

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 21, 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; and Councilperson Tonya Davis Johnson. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Councilperson Lowe was tardy.

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 revisions to the agenda: corrections were made to No. 5 – Resolution reference accepting funds from the Department of Justice and No. 7 – Resolution reference agreement with Palm Beach County Criminal Justice Commission; deleted No. 8 - Resolution reference the Solid Waste Authority; and corrected forms for No. 11- appointment and reappointment for General Employees Pension Board.

Adoption of Agenda

A motion was made by **Councilperson Davis Johnson** 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

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 OCTOBER 7, 2009.**

RESOLUTIONS:

2. **RESOLUTION NO. 129-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE CONTRACT WITH THE ENGINEERING FIRM OF JORDAN, JONES AND GOULDING, INC. (JJG) FROM NOVEMBER 17, 2009 TO NOVEMBER 17, 2010; AND AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUNDS AND MAKE PAYMENTS NOT TO EXCEED \$90,000 FROM THE A1A BEAUTIFICATION FUND NO. 109-0716-541-3-6351; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 130-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF \$80,169 FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS UNDER THE JUSTICE ASSISTANCE GRANT PROGRAM; ALSO AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT AND THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.**
4. **RESOLUTION NO. 131-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING THE LEASE AND INSTALLATION OF ONE (1) MODULAR**

UNIT FOR THE YOUTH EMPOWERMENT CENTER FROM WILLIAMS SCOTSMAN, INC. THROUGH A PIGGY-BACK PURCHASE MADE BY NATIONAL JOINT POWERS ALLIANCE; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO WILLIAMS SCOTSMAN, INC. FROM EXPENDITURE ACCOUNT NO. 151-0202-569-2-3101; AND PROVIDING AN EFFECTIVE DATE.

5. RESOLUTION NO. 132-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF \$300,000 FROM THE DEPARTMENT OF JUSTICE AND AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO EXECUTE THE GRANT CONTRACT ON BEHALF OF THE CITY OF RIVIERA BEACH; ALSO AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.
6. RESOLUTION NO. 133-09 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 WITH GALLAGHER BASSETT SERVICES; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE INSURANCE LIABILITY FUND ACCOUNT NO. 602-0539-513-0-3101 UP TO THE AMOUNT OF \$94,998 FOR CLAIMS ADMINISTRATION; AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. 134-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION TO PROVIDE FUNDING IN THE AMOUNT OF \$100,000 FOR THE CONTINUATION OF THE WEED AND SEED PROGRAM THROUGH SEPTEMBER 30, 2010; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2009.

END OF CONSENT AGENDA

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

PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

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.*

Nora Mahoney, 2120 Broadway, suggested televising the Planning and Zoning Board meetings. She continued with supporting comments reference the renovation of Spanish Courts.

Angela Wynn, W 35th Street, announced that the Riviera Beach Civic Association meeting was scheduled for November 16th at 6:30 p.m. at Newcomb Hall.

Judy Briggs, 2005 Nassau Drive, made comments reference the current condition of Marsh Harbour and stated if she could afford it she would relocate.

Mike Mahoney, 2120 Broadway, made comments suggesting that local businesses should have the opportunity to provide services for Spring Bling 2010. He continued by stating that a sign was erected indicating a weapon's check on Broadway during Spring Bling and stated it remained in place after the event.

Mary Brabham, 1564 W 9th Street, made comments in support of the community meetings scheduled by Councilperson Davis Johnson. She also encouraged utilizing local vendors for Spring Bling activities.

Fane Lozman, Riviera Beach Marina, stated that he had a conversation with the state attorney's office regarding Councilperson Pardo having him escorted from a previous meeting by three police officers. He continued by stating his comments were related to an issue that occurred wherein city staff was involved and he then suggested dismissal of City Attorney Ryan and Assistant City Manager Shuttlesworth.

He was asked to discontinue his comments; and at that point Chairperson Pardo called for a recess at 8:33 p.m. She reconvened the meeting at 8:37 p.m.

Norma Duncombe, Lake Shore Drive, stated that the Town of Palm Beach Shores did not mention the amount of revenue they received from hotels located within their municipality during Spring Bling. She then provided the negative effect of disbanding the Community Redevelopment Agency. Ms. Duncombe concluded by asking which of the elected officials would forego one month of salary to assist with budget restraints.

Lynne Hubbard, 1405 W 23rd Street, stated that staff should be in a position to provide information on the local and minority business participation in the ocean mall project. She then commented on the current status of the renovation of Spanish Courts.

Zar Yassine, 2124 Broadway, stated that those individuals who consistently go against the efforts of the city should be silence. He continued with comments reference improving the appearance of Broadway.

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

Bonnie Larson, W 27th Street, inquired as to when old city hall would be demolished.

Lonnie Lovett, 670 W 36th Street, stated that there was a need to revitalize Spanish Courts. He then invited attention to continuous passing of notes on the dais during public meetings and stated that they become public information.

^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:

8. RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH; AND PERMITTING THE SOLID WASTE AUTHORITY TO RECEIVE AND PROCESS ALL CITY SOLID WASTE AND RECYCLABLE MATERIALS; FURTHER AUTHORIZING THE CITY TO RECEIVE PAYMENT FROM THE AUTHORITY AS A PART OF THE AUTHORITY'S REVENUE SHARE PROGRAM PERTAINING TO THE SALE OF PROCESSED RECYCLABLE MATERIALS; AND PROVIDING AN EFFECTIVE DATE. [REDACTED]
9. RESOLUTION NO. 135-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE CITY OF RIVIERA BEACH TO LOAN THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) AN AMOUNT NOT TO EXCEED \$10.4 MILLION TO BE PAID TO OCEAN MALL REDEVELOPMENT (OMRD) FOR THE CONSTRUCTION OF INFRASTRUCTURE, PARKING LOT, AND BEACH IMPROVEMENTS AT THE OCEAN MALL AND ESTABLISHING A REPAYMENT SCHEDULE AND INTEREST RATE; 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 **Chair pro tem Davis** to approve Resolution No. 135-09.

MOTION

Jeffery Williams, Finance Director, reviewed the backup information provided for the resolution, and stated the city was in a position to make such loan to the CRA for the construction of infrastructure, parking lots and beach improvements at the ocean mall site. He then discussed the terms for repayment and stated upon completion, the city council would be provided with additional information.

Carl Booth, 2112 S Congress Avenue, stated opposition to the proposed loan during budget restraints on behalf of the union representing general employees.

Lynne Hubbard, 1405 W 23rd Street, made comments reference the lack of local participation in the completion of the ocean mall project.

Fane Lozman, Riviera Beach Marina, made comments against approving the proposed resolution.

Norma Duncombe, Lake Shore Drive, made comments reference the lack of local participation in the completion of the ocean mall project.

Joey Eichner, Catalfulmo, at the request of Councilperson Davis, stated that there was a community benefit program which included minimum local and minority businesses to be hired and receive contracts for the project. He stated that on several occasions presentations were made outlying the details indicating they had exceeded the minimum requirements.

Chair pro tem Davis requested that a forum be held to assist businesses with obtaining what is necessary in order to get a contract for the project.

Councilperson Davis Johnson requested that she be provided with information on the community benefit program as it relates to the project, also the number of local and minority participants in the project.

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

MOTION APPROVED

10. **DISCUSSION: CITY COUNCIL TO APPROVE INVITATION TO BLACK ENTERTAINMENT TELEVISION FOR SPRING BLING 2010.**

Assistant City Manager Shuttlesworth stated that this was a request to invite Spring Bling 2010 to the city and that included in the package was a request from the city manager of Palm Beach Shores to include them on the application the city would submit to the county for funding to cover the additional costs they incur for security.

Chuck Elder, Palm Beach County Film & Television Commission, stated that Black Entertainment Television submitted a request to return to the city for a third year and that there was no obligation on the city's behalf to approve the invitation or accept BET's request.

Bonnie Larson, W 27th Street, stated the company should be required to pay a fee to utilize the beach for such an event of this type.

Angela Wynn, W 35th Street, wanted to know the city's benefit by hosting Spring Bling on the beach.

Norma Duncombe, Lake Shore Drive, made comments in support of the city hosting Spring Bling in the city.

Rodney Roberts, 1581 W 14th Street, made comments in support of hosting Spring Bling in the city. He continued encouraging activities available after the event.

The Town Manager of Palm Beach Shores stated that the town incurs additional traffic flow and problems with attendees parking in the driveways of its residents and links to the additional security costs. She stated that Palm Beach Shores was requesting to have its cost included on the grant application.

A detailed discussion ensued regarding vendor's participation; however the city council decided to follow up with a discussion at a later date.

A motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to approve the invitation from Black Entertainment Television for Spring Bling 2010.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT(S):

11. REQUEST CITY COUNCIL TO APPOINT OR RE-APPOINT A MEMBER TO THE GENERAL EMPLOYEES PENSION BOARD.

A motion was made by **Councilperson Lowe** and seconded by **Chair pro tem Davis** to reappoint Gladys Darville to the General Employees Pension Board.

MOTION

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

MOTION APPROVED

DISCUSSION BY THE CITY MANAGER:

City Manager Jones announced the following scheduled workshops: October 22nd in the City Council Chambers to discuss the marina's presentation before Palm Beach County Commissioners; November 2nd at 5:00 p.m. discuss the 2008 audit recommendations; November 5th at 6:00 pm discuss the capital budget and projects; and November 17th union negotiation process.

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan requested a Closed Executive Session for November 5th at 5:00 pm.

There was a consensus of the City Council to schedule a Closed Executive Session November 5th at 5:00 p.m.

City Attorney Ryan read into the record the following attendees for the session: Mayor and City Council, City Attorney Ryan, and either Lonniell Olds or Don Stephens.

Chairperson Pardo requested that City Attorney Ryan clarify a previous statement she made of the frequency in which Mr. Lozman files motions against the city.

City Attorney Ryan stated that her comments are not always literal but she wanted it to be known about the frequency of which Mr. Lozman files motions against the city. She continued with comments regarding a request from a member of the public reference a document created by outside counsel in preparation of possible litigation with Florida Power Light. She stated that a copy of the document had not been provided but she needed direction from the City Council as to whether or not they were considering going into litigation. She stated that she would have the outside counsel to schedule a day to meet with each councilperson individually and a determination could be made after the meetings as to whether or not a workshop should be scheduled.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chair pro tem Davis inquired as to when old city hall would be demolished. She requested that City Attorney Ryan provide an update regarding the concerns of the residents of Marsh Harbour.

An update was provided by City Attorney Ryan and City Manager Jones in which they stated they met with the residents and felt they were provided with information to guide them in the right direction concerning their community issues.

Councilperson Brooks stated that Inlet Grove High School was seeking individuals to sign up as business partners to volunteer in the necessary areas. She then asked the attorney to provide her with the amount of funds spent in cases involving Fane Lozman.

Councilperson Davis Johnson expressed appreciation for those who attended the first listening tour she scheduled at Mt. Zion Missionary Baptist Church and stated it was positive and she felt excited about the flow of information. She then stated that another one was scheduled for October 31st with the location to be announced. She asked if there was a monitoring process in place for the various signs erected throughout the city; and that if we are attempting to maintain consistency, the signs should not remain unsystematically placed throughout the

city. She also requested that the city manager provide her vision for the city and the city council's vision so that efforts could be made to move the city forward. The city manager stated that she would provide to Councilperson Davis Johnson the vision statement and the conclusion of the retreat held in the past year with the elected officials and city department directors.

Chairperson Pardo provided an update of the activities at the Saturday Morning Reading Program. She inquired about training being provided for employees.

Councilperson Lowe stated that as elected officials, they needed to stay mindful of the goals and priorities put in place when demands are constantly being placed on the limited staff that the city has available.

City Manager Jones stated that she had a customer service training plan that would be provided to the city council prior to being implemented.

Mayor Masters announced that a pink party would be held at RJ's Restaurant and Lounge on October 23rd in recognition of Breast Cancer Awareness Month. He announced that representatives for the US Census Bureau would be at city hall on October 22nd at 8:30 to provide an application test; he stated that a practice test was available on www.2010censustest.gov. He announced that the Solid Waste Authority was hiring for their new program Renewable Energy Facility Refurbishment Project.

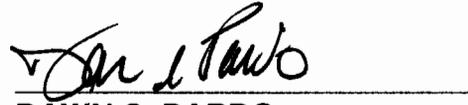
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:50 p.m.

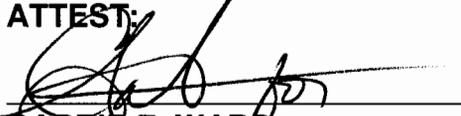
PLEASE NOTE: A COMPLETE RECORDING AND PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.

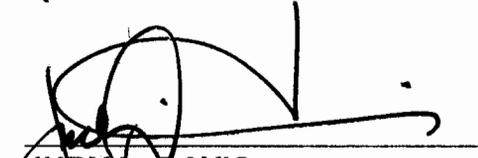
APPROVED:


THOMAS A. MASTERS
MAYOR

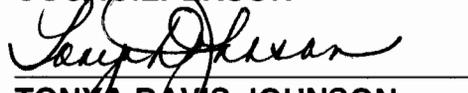

DAWN S. PARDO
CHAIRPERSON

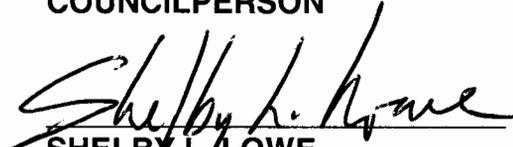
ATTEST:


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: T. Johnson
SECONDED BY: J. Davis

D. PARDO aye
J. DAVIS aye
B. BROOKS aye
T. JOHNSON aye
S. LOWE aye

DATE APPROVED: 11/04/2009