF THE TEMPORARY INCREASE FOR THE COMPLIMENT OF POLICE SERGEANTS FROM TWELVE (12) TO FIFTEEN (15) UNTIL SEPTEMBER 30, 2010 AT WHICH TIME THE THREE TEMPORARY SERGEANT POSITIONS CREATED BY THIS ACTION WILL BE ELIMINATED; AUTHORIZING THE POLICE DEPARTMENT TO FUND SAID POSITIONS THROUGH THE ATTRITION OF PERSONNEL AND EXISTING BUDGETED SALARY ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE. **DELETED**

12. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SUBMISSION OF AN APPLICATION REQUESTING STATE AID TO LIBRARIES GRANT FUNDING FOR LIBRARY SERVICES; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. **DELETED**

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

AWARDS AND PRESENTATIONS:

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

Chairperson Pardo stated that the presentation would be made at another meeting since the recipient was not present.

14. PRESENTATION BY MAYOR THOMAS A. MASTERS COMMENDING THE OUTSTANDING COMMUNITY SERVICE OF CITY POLICE DETECTIVES NANCY ASPENLEITER, SERGEANT PATRICK GALLIGAN, AND JEREMY SUMMERS WITH THE MAYOR'S "SERVICE PLUS" AWARD.

Mayor Masters presented Detective Jeremy Summers with a token of appreciation for outstanding community service in the proper burial of homeless Vietnam Veteran.

Mayor Masters presented Detective Nancy Aspenleiter with a token of appreciation for her outstanding community service in Marsh Harbour.

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

TIME CERTAIN 7:00 PM

15. ORDINANCE NO. 3068 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 FIXING THE MILLAGE RATE OF 8.4260 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony announced that the following was published in the September 12, 2009 edition of the Palm Beach Post and proceeded to read the aforementioned into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Brooks** to adopt Ordinance No. 3068.

MOTION

Fane Lozman, Riviera Beach Marina, made comments reference the squandering of tax dollars.

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

MOTION APPROVED

TIME CERTAIN 7:00 PM

16. **ORDINANCE NO. 3069 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

Deputy City Clerk Anthony stated that the following was published in the September 12, 2009 edition of the Palm Beach Post and proceeded to read the aforementioned into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Thomas** to adopt Ordinance No. 3069.

MOTION

Fane Lozman, Riviera Marina, made comments reference staff's fiscal irresponsibility which led to pending layoffs of public safety employees.

Randy Graham, 1516 W 30th Street, made comments reference volunteers being utilized for some services provided by the city.

Gerald Ward, 31 W 20th Street, made comments reference the city not having a capital budget and the utilization of funds from the Community Redevelopment Agency.

Chuck Lupo, 2328 S Congress Avenue, made comments reference the furlough requirement being imposed upon the firefighters.

Fred Angelo, Vice President of the Firefighter Association, made comments on behalf of the firefighters as it related to incurred cost for

pending furloughs and articles the union wanted to bring back for discussion.

At this time a motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to postpone adoption of the aforementioned ordinance until the approval of Item No. 23 – resolution reference an interlocal agreement with the Community Redevelopment Agency.

MOTION

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

MOTION APPROVED

City Manager Jones stated that the City Council was presented with a budget for FY 2009/2010 with the revisions requested at the public hearing held September 3, 2009.

Jeffery Williams, Finance Director, reviewed the changes made to the budget.

Chairperson Pardo stated to members of staff that more assertiveness needed to be put forth in obtaining grants.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

17. **ORDINANCE NO. 3070 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 VI, ENTITLED “SUPPLEMENTAL DISTRICT REGULATIONS”, BY CREATING A NEW SECTION ENTITLED “ADVERTISEMENT” ADDING NEW LANGUAGE REGULATING ADVERTISING WITHIN THE MUNICIPAL CITY LIMITS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Davis** to approve Ordinance No. 3070 on First Reading.

MOTION

Jerrell Harris, Planning and Zoning Administrator, reviewed the purpose of the proposed ordinance.

Bonnie Larson, W 27th Street, made comments reference consistency in size of lettering when indicating the city in advertisements.

Nora Mahoney, 2120 Broadway, stated that the city needed to work with all entities that advertise for businesses i.e. the yellow pages to ensure that they too were printing Riviera Beach.

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

MOTION APPROVED

18. **ORDINANCE NO. 3071 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 1, SECTION 31-1 ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE VI, SECTION 31-547 ENTITLED "WALLS AND FENCES" BY REVISING CURRENT LANGUAGE AND ADDING NEW LANGUAGE REGULATING ELECTRIC FENCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Lowe** to approve Ordinance No. 3070 on First Reading.

MOTION

Jerrell Harris, Planning and Zoning Administrator, reviewed the purpose of the proposed ordinance. He stated that there would be modification to the definition of out door storage area and that the ordinance would include information regarding inspections.

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

MOTION APPROVED

19. **ORDINANCE NO. 3072 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" 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 "RECYCLING FACILITIES AND RECYCLING CENTERS"; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. **ITEM DISCUSSED OUT OF SEQUENCE**

Deputy City Clerk Anthony read the aforementioned into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Brooks** to approve Ordinance No. 3072.

MOTION

Jerrell Harris, Planning and Zoning Administrator, reviewed the contents of the proposed ordinance, the affected areas, the impact of the proposed ordinance, and the difference between recycling centers and recycling facilities.

Verdina Coleman, 1200 W 26th Street, stated that she was against having another scrap metal facility located within the city.

Ramsay Bulkeley, 515 N Flagler Drive, presented a number of complaints that were filed against the Trade Mark Recycling facility located in Opa Locka, FL.

Mary Brabham, 1564 W 9th Street, made comments reference elected officials being considerate of the desires of the residents and the welfare of the city.

Mike Mahoney, 2120 Broadway, made comments against the proposed ordinance.

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

Tina White, 808 W 1st Street, made comments reference including language that if businesses, which were grandfathered in, were sold the new owner would have to comply with current guidelines set forth in the proposed ordinance.

Audie Wilson, Sr, 1600 W 9th Street, inquired as to who would monitor the operations of the recycling facilities and the square footage of the facilities.

Lynne Hubbard, W 23rd Street, made comments against allowing recycling facilities within the city.

Jay Vertucci, Three Brothers Recycling, requested that the city council not approve the proposed ordinance.

Fane Lozman, Riviera Beach Marina, made comments reference Trade Mark Recycling being able to move forward with their plans for the property because the ordinance was being submitted after the submittal of their application.

Norma Duncombe, 3560 Lakeshore Drive, made comments reference funds expended for the contamination of the aquifer and that allowing the requested use would put the city in the same posture.

Gerald Ward, 31 W 20th Street, made comments reference the status of the applications submitted by Trade Mark Recycling and Three Brothers. He continued with comments reference the possibility of locating a retention pond on the property owned by Trade Mark Recycling.

Bettye Alexander Hodges, Harmony Heights, made comments against locating junkyard or recycling facilities within municipal boundaries.

Fred McWhite, 749 W 3rd Street, made comments reference the possible health hazards from recycling facilities.

Randy Graham, 1516 W 30th Street, made comments reference the possible health hazards for employees that work at recycling facilities or junkyards.

Margaret Shepherd, West Palm Beach, made comments reference the necessity for residents to continually express their point of views on issues that arise within the city.

Tyrone McCloud, 4661 Dyer Blvd, made comments in support of the proposed ordinance.

Al Malefatto, representing Trade Mark Recycling, made comments reference possible tax revenue that could be generated if their application was approved. He continued with comments regarding the possible effects of the proposed ordinance and the property rights of his clients.

Mark Mantooth, 400 N Ashley Drive, made comments regarding the effects of the proposed ordinance on future advancements.

Bobby Powell, Jr, 1442 W 32nd Street, gave a presentation on the negative effects of metal recycling facilities and the esthetics of such facilities. He continued with stating that the application was for a special exception which

had not been approved by the city council and should not be approved.

Nora Mahoney, 2120 Broadway, made comments reference possible proper uses for the property.

Jerrell Harris, Planning and Zoning Administrator, stated for the record the Planning and Zoning meeting scheduled for Thursday was called to order but was cancelled due to the lack of a quorum and that copies of the presentation was made available to members of the public that were present and that staff was available to answer questions. He also stated for the record that discussion should be regarding the proposed ordinance submitted by staff to prohibit scrap metal recycling and not the application submitted by Trade Mark Recycling.

There was a discussion amongst the city council and staff reference permitted uses on property located within General Industrial Districts and how the proposed ordinance effect the businesses located west of Military Trail.

Mayor Masters requested that the city manager explain how an overlay concept would affect the businesses located west of Military Trail.

City Manager Jones reviewed the purpose of an overlay and how an overlay would affect general industrial districts.

Jerrell Harris stated that the city council should approve the ordinance on first reading and staff would review the ordinance and address the concerns of the city council as it related to the timeframe in which repairs needed to be completed and incorporating an overlay.

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

MOTION APPROVED

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, Riviera Beach Marina, made comments reference releasing the city attorney and the marina director in order to retain firefighters that may be potentially laid off. He also continued with comments reference the amount of money being spent on the case involving the arrest of his house boat and a

current elected councilperson being fired for embezzling \$40,000.

Tina White, 808 W 1st Street, made comments reference a public records request she submitted to the City Attorney's Office requesting documentation provided by Robert Wright, Esq., the attorney hired to review the FPL franchise agreement.

Richard Wester, 331 W 23rd Street, made comments reference reviewing the distribution and utilization of credit cards issued by the city.

Marie Allsopp, 1921 Marsh Harbour Drive, expressed words of appreciation for efforts put forth by members of staff and elected officials in assisting the residents of Marsh Harbour. She continued with comments reference the increase in HOA and CDD fees and criminal activity within the development.

Judy Briggs, 2005 Nassau Drive, made comments reference various criminal activity within Marsh Harbour.

Mary Stenger, 1959 Freeport Drive, expressed words of appreciation to the elected officials and members of staff for their efforts in assisting the homeowners within Marsh Harbour.

Randy Graham, 1516 W 30th Street, made comments reference the workshop previously held to determine the process for selecting the candidate to fill the vacancy for District 3. He continued with comments reference the utilization of volunteers within various city departments.

Bonnie Larson, W 27th Street, made comments reference writing and obtaining grants for the city. She continued with comments reference the lack of property maintenance by developers within the city.

Tony Panuzzo, Atlantic Auto Discount, made comments reference the services provided by his employer.

Dan Doherty, 3855 N Ocean Drive, announced the next membership meeting for the Riviera Beach Civic Association would be held September 21st at 6:30 p.m. at Newcomb Hall.

Nora Mahoney, 2120 Broadway, requested that the Planning and Zoning Board Meetings be televised.

Mike Mahoney, 2120 Broadway, made comments reference complaints he made to the city but were not properly addressed and were going to be addressed in court.

Verdina Coleman, made comments reference the writing of grants and legal staff lacking municipal legal experience. She continued with comments reference the shoddy work provided by vendors hired to repair the sidewalks on 26th Street. She also made comments reference improvements being made to streets on which previously elected officials live.

Margaret Shepherd, West Palm Beach, apologized for her actions in previous meetings.

Angela Wynn, W 35th Street, made comments reference the statement made by the previous speaker. She continued with comments reference Mr. Thomas submitting a request of appointment to the vacancy on the City Council.

Gerald Ward, 31 W 20th Street, made comments reference the necessity for a project manager. He continued with comments reference a moratorium the city has in place that would expire November 30, 2009 and the necessity for coordination when scheduling meetings.

Fred Angelo, 2328 S Congress Avenue, made comments reference the potential effect of the adopted budget on current fire personnel.

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:

20. RESOLUTION NO. 120-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ARTHUR J. GALLAGHER & COMPANY – MIAMI TO PLACE THE APPROPRIATE COVERAGES; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE INSURANCE LIABILITY FUND ACCOUNT NO. 602-0539-5130-4501 UP TO THE AMOUNT OF \$2,214,445 TO ARTHUR J. GALLAGHER & CO. - MIAMI FOR RISK PACKAGE FIXED COSTS; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Davis** to approve Resolution No. 120-09.

MOTION

Paul White, Assistant City Manager reviewed the purpose of the proposed resolution.

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

MOTION APPROVED

21. **RESOLUTION NO. 121-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A BID TO ALL-SITE CONSTRUCTION INC., OF RIVIERA BEACH, FLORIDA, IN THE AMOUNT OF \$755,191.90 FOR THE REPLACEMENT OF THE FIRE SUPPRESSION SYSTEM, STORMWATER REPAIRS, SHOWER, RESTROOM AND LAUNDRY RENOVATION AND OTHER ITEMS IN THE RIVIERA BEACH MUNICIPAL MARINA BY PIGGYBACKING PALM BEACH COUNTY JOB ORDER CONTRACTING AGREEMENT #2007-0945; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE CITY MANAGER TO MAKE CHANGE ORDERS UP TO TEN PERCENT (10%); AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO ALL-SITE CONSTRUCTION INC. IN THE AMOUNT OF \$755,191.90 AND TO THE GORDIAN GROUP IN THE AMOUNT OF \$37,759.60 FROM THE PALM BEACH COUNTY WATER ACCESS GRANT ACCOUNT NO. 424-0000-543-6351; AND PROVIDING AN EFFECTIVE DATE.**

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

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Resolution No. 121-09.

MOTION

Ed Legue, Marina Director, reviewed the purpose the proposed resolution.

Councilperson Lowe stated that he would like to see more efforts put towards items that were sustainable and move the project for Newcomb Hall to phase 1 rather than expending funds for additional renovations.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Thomas** to postpone approval of the proposed resolution until the next Regular City Council Meeting.

MOTION TO POSTPONE

Gerald Ward, 31 W 20th Street, made comments on behalf of the Waterfront Advisory Board on the necessity of improvements mentioned in the resolution.

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

22. RESOLUTION NO. 122-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE APPOINTMENT OF DENTAL INSURANCE COVERAGE WITH CIGNA HEALTH INSURANCE COMPANY TO PROVIDE DENTAL 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 OF \$73,740.00 FOR DENTAL INSURANCE; PERIOD BEGINNING OCTOBER 1, 2009 – SEPTEMBER 30, 2011; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 122-09.

MOTION

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

23. RESOLUTION NO. 123-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE REBATE OF FUNDS FOR PROFESSIONAL SERVICES RELATED TO THE PLANNING AND CARRYING OUT OF THE REDEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. **ITEM DISCUSSED OUT SEQUENCE**

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

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 123-09.

MOTION

Jeffery Williams, Finance Director, reviewed cost the city incurs for administrative services provided to the Community Redevelopment Agency.

Gerald Ward, 31 W 20th Street, made comments reference the city requiring the CRA to pay for city services.

Tina White, 808 W 1st Street, made comments against the city requiring the CRA to pay for services provided by the city.

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

MOTION APPROVED

At this point the City Council continued with discussing Item No. 16.

BOARD APPOINTMENT(S):

24. MAYOR THOMAS A. MASTERS IS NOMINATING SAVANNAH G. YOUNG TO THE RIVIERA BEACH HOUSING AUTHORITY (RBHA).

Margaret Shepherd, West Palm Beach, made comments reference the meeting notice be posted outside instead of inside near the Utility Billing Department and that it should be advertised in the newspaper.

DISCUSSION BY THE CITY MANAGER:

City Manager Jones made comments reference her meeting with members of the City Council regarding the upcoming census count.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Councilperson Thomas expressed his appreciation to those who supported him during his tenure as well as his bid for the District 84 seat.

Chair pro tem Davis distributed a letter received requesting support for the Youth Build program and that the city's logo would appear on letters that would be mailed to businesses soliciting support. She announced that All-Site Construction would be paying for 25 employees to go on the Palm Beach Princess Cruise September 26th and that she would be paying for five employees.

Chairperson Pardo announced that she attended the Northern Palm Beach County Chamber of Commerce Meeting and the mayor represented the city well.

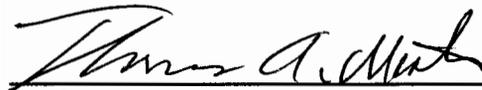
Mayor Masters announced that a job fair would be held on September 18th at 12 o'clock at Greater Bethel Primitive Baptist Church. He also announced that he would be meeting with the residents of Sonoma Bay on September 18th at 7:30 p.m.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 11:30 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

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
T. D. JOHNSON AYE

DATE APPROVED: 10/07/2009