

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 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 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 Tonya Davis Johnson; 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 Mayor Masters.

AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Jones stated the following typographical corrections were made to the agenda: No. 10 – corrected to read presentation and No. 13 – corrected to statutes. She stated that a corrected fiscal impact sheet was provided for No. 15 – Resolution reference Pittman Law Group; and deleted No. 17 – Resolution reference policies and procedures. Ms Jones stated that corrected correspondence was provided from Councilperson Lowe for No. 18 – update on road projects.

Chairperson Pardo added 12A – presentation by Mayor Masters.

Disclosure By Council

(If any Council Member has anything to disclose regarding any item on the Agenda, please do so at this time)

Councilperson Davis Johnson stated that she would be abstaining from voting on No. 8 – resolution reference the Criminal Justice Commission on the Consent Agenda and requested that the record reflect same.

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 FROM THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 18, 2009
2. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 2, 2009.

RESOLUTIONS:

3. RESOLUTION NO. 159-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY CLERK TO NOTICE AND PREPARE FOR THE GENERAL MUNICIPAL ELECTION; AND A SPECIAL ELECTION TO BE HELD TUESDAY, MARCH 9, 2010; AND RUN-OFF ELECTIONS IF NECESSARY, TUESDAY, MARCH 23, 2010. ALL ELECTIONS SHALL BE HELD WITHIN THE MUNICIPAL

BOUNDARIES OF THE CITY BETWEEN THE HOURS OF 7:00 AM UNTIL 7:00 PM TO FILL THE EXPIRED SEATS TO WIT: CITY COUNCIL DISTRICT TWO (2); CITY COUNCIL DISTRICT FOUR (4); AND FOR SUCH SPECIAL ELECTION CITY COUNCIL DISTRICT THREE (3); RESPECTIVELY; PROVIDING FOR THE USE OF VOTING EQUIPMENT; PROVIDING BALLOTS, ABSENTEE BALLOTS, AND PROVISIONAL BALLOTS IN SUCH ELECTIONS; APPOINTING A CITY OF RIVIERA BEACH CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION NO. 160-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 241-09 FOR THE DEMOLITION OF THE "OLD CITY HALL" TO THE BG GROUP, LLC, A CERTIFIED MINORITY BUSINESS ENTERPRISE LOCATED IN BOCA RATON, FLORIDA, THE LOW RESPONSIVE AND RESPONSIBLE BIDDER IN THE AMOUNT OF \$23,850.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES AGREEMENT AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE APYMENTS FROM ACCUNT #001-1128-519-0-4602; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS IN AMOUNT NOT TO EXCEED 10% OF THE CONTRACT AMOUNT; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. 161-09 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 WORKFORCE ALLIANCE, INC., TO PERMIT THE CITY OF RIVIERA BEACH TO PROVIDE WORK EXPERIENCE FOR PARTICIPANTS WITHOUT COMPENSATION TO THE CITY; AND PROVIDING AN EFFECTIVE DATE.

DEFERRED FOR DISCUSSION

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. 161-09.

MOTION

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

MOTION APPROVED

6. RESOLUTION NO. 162-09 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 TO CONTINUE TO PROVIDE POLICE

SERVICES TO THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA); AUTHORIZING THE FINANCE DIRECTOR TO ACCEPT FOUR EQUAL PAYMENTS IN THE AMOUNT OF \$46,303.10 FOR THE 2010 FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.

7. **RESOLUTION NO. 163-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT ON BEHALF OF THE CITY OF RIVIERA BEACH, AN APPLICATION TO PALM BEACH COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ROADWAY RECONSTRUCTION IN THE AMOUNT OF \$310,000 FOR FISCAL YEAR 2010-2011; AND PROVIDING AN EFFECTIVE DATE.**

8. **RESOLUTION NO. 164-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE INTERLOCAL AGREEMENT FROM PALM BEACH COUNTY – OFFICE OF CRIMINAL JUSTICE COMMISSION IN THE AMOUNT OF \$168,000 FOR FISCAL YEAR OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

9. **RESOLUTION NO. 165-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 243-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH ALL-SITE CONSTRUCTION, INC., OF RIVIERA BEACH, FLORIDA FOR DRAINAGE IMPROVEMENTS TO GULFSTREAM WAY AND LONE PINE ESTATES IN THE AMOUNT OF \$39,525; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO TEN PERCENT (10%); AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 460-1127-541-0-6351; AND PROVIDING AN EFFECTIVE DATE.**

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 City Clerk Ward, the motion was approved with Councilperson Davis Johnson abstaining from voting on No. 8.

MOTION APPROVED

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING:

AWARDS AND PRESENTATIONS:

10. **PRESENTATION TO RIVIERA BEACH OFFICER BRIAN DeSANTIS BY COUNCILWOMAN BILLIE E. BROOKS ON BEHALF OF THE MAYOR AND CITY COUNCIL.**

Councilperson Brooks presented Officer DeSantis with an award of appreciation as he prepares to return for a second tour in Iraq.

Officer DeSantis expressed words of appreciation.

11. **PRESENTATION BY GEORGE CARTER, PRESIDENT, RIVIERA BEACH MARITIME ACADEMY GIVING AN UPDATE ON THE YOUTH BUILD PROGRAM.**

Donald Gibson, Youth Build Program Director, and participants in the program made comments reference the positive effects of the Youth Build Program. The participants were presented with their first pay check.

12. **PRESENTATION OF THE CITY OF RIVIERA BEACH INFILL HOUSING PROGRAM REVIEW AND ANALYSIS BY MR. ARNOLD BROUSSARD.**

Mr. Broussard presented his report of the Infill Housing Program.

Gerald Ward, 31 W 20th Street, stated that the City Council should review the 2004 and 2007 failure to fund the MEAHOP program. He made comments reference the lack of accountability by the Community Development Department and the necessity for a project manager.

There was a consensus of the City Council to schedule a workshop to further discuss the findings in the report provided by Mr. Broussard.

- 12A. **PRESENTATION BY MAYOR MASTERS TO MIKE AND NORA MAHONEY OF DEE'S T-SHIRTS**

Mayor Masters presented a Certificate of Appreciation to Mr. & Mrs. Mike Mahoney, owners of Dee's T-shirts, for their efforts in spreading holiday cheer by way of decorating their store front located on Broadway.

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

13. **ORDINANCE NO. 3074 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2010 THROUGH 2014, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** to adopt Ordinance No. 3074.

MOTION

Jeff Williams, Finance Director, summarized the changes in the capital budget from prior years.

Gerald Ward, 31 W 20th Street, made comments reference the objections the Department of Community Affairs rendered on the Evaluation and Appraisal Report.

Councilperson Lowe read his letter into the record reference various options the city council had as it related to the expenditure of capital funds.

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Lowe dissenting.

MOTION APPROVED

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.*

Norma Duncombe stated that she was pleased with the suggestions made during the budget workshop as it related to how the city could save money. She

stated that it was not necessary to wait until the next fiscal year to implement changes and that the City Council should consider limiting the number of trips taken.

Margaret Shepherd, West Palm Beach, made comments reference the efforts put forth by the City of West Palm Beach to move forward with their redevelopment projects.

Nora Mahoney, 2120 Broadway, expressed words of appreciation for the award received earlier. She made comments reference a percussion event hosted by Suncoast High School that was positive for the youth of the community.

Michael Mahoney, 2120 Broadway, expressed words of appreciation for the award received earlier. He made comments reference the percussion event hosted by Suncoast High School which featured some of the actors from the movie Drumline.

Vivian Havener, 245 E 25th Street, expressed appreciation to the city council and city administration for the efforts forth during the year to move the city forward. She wished everyone a happy holiday.

Angela Wynn, W 35th Street, announced that the next meeting for the Riviera Beach Civic Association would be held in January 2010. She inquired as to whether or not the letter she submitted was being assessed.

Bonnie Larson, W 27th Street, stated that there needed to be a point person to which comment cards are handed so that they would not be misplaced. She requested that a marquee be placed along Blue Heron Boulevard advertising the various meetings. Ms Larson stated that it was necessary for street signs be placed on the corners of each street and numbers properly displayed on commercial and residential buildings.

Solomon Burgess, expressed appreciation for the meeting held with the developer and residents of Marsh Harbour and city staff.

Gerald Ward, 31 W 20th Street, made comments reference the necessity for re-districting because of the population growth within the city. He continued with comments reference the lack of an agenda and backup information for the workshop scheduled for December 17th regarding Bicentennial Park

Public Comments shall begin at 8:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 8:00 PM, then public comments shall begin immediately after the item has been concluded.

REGULAR:

14. **RESOLUTION NO. 166-09 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 NUMBER 1 TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING OF THE EXPANSION AND RENOVATION OF THE RIVIERA BEACH MARINA AND INCLUDE THE REVISED EXHIBIT A AND EXHIBIT C, AND COUNTY REVISIONS TO SECTION 4.05 SPECIFYING THE REIMBURSEMENT REQUIREMENTS IN THE CASE OF LEASE OR CONTROL CHANGES; AND AUTHORIZING THE FINANCE DIRECTOR TO REVISE THE BUDGET FOR THE CITY OF RIVIERA BEACH MARINA EXPANSION PROJECT IN THE AMOUNT OF \$5,000,000 AS PROVIDED IN THE REVISED EXHIBITS; 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. 166-09.

MOTION

Nora Mahoney, 2120 Broadway, inquired to why members of the city council would not be signing the agreement mentioned in the resolution.

Gerald Ward, 31 W 20th Street, made comments reference the lack of documentation of the communication with county staff. He continued with comments reference the necessity for a project manager.

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

MOTION APPROVED

15. **RESOLUTION NO. 167-09 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 BETWEEN THE CITY OF RIVIERA BEACH AND PITTMAN LAW GROUP P.L. TO PROVIDE LOBBYIST REPRESENTATION AT THE STATE LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH; COMPENSATION SHALL BE \$5,000 PER MONTH FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$45,000 FROM ACCOUNT NO. 001-0203-519-0-3406 ORIGINALLY BUDGETED FOR MARKETING TO THE PROFESSIONAL – OTHER, ACCOUNT NO. 001-0203-5190-3106; 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. 167-09.

MOTION

A discussion was held amongst the City Council and Ben Guy, Purchasing Director reference the evaluation process of the submitted proposals.

Ron Book, 206 W Jefferson Street, made comments in support of the proposed resolution.

Gerald Ward, 31 W 20th Street, made comments against the exhibits attached to the contract, wording within the document, and encumbering funds for future contract payments.

Bonnie Larson, W 27th Street, stated that the committee consisted of four individuals not three and that she was not aware of a vendor being hired without an oral presentation.

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

MOTION APPROVED

16. **RESOLUTION NO. 168-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE GENERAL TERMS AND CONDITIONS, SPECIAL CONDITIONS, SCOPE OF SERVICES AND TECHNICAL SPECIFICATIONS FOR CITY OF RIVIERA BEACH RFP NO. 246-09 FOR THE ANNUAL FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AUTHORIZING THE PURCHASING DIRECTOR TO SOLICIT OFFERS FOR SAME FROM QUALIFIED PROVIDERS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record and stated that a draft was available on the Purchasing Department's website.

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to approve Resolution No. 168-09.

MOTION

Chairperson Pardo read a letter into the record received from Waste Management requesting postponing approval of the aforementioned resolution.

Robert Hopper, representing Waste Management, stated that the request for postponement was withdrawn. He stated that he was

authorized to state on behalf of the company that in the event the process took longer than anticipated, the company would continue to provide services without any change in the rate should the city need additional time to complete the process to the satisfaction of the city council.

Gerald Ward, 31 W 20th Street, made comments reference the lack of signatures from various departments. He stated that the complete draft document was not provided in all agenda packages.

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

MOTION APPROVED

17. **RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING POLICIES AND PROCEDURES FOR CONTRACT COMPLIANCE, FIXED ASSETS, AND PROCUREMENT CARD POLICIES AND PROCEDURES AS PHASE ONE TO BE FOLLOWED BY THE CITY OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE. [REDACTED]**
18. **DISCUSSION: COUNCILMAN SHELBY L. LOWE WILL DISCUSS ROAD PROJECTS IN THE CITY APPROVED BY THE METROPOLITAN PLANNING ORGANIZATION'S (MPO).**

Councilperson Lowe reported on the road projects within the city approved by the MPO, their start date, and the amount of funding.

Gerald Ward, 31 W 20th Street, made comments reference the necessity to have a staff member attend MPO meetings and other meetings attended by elected officials for the purpose of taking notes.

BOARD APPOINTMENT(S):

NONE

DISCUSSION BY THE CITY MANAGER:

City Manager Jones reminded the City Council of the workshop scheduled for December 17th. She requested that the mayor and city council take a poinsettia located in front of the dais after the meeting.

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan reported on the issue between the city and Palm Beach County School Board as it related to the traffic concurrency for the new high

school. She also stated that the city council would receive a copy of the procurement ordinance for their review on Thursday.

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Mayor Masters announced that the Census Bureau would be testing at city hall on Thursday, December 17th and a job fair would be held Friday, December 18th at Spinnaker Landing, beginning at 12 noon.

Councilperson Lowe requested an attendance record for the members of the Planning and Zoning Board. Councilperson Lowe read his letter into the record reference the city council hearing a presentation from jazz artist Bob Baldwin.

Councilperson Davis Johnson expressed appreciation to everyone that participated in the Southside Coalition cleanup effort.

Councilperson Brooks expressed words of appreciation to the Youth Recreation Association for their sponsorship of the Thanksgiving Dinner held at Villa Rosa. She expressed appreciation to Chief of Police Williams and his staff for their presentation at the 26th Street Homeowner's Association meeting held December 15th.

Chair pro tem Davis stated that there were residents in the city that had West Palm Beach zip codes and it was important that someone was available to communicate with staff members of the Census Bureau to inform them of this scenario. She requested that residents within her district, who were interested in serving on the Planning and Zoning Board, submit their letter of interest and resume to her office. Chair pro tem Davis stated that she provided an evaluation tool that could possibly be utilized for the city manager's evaluation and that the workshop scheduled for December 17th was the last meeting before her evaluation was due.

There was a consensus of the City Council, with the city manager agreeing, to complete the evaluation of the city manager after the beginning of the New Year.

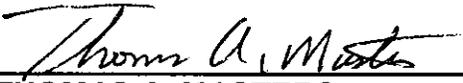
City Manager Jones reminded the city council that the evaluation would be based upon benchmarks set forth by the city council. She requested to review the document prior to the evaluation to ensure that it was reflective of her work.

Roseanne Brown, Chief of Staff, summarized the outcome of the venture that took place December 11th to Washington D.C. by the mayor, the city manager, the chief of police, herself, and members of the community as it related to eliminating youth violence within the city.

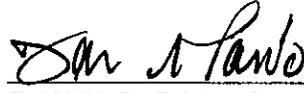
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:02 p.m.

APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

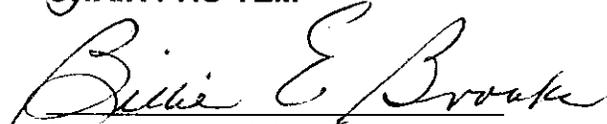
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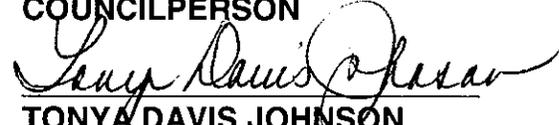
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



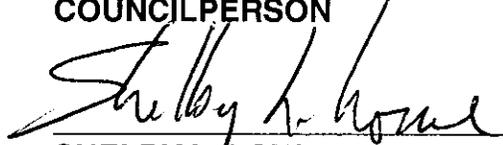
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON

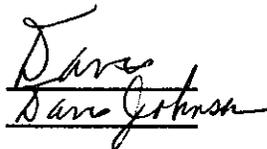


TONYA DAVIS JOHNSON
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY:
SECONDED BY:



Dave Johnson

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

DATE APPROVED: 01/06/2010

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 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; Chair pro-tem Judy L. Davis; Councilperson Billie E. Brooks; Councilperson Tonya Davis Johnson; and Councilperson Shelby L. Lowe. Also present were: City Manager Ruth Jones; City Clerk Carrie E. Ward, MMC, and City Attorney Pamala H. Ryan.

Chairperson Dawn S. Pardo was tardy.

Invocation/Pledge of Allegiance

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

AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Jones stated that No. 4A – Resolution reference interlocal agreement with Palm Beach County was listed as an addition however, it was included in agenda books. She continued with deleting No. 8 – Resolution reference A+ Playground and No. 10 – Resolution reference policy procedures.

Adoption of Agenda

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Davis Johnson** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

DISCLOSURE BY COUNCIL

(If any Council Member has anything to disclose regarding any item on the Agenda, please do so at this time)

NONE

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:

NONE

RESOLUTIONS:

1. **RESOLUTION NO. 151-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF FOURTEEN (14) POLICE VEHICLES; AND AUTHORIZING THE PURCHASE OF SAID VEHICLES FROM GARBER FORD MERCURY OF GREEN COVE SPRINGS, FLORIDA THROUGH FLORIDA SHERIFF'S BID #09-17-0908 AND STATE CONTRACT 071-000-10-1; AND AUTHORIZING THE PURCHASE OF VEHICLE GRAPHICS FROM GRAPHIC DESIGNS INTERNATIONAL; AND AUTHORIZING THE FINANCE DIRECTOR TO PAY \$312,054 TO GARBER FORD MERCURY, INC. AND \$3,524 TO GRAPHIC DESIGNS INTERNATIONAL FROM THE POLICE DEPARTMENTS MOTOR VEHICLE ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.**

NO SEPARATE DISCUSSION

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Davis Johnson** to approve Resolution No. 151-09.

MOTION

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

MOTION APPROVED

2. **RESOLUTION NO. 152-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE 2010 DR. MARTIN LUTHER KING, JR. BUDGET AND ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.**
3. **RESOLUTION NO. 153-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF DENISE AND WARREN BAKER VS. THE CITY OF RIVIERA BEACH, CASE NO. 502008 CA028069XXXMBAF; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF \$40,000 AS COMPLETE SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.**
4. **RESOLUTION NO. 154-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE GRANT ASSISTANCE AGREEMENT ON BEHALF OF THE CITY OF RIVIERA BEACH ACCEPTING FUNDS IN THE AMOUNT OF \$159,300 FROM THE DEPARTMENT OF ENERGY, OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY UNDER THE ENERGY EFFICIENCY CONSERVATION BLOCK GRANT PROGRAM OVER A THREE YEAR PERIOD COMMENCING OCTOBER 1, 2009 – SEPTEMBER 30, 2012; AND AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.**
- 4A. **RESOLUTION NO. 155-09 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NUMBER 1 TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING OF THE EXPANSION AND RENOVATION OF THE RIVIERA BEACH MARINA AND INCLUDE THE REVISED EXHIBIT A AND EXHIBIT C; AND COUNTY REVISIONS TO SECTION 4.05 SPECIFYING THE REIMBURSEMENT REQUIREMENTS IN THE CASE OF LEASE OR CONTROL CHANGES; AUTHORIZING THE FINANCE DIRECTOR TO REVISE THE BUDGET FOR THE CITY OF RIVIERA BEACH MARINA EXPANSION PROJECT IN THE AMOUNT OF \$5,000,000 AS PROVIDED IN THE REVISED EXHIBITS; AND PROVIDING AN EFFECTIVE DATE.**

ITEM PULLED FOR DISCUSSION

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Lowe** to approve Resolution No. 155-09.

MOTION

Councilperson Davis Johnson made a request requested to direct the city attorney to address clarity of the language in the contract with assistant county attorney, Howard Falcon regarding if the city no longer operated the marina it was responsible for repaying the funds and had to seek permission from the county.

City Attorney Ryan requested that the City Council provide clear and concise direction on how they wanted to proceed with the agreement.

Gerald Ward, 31 W 20th Street, stated that the language in Section 4.05 in the contract needed to be clarified.

A motion was made by **Councilperson Davis Johnson** and seconded by **Councilperson Brooks** to table approval of Resolution No. 155-09 until clarification was obtained to resolve the concerns.

MOTION TO TABLE

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

MOTION APPROVED

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

AWARDS AND PRESENTATIONS:

- 5. PRESENTATION BY GEORGE CARTER, PRESIDENT, RIVIERA BEACH MARITIME ACADEMY TO GIVE AN UPDATE AND REPORT OF THEIR STUDENT'S RECENT VISIT TO LEAGUE OF CITIES.**

Alexander Thompson, Senior at Riviera Beach Maritime Academy, reported on his visit to the National League of Cities in San Antonio, Texas.

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

6. **ORDINANCE NO. 3073 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 2008 CITIZENS' MASTER PLAN INCLUDING AMENDMENTS TO THE MAP SERIES, THE TEXT OF THE FUTURE LAND USE, INFRASTRUCTURE, RECREATION, OPEN SPACE 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.**

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the November 4 & 22, 2009 edition of the Palm Beach Post.

A motion was made by **Councilperson Davis Johnson** and seconded by **Chair pro tem Davis** to approve Ordinance No. 3073 on First Reading.

MOTION

Jerrell Harris, Planning and Zoning Administrator, reviewed the backup information provided for the proposed ordinance and stated that upon approval the document would be submitted to the Department of Community Affairs for review and then presented to the City Council for final adoption.

Anthea Gianniotis, Treasure Coast Regional Planning Council, reviewed the suggested changes to the comprehensive plan.

Mike Mahoney, 2120 Broadway, stated that at a previous Planning and Zoning Board Meeting it seemed as though the sitting board did not have the opportunity to view plans by the Department of Transportation. He stated that the plans should be provided prior to final approval of the comprehensive plan so that possible parking along Broadway could be incorporated.

Martin Murphy, 1124 Avenue C, stated that proposed changes to the language for working waterfront addresses his needs with the exception of the language pertaining to construction related work therefore he was opposing the plan as presented. He requested that the property on which his business is located be designated as industrial.

Gerald Ward, 31 W 20th Street, stated that correspondence was provided outlining his concerns with the plan as presented and that there was no sheet in the back for interested parties to sign. He suggested that the City Council table approval of the ordinance on first reading.

Jerrell Harris, Planning and Zoning Administrator, requested that the amendments presented also be inclusive with approval of the ordinance on first reading.

An amended motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to include Exhibit 1 as part of the ordinance presented.

AMENDED MOTION

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

MOTION APPROVED

7. **ORDINANCE NO. 3074 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT, WITH THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2010 THROUGH 2014, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by **Chair pro tem Davis** and seconded by **Councilperson Davis Johnson** to approve Ordinance No. 3074 on First Reading.

MOTION

Jeffery Williams, Finance Director, reviewed the capital project plan.

Councilperson Davis Johnson requested a report from the city's federal lobbyist on various funding sources being sought on behalf of the city.

Councilperson Lowe stated for the record, he was not in agreement with the order in which the articles were prioritized.

A consensus of the remainder of the City Council was in agreement with the prioritization as presented.

Gerald Ward, 31 W 20th Street, stated that the city was regressing as to the timeliness of the capital project. He stated that administration needed to be more apt in planning ahead.

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Lowe dissenting.

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.*

Bonnie Larson, W 27th Street, inquired as to the date for the demolition of old city hall. She then stated the city cites property owners for non-compliance but there were city owned properties that were non-compliant and the Schooner Lounge property was in disrepair.

Mike Mahoney, 2120 Broadway, stated public access was restricted on 21st Street to the waterfront by Viking Yachts. He continued regarding code violations on properties located along Broadway.

Nora Mahoney, 2120 Broadway, inquired as to if the city would be hanging holiday decorations. She announced that a neighborhood association grant was available through Palm Beach County for neighborhood improvements and that the Kiwanis Club had scholarships available.

Khem Salipot, 242 Bayberry Drive, made comments reference the positive effects of the Youth Build Program.

Gerald Ward, 31 W 20th Street, announced that the moratorium for docks and piers had expired, and the necessity for having a contract manager on staff.

Public Comments shall begin at 8:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 8:00 PM, then public comments shall begin immediately after the item has been concluded.

REGULAR:

8. **RESOLUTION NO. 156-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING BID NO. 242-09 FOR THE PURCHASE AND INSTALLATION OF A PLAY STRUCTURE FOR BICENTENNIAL PARK TO "A+ PLAYGROUNDS" OF JACKSONVILLE, FLORIDA, BEING THE LOW RESPONSIVE AND RESPONSIBLE BIDDER IN THE AMOUNT OF \$43,689.50; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED MATERIALS AND INSTALLATION AGREEMENT WITH "A+ PLAYGROUNDS"; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM ACCOUNT NO. 310-1234-572-6-6351; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS NOT TO EXCEED THE AMOUNT OF 10% OF THE TOTAL CONTRACT AMOUNT; FURTHER AUTHORIZING STAFF TO MODIFY THE APPROVED MASTER SITE PLAN BY EXCHANGING THE APPROVED PLAYGROUND SITE WITH AMPHITHEATER LOCATION TO PROVIDE NATURAL SHADE FOR THE CHILDREN PLAY AREA, INCREASED SEATING CAPACITY AND A CENTRALIZED LOCATION FOR THE AMPHITHEATRE; AND PROVIDING AN EFFECTIVE DATE.**

REMOVED

9. **RESOLUTION NO. 157-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE AND INSTALLATION OF SITE FURNISHING FROM WABASH VALLEY BY PIGGYBACKING OFF VOLUSIA COUNTY SCHOOL BOARD BID #CL-908KP IN THE AMOUNT OF \$14,952.45; AUTHORIZING THE PURCHASE AND INSTALLATION OF AN ADDITIONAL ONE HUNDRED FIFTY-EIGHT LINEAR FEET (158LF) OF FENCING AND THIRTY-SIX LINEAR FEET (36LF) FROM TROPIC FENCE IN THE AMOUNT OF \$18,982.80 BY USING PRICING AND TERMS FROM RIVIERA BEACH BID NO. 229-09; AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE PARKS AND RECREATION CAPITAL IMPACT FEE FUND 303-1234-572-2-6351 IN THE AMOUNT OF \$37,000 TO PAY FOR THE PURCHASES AND PROVIDE A CONTINGENCY; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO 10% OF**

THE PURCHASE COST AND TO EXECUTE A MATERIALS AND INSTALLATION AGREEMENT UPON THE REVIEW AND APPROVAL BY THE CITY ATTORNEY; 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. 157-09.

Ben Guy, Purchasing Director, reviewed the backup information provided for the proposed resolution and stated the item was previously approved by the City Council; however, changes were required.

Discussion ensued regarding the various issues surrounding enclosing the park with a fence.

A motion was made by **Councilperson Brooks** and seconded by **Chair pro tem Davis** to table approval of Resolution No. 157-09.

MOTION TO TABLE

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

MOTION APPROVED

10. **RESOLUTION NO. 158-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE IMPLEMENTATION OF POLICIES AND PROCEDURES FOR CONTRACT COMPLIANCE, FIXED ASSETS, PROCUREMENT CARD, AND CELLULAR TELEPHONES AS PHASE I TO BE FOLLOWED BY THE CITY OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE.**

INFORMATION

11. **FINANCE DIRECTOR'S SEMI-ANNUAL REPORT.**

Jeff Williams, Finance Director, reviewed the semi-annual report advising it a charter mandate.

Gerald Ward, 31 W 20th Street, stated the capital element should be done at length and detailed, so the City Council could have sufficient time to prioritize.

BOARD APPOINTMENT(S):

12. CITY COUNCIL TO APPOINT MEMBERS TO THE PLANNING AND ZONING BOARD.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Davis Johnson** to table appointments to the Planning and Zoning Board until the next meeting.

MOTION TO TABLE

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Davis out.

MOTION APPROVED

13. MAYOR THOMAS A. MASTERS TO APPOINT MR. WILLIE PATTERSON AS RESIDENT BOARD CHAIR FOR THE RIVIERA BEACH HOUSING AUTHORITY.

City Clerk Ward advised the Mayor was requesting ratification of his appointment of Mr. Willie Patterson to the Riviera Beach Housing Authority.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Davis Johnson** ratifying the appointment of Willie Patterson to the Riviera Beach Housing Authority Board.

MOTION

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Davis out.

MOTION APPROVED

DISCUSSION BY THE CITY MANAGER:

City Manager Jones reminded the City Council a workshop was scheduled for December 8th to discuss the 2010/2011 Budget and December 14th to discuss legislative staffing at 6:00 p.m.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Mayor Masters announced that testing for census jobs would be held December 10, 2009.

Councilperson Lowe thanked the Youth Empowerment participants and others for the Thanksgiving event in Federal Gardens on November 21st.

Councilperson Davis Johnson solicited support from the City Council authorizing the creation of a Teen Advisory Board. She stated that she would like to invite kids from local churches and schools to ensure equal balance representation. She stated that Palm Beach County had created a 2010 Super Bowl Committee and was looking for each municipality to conduct an event. She requested consensus from the City Council authorizing her to represent the city on the committee so she could understand the events being planned and how the city could obtain maximum exposure. She stated that the Concerned Mothers of the Southside Coalition were continuing to meet weekly at George Street Park, 5:30 until 7:30 and they were in need of mentors and volunteers. Ms Johnson then announced that the community cleanup would be held December 5th at 7:30 a.m. beginning at George Street Park. She stated that she would not be in attendance at the workshop scheduled for December 8th and requested a special session to update her.

Councilperson Brooks commended Councilperson Lowe on his positive representation of the city. She then stated that he was favorably complimented by many at the National League of Cities and asked all to support Mr. Lowe.

Chair pro tem Davis announced that the cell phone fundraiser was still going on and encouraged everyone to donate their old phones. She requested that a workshop be scheduled to discuss Bicentennial Park. She further encouraged support to improve the lighting in the City Council Chambers.

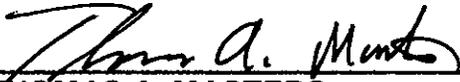
Chairperson Pardo requested improvement in the lighting within the Council Chambers. She then stated that the garbage cans on the northside of the little bridge were removed. She stated that she still had not received the information she requested on the Waterfront Advisory Board. She requested an update on the B. G. Sykes bill. She expressed appreciation to those who donated dictionaries and stated that she was in need of additional dictionaries and was requesting toy donations for the annual toy drive. She further requested an update on the dock moratorium and the water rate analysis.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:00 p.m.

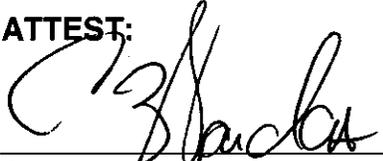
PLEASE NOTE: A COMPLETE RECORDING AND AGENDA PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.

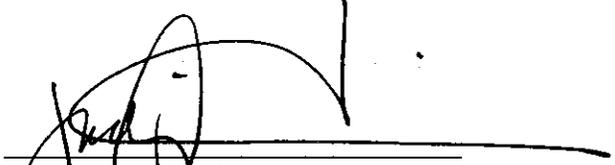
APPROVED:

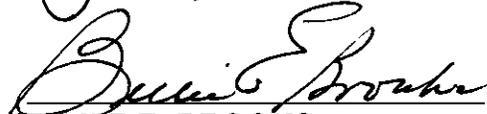

THOMAS A. MASTERS
MAYOR


DAWN S. PARDO
CHAIRPERSON

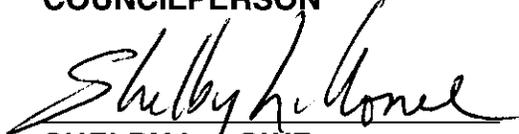
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
CHAIR PROTEM


BILLIE E. BROOKS
COUNCILPERSON


TONYA DAVIS JOHNSON
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

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

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

DATE APPROVED: 12/16/2009