

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, OCTOBER 7, 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.***

**Chairperson Pardo** read the Rules of Decorum into the record and stated that a copy was attached to the back of the agenda.

**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; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; 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 Attorney Ryan.

**AGENDA APPROVAL:**

**Additions, Deletions, Substitutions**

**City Manager Jones** made the following revisions to the agenda: added a resolution reference the appointment of Tonya Davis Johnson to the City Council and deleted No. 2 – Resolution reference the police complex.

## **Adoption of Agenda**

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Davis** to approve the agenda as amended.

**MOTION**

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

**MOTION APPROVED**

**RESOLUTION NO. 124-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA ANNOUNCING THE APPOINTMENT OF TONYA DAVIS JOHNSON TO FILL THE UNEXPIRED SEAT OF FORMER COUNCILPERSON CEDRICK THOMAS, CITY COUNCIL DISTRICT 3; COMMENCING OCTOBER 7, 2009, TO MARCH 9, 2010; AND PROVIDING AN EFFECTIVE DATE.**

**ITEM ADDED TO AGENDA**

**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. 124-09.

**MOTION**

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

**MOTION APPROVED**

At this point, City Clerk Ward proceeded with swearing in Tonya Davis Johnson as City Councilperson representing City Council District 3. City Clerk Ward presented Councilperson Johnson with the Florida Municipal Official's Manual and Robert's Rules of Order 10<sup>th</sup> Edition and announced that her Code of Ordinance book was in her office. She then stated Councilperson Davis Johnson should be seated on the dais.

**Verdenia Baker, Royal Palm Beach**, congratulated Councilperson Johnson on her appointment.

## **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 16, 2009.**

**RESOLUTIONS:**

2. **RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH THE ARCHITECTS DESIGN GROUP (ADG) OF WINTER PARK, FLORIDA FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES 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 DELETED~~**
3. **RESOLUTION NO. 125-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A REIMBURSEMENT AGREEMENT BETWEEN PALM BEACH COUNTY, CITY OF RIVIERA BEACH, AND THE NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION FOR FUNDING FOR BROOKS SUBDIVISION; AUTHORIZING THE MAYOR, CITY ATTORNEY, AND CITY CLERK TO EXECUTE THE REIMBURSEMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
4. **RESOLUTION NO. 126-09 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 INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY FOR CONTINUATION OF THE YOUTH VIOLENCE PREVENTION PROJECT IN THE AMOUNT OF \$423,512 WITH REQUIRED MATCHING FUNDS FROM THE CITY IN THE AMOUNT OF \$303,600 IN CASH; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.**
5. **RESOLUTION NO. 127-09 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; AND PROVIDING AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

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

**AWARDS AND PRESENTATIONS:**

- 6. PRESENTATION OF A PLAQUE TO DIAMONTE DOVE IN RECOGNITION OF WINNING THE RIVIERA BEACH PUBLIC LIBRARY'S CYBER MOBILE LOGO CONTEST.**

**Cynthia Cobb, Librarian**, stated that the recipient was not present.

- 7. PRESENTATION OF THE 2007-2008 FISCAL YEAR AUDIT FOR THE CITY OF RIVIERA BEACH.**

**Jeffery Williams, Finance Director**, gave a review of the 2007/2008 fiscal audit and stated that the final document would be posted on the city's website.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, made comments reference the fiscal stability of the city.

**Chair pro tem Davis** requested a workshop to discuss the findings in the audit.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Brooks** to schedule a workshop in 30 days to discuss the findings of the audit.

**MOTION**

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

**MOTION APPROVED**

**PUBLIC HEARINGS:**

**ORDINANCES ON SECOND READING:**

8. **ORDINANCE NO. 3070 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", BY ADDING NEW LANGUAGE REGULATING ADVERTISING WITHIN THE MUNICIPAL CITY LIMITS; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned Ordinance into the record and stated that it was advertised in the September 27, 2009 edition of the Palm Beach Post.

A motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to adopt Ordinance No. 3070.

**MOTION**

**Jerrell Harris, Planning and Zoning Administrator**, reviewed the contents of the ordinance.

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

**MOTION APPROVED**

9. **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 I, SECTION 31-1 ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE VI., ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", BY REVISING CURRENT LANGUAGE AND ADDING NEW LANGUAGE REGULATING ELECTRIC FENCES TO SECTION 31-547 ENTITLED "WALLS AND FENCES"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned Ordinance into the record and stated that it was advertised in the September 27, 2009 edition of the Palm Beach Post.

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to adopt Ordinance No. 3071.

**MOTION**

**Jerrell Harris, Planning and Zoning Administrator**, reviewed the contents of the ordinance.

**Mary Brabham, 1564 W 9<sup>th</sup> Street**, urged the City Council to adopt the proposed ordinance.

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

**MOTION APPROVED**

10. **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" 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 "RECYCLING FACILITIES AND RECYCLING CENTERS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned Ordinance into the record and stated that it was advertised in the September 27, 2009 edition of the Palm Beach Post.

A motion was made by **Councilperson Davis Johnson** and seconded by **Councilperson Brooks** to adopt Ordinance No. 3072.

**MOTION**

**Jerrell Harris, Planning and Zoning Administrator**, reviewed the contents of the ordinance and the General Industrial District zoning within the city.

**Bobby Powell, Jr., 1442 W 32<sup>nd</sup> Street**, made comments in support of the proposed ordinance.

**Fane Lozman, 200 E 13<sup>th</sup> Street**, made comments reference the Burt Harris Act.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, made comments reference the importance of communication amongst staff and the vendors who had submitted their application. He also made comments reference the acquisition of land listed in the Stormwater District's Comprehensive Plan.

**Norma Duncombe**, made comments in support of adopting the proposed Ordinance.

**Mary Brabham, 1564 W 9<sup>th</sup> Street**, urged the City Council to adopt the proposed ordinance.

**James Vortucci, 7081 49<sup>th</sup> Terrace**, made comments reference the proposed ordinance hampering recycling efforts within the city.

**Al Malefatto, representing Trademark Recycling**, made comments on behalf of his client regarding the city adopting an overlay for the businesses located west of Military Trail.

**Jerrell Harris, Planning and Zoning Administrator**, requested that the City Council adopt the ordinance and that staff would meet with the three businesses located west of Military Trail to start the overlay process.

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

**MOTION APPROVED**

**ORDINANCES ON FIRST READING:**

**NONE**

**COMMENTS FROM THE PUBLIC – 8:00 PM\*<sup>1</sup> – 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.*

**Dorothy McKinon, 1461 N Mangonia Dr**, made comments on the success of DOT’s Success Academy Saturday Morning Reading Program.

**JaDairea Rosier, 815 Grant Street**, expressed appreciation for the assistance the city provided to DOT’s Success Academy.

**Carlton Smith, 4420 N Shore Drive**, made comments reference how DOT’s Success Academy has helped him in school.

**Zyquireia Daniels, 815 Grant Street**, made comments reference how DOT’s Success Academy has helped her with her reading skills.

**Ken Burgess, 2030 Oakhurst Way,** made comments on behalf of DOT's Success Academy and how it has helped his children.

**Shahid Freeman, 7928 Piper Lane,** expressed words of appreciation to the City Council for their support of the DOT's Success Academy and announced the various organizations who have volunteered their time.

**Fane Lozman, Riviera Beach Marina,** read an article from the September 30<sup>th</sup> Palm Beach Sun regarding the arrest of his houseboat and continued with comments reference funds the city has expended reference the case involving the seizure of his houseboat.

**Mary Brabham, 1564 W 9<sup>th</sup> Street,** expressed words of appreciation for the City Council's support of the residents.

**Angela Wynn, W 35<sup>th</sup> Street,** made comments reference the need for restroom facilities at Bicentennial Park. She continued with comments reference the funds being spent on the case with Mr. Lozman.

**Jim Jackson, 1250 Sugar Sands Boulevard,** made comments reference the ineptness of the elected city officials.

**Marie Allsopp, 1921 Marsh Harbour Drive,** made comments reference the deplorable conditions of Marsh Harbour.

**Emilio Lois, 1948 Marsh Harbour Drive,** made comments reference his support for the city.

**Solomon Burgess, 1981 Freeport Drive,** made comments reference the efforts of the residents of Marsh Harbour in conjunction with the city to improve the conditions within the community and to make the developer responsible for their negligence.

**Gerald Ward, 31 W 20<sup>th</sup> Street,** made comments reference the standard general permit Ocean Mall received from the South Florida Water Management District which included two letters that committed the real estate interest of the city by CDEC. He continued with comments reference the meeting scheduled by Florida Department of Transportation on October 21<sup>st</sup> at 6:00 p.m.

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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. 128-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING 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'S 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.**

**City Clerk Ward** read the aforementioned Resolution into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** to approve Resolution No. 128-09.

**MOTION**

**Ed Legue, Marina Director**, reviewed the projects that were completed under the water access grant and the necessity for the repairs listed in the aforementioned resolution.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, stated that the proposed maintenance was overdue.

**Fane Lozman, 200 E 13<sup>th</sup> Street**, made comments reference the city having to refund grant funding if the marina was leased to Viking Yacht in the future. He also made comments reference funds being spent to acquire a new security company as a result of statements being made by customers who left or will be leaving.

**Norma Duncombe**, made comments reference the importance of ensuring that the operations of the marina were also efficient in conjunction with the necessary improvements.

**Ross Herring, Palm Beach County Facilities Department**, made comments reference how the marina was an asset to the city and the

for the city to move forward with presenting plans to the Palm Beach County Board of Commissioners because of the economic times.

**Chairperson Pardo** read a letter into the record she received from Palm Beach County Commissioner Jeff Koons. She also stated that she met with Florida House Representative David Rivera regarding stimulus funds and he stated that funding was available for Newcomb Hall as well as the Police Department if the green concept was utilized.

There was a consensus of the City Council directing staff to schedule a workshop for the presentation of the plans on the marina that will be presented to the Palm Beach County Board of Commissioners November 3<sup>rd</sup>.

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

**MOTION APPROVED**

**12. DISCUSSION: IMPLEMENTATION OF THE FURLOUGH POLICY.**

**Doretha Perry, Human Resources Director**, reviewed the information provided to the City Council reference the furlough policy. She stated that the information provided was a draft and the policy still needed to be approved by the unions.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, made comments reference the fiscal stability of the city and devising other ways of saving money.

**BOARD APPOINTMENT(S):**

NONE

**DISCUSSION BY THE CITY MANAGER:**

**City Manager Jones** stated that she would be providing a document to the City Council that would include possible dates for workshops and the discussion topic

**LEGAL DISCUSSION/REQUEST:**

**City Attorney Ryan** expressed words of appreciation to everyone who wore orange to show support for the elected officials and the elected officials showing support to staff by re-implementing the rules of decorum.

**DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:**

**Councilperson Lowe** announced that the Palm Beach County Literacy Coalition would be participating in Read for the Record and stated that there were entities

around the city that still needed someone to read the chosen book "The Very Hungry Caterpillar". The effort was to encourage early childhood literacy.

**Councilperson Davis Johnson** stated that she would be conducting listening tours for the residents of her district and the city as a whole. She stated that the first session would be held October 17<sup>th</sup> at 11:00 a.m. at Mt. Zion Missionary Baptist Church, 868 W 9<sup>th</sup> Street.

**Councilperson Brooks** welcomed newly appointed Councilperson Davis Johnson. She announced that John F. Kennedy received a C grade and stated that Inlet Grove was in need of volunteers.

**Chair pro tem Davis** welcomed newly appointed Councilperson Davis Johnson. She stated that an advertisement would be published for the vacancy on the Planning and Zoning Board as a result of the appointment of Ms Davis Johnson.

**Chairperson Pardo** expressed words of appreciation to Det. Galligan for the many years of service he provided to the community. She welcomed newly appointed Councilperson Davis Johnson.

**Mayor Masters** announced that the job fair would be held at the Medical Institute on 45<sup>th</sup> Street at 12:00 noon. He welcomed newly appointed Councilperson Davis Johnson. He continued with reading an email he sent to Governor Crist's office reference the governor's visit to Dr. Mary Mcleod Bethune Elementary School and the lack of notification and the proposed response received from Governor Crist's office.

## **ADJOURNMENT**

**There being no further business, the meeting was duly adjourned at 9:40 p.m.**

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

APPROVED:

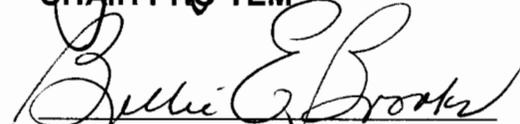
  
THOMAS A. MASTERS  
MAYOR

  
DAWN S. PARDO  
CHAIRPERSON

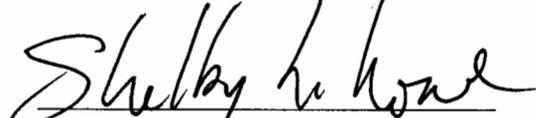
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
JUDY L. DAVIS  
CHAIR PRO TEM

  
BILLIE E. BROOKS  
COUNCILPERSON

  
TONYA DAVIS JOHNSON  
COUNCILPERSON

  
SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: J. Davis

SECONDED BY: T. Johnson

S. LOWE Sardy

B. BROOKS aye

J. DAVIS aye

D. PARDO aye

T. JOHNSON aye

DATE APPROVED: 10/21/2009