

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 7, 2015 AT 5:30 P.M.**

(The following may contain inaudible or misunderstood words due to the recording quality.)

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM; PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE STAFF PRIOR TO THE BEGINNING OF THE MEETING. MEMBERS OF THE PUBLIC SHALL BE GIVEN A TOTAL OF THREE (3) MINUTES FOR ALL ITEMS LISTED ON THE CONSENT AGENDA. MEMBERS OF THE PUBLIC WILL BE GIVEN THREE (3) MINUTES TO SPEAK ON EACH REGULAR AGENDA ITEM. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.

CITY CLERK CALL TO ORDER

CHAIRPERSON JUDY DAVIS: Good evening, everyone. Welcome to our first meeting of 2015. You might notice some improvements in the chambers. I think, first of all, you'll notice the sound system is a lot better and new carpeting and monitors back there. At this time, would you please turn off your cell phones or turn it to the vibrate position. And if you would like to speak on a consent agenda item or a consent -- non-agenda item, please submit your cards at this time. But consent items come up pretty quickly. So submit them and give them to one of the staff persons over there. Madam Clerk, please call the roll.

Roll Call

INTERIM CITY CLERK ANTHONY: Mayor Thomas Masters.

MAYOR MASTERS: Present, Madam.

INTERIM CITY CLERK ANTHONY: Chairperson Judy Davis.

CHAIRPERSON JUDY DAVIS: Here.

INTERIM CITY CLERK ANTHONY: Chair Pro Tem Dawn Pardo.

CHAIR PRO TEM PARDO: Present.

INTERIM CITY CLERK ANTHONY: Councilperson Bruce Guyton. Councilperson Cedrick Thomas.

COUNCILPERSON THOMAS: Here.

INTERIM CITY CLERK ANTHONY: Councilperson Terence Davis.

COUNCILPERSON THOMAS: Here.

INTERIM CITY CLERK ANTHONY: City Manager Ruth Jones.

CITY MANAGER JONES: Present.

INTERIM CITY CLERK ANTHONY: Interim City Clerk Claudene Anthony is present.
City Attorney Pamala Ryan.

CITY ATTORNEY RYAN: Present.

CHAIRPERSON JUDY DAVIS: Let's all stand for a moment of silence and the Pledge led by Mr. Davis.

Invocation

Pledge of Allegiance

(Everyone stood for a moment of silence followed by the Pledge of Allegiance led by Councilperson Terence Davis).

AGENDA Approval: Additions, Deletions, Substitutions

CHAIRPERSON JUDY DAVIS: Okay. Mrs. Jones, do we have any additions, deletions or --

CITY MANAGER JONES: We have (inaudible) --

CHAIRPERSON JUDY DAVIS: -- substitutions?

CITY MANAGER JONES: Yes, Madam Chair. We have a couple of deletions and then one addition and one deletion and additional information. Would like to add Resolution 4A under consent; it's reinstating the Amnesty Program. We hear that there are still a lot of code liens out there and we want to provide our residents the opportunity to correct those as long as we possibly can. So this will reinstate that program so that we can continue to take residents, as well as others' issues, to resolve their code violations through the Amnesty Program.

CHAIRPERSON JUDY DAVIS: And that's 4A?

CITY MANAGER JONES: 4A.

CHAIRPERSON JUDY DAVIS: Okay.

CITY MANAGER JONES: Would like to delete item number 3 on consent as well. The additional information you received is for item number 8. The information that was published said "draft" and what you have in front of you is the final information. It's contained in the packet in the back as well as we will upload this corrected information versus the draft information. So there's one addition, 4A, one deletion, item 3 and then you have received just additional information for item 8.

CHAIRPERSON JUDY DAVIS: Okay. Thank you.

Disclosure by Council

CHAIRPERSON JUDY DAVIS: All right. Are there any disclosures by Council?

COUNCILPERSON THOMAS: Question.

CHAIRPERSON JUDY DAVIS: Yes, sir.

COUNCILPERSON THOMAS: 4A, that's going up under consent?

CITY MANAGER JONES: Yes.

COUNCILPERSON THOMAS: And have there been any other additions to the program?

CITY MANAGER JONES: No.

CHAIRPERSON JUDY DAVIS: No.

CITY MANAGER JONES: All the same terms and conditions.

CHAIRPERSON JUDY DAVIS: Terms.

COUNCILPERSON THOMAS: Okay. I'm just trying to read through it very quickly since I didn't know that it was being added. But I think this is going to --

CHAIRPERSON JUDY DAVIS: Do you want to pull that off the -- put it -- put it --

COUNCILPERSON THOMAS: Maybe not necessarily. I'm just trying to read through the -- we're doing it from January 1st through the 31st of 2015?

CITY MANAGER JONES: Yes, sir.

COUNCILPERSON THOMAS: And we're -- we're only doing it for one year?

CITY MANAGER JONES: At this point, yes.

COUNCILPERSON THOMAS: Okay. I'll pull it.

CITY MANAGER JONES: Okay.

CHAIRPERSON JUDY DAVIS: No. Well -- where we can place it somewhere else if you --

COUNCILPERSON THOMAS: Right. Well, I -- I'm just saying I just want to be able to discuss it.

CHAIRPERSON JUDY DAVIS: Oh, you just want to pull it? Okay.

COUNCILPERSON THOMAS: Yeah. Just want to -- I mean, I just want the years to be a little bit more for the program. That would be my only issue with it if we wanted to just make the years a little longer, I would be okay with that. But if, you know -- if not, then I'll pull it and we can discuss it.

CHAIRPERSON JUDY DAVIS: Okay. Where -- where would we place this, Miss Jones?

CITY MANAGER JONES: If you --

CHAIRPERSON JUDY DAVIS: Right before --

CITY MANAGER JONES: -- remove it from consideration, then we can place it right after we do the presentations.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: I don't want to remove it from consideration, just the consent.

CITY MANAGER JONES: Just from consent.

CHAIRPERSON JUDY DAVIS: That's what we're doing.

CITY MANAGER JONES: Yeah. That's what we -- yeah.

COUNCILPERSON THOMAS: Okay, okay.

CHAIRPERSON JUDY DAVIS: So you want to put it right after presentations?

CITY MANAGER JONES: Yes.

CHAIRPERSON JUDY DAVIS: And that will be 6A? You want to rename -- renumber it 6A?

CITY MANAGER JONES: We can.

CHAIRPERSON JUDY DAVIS: Okay.

MAYOR MASTERS: Madam Chair, I had a question.

CHAIRPERSON JUDY DAVIS: Hold on one second.

MAYOR MASTERS: Okay.

CHAIRPERSON JUDY DAVIS: So is everybody clear with this?

CHAIR PRO TEM PARDO: Yes.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: Can we -- can we do it -- Madam Chair, can we do it as 4 -- can we leave it as 4A and just let it be the first up under regular?

CHAIRPERSON JUDY DAVIS: Under -- well, I -- I prefer to keep -- well, we could take it out of order, I guess. But I --

COUNCILPERSON THOMAS: No, no. I'm saying leaving it at -- at -- leave it as 4A and just --

CHAIR PRO TEM PARDO: Pull it from consent.

COUNCILPERSON THOMAS: Right.

CITY MANAGER JONES: Pull it from consent and (inaudible).

CHAIRPERSON JUDY DAVIS: You want to do that?

COUNCILPERSON THOMAS: I'd like to leave it in the --

CHAIR PRO TEM PARDO: That's fine.

COUNCILPERSON THOMAS: -- if -- if that's okay with you.

CHAIRPERSON JUDY DAVIS: I -- I -- I -- that's why I'm saying, I -- I'd rather the numerical part of it be consistent. If you want to put it on the regular agenda, then we'll make it number 7A.

CITY ATTORNEY RYAN: So leave it on consent and pull it.

CHAIRPERSON JUDY DAVIS: And pull it, yeah. Whichever --

COUNCILPERSON THOMAS: Okay.

CHAIR PRO TEM PARDO: Yeah.

CHAIRPERSON JUDY DAVIS: So what -- what do you want to do?

COUNCILPERSON THOMAS: We can leave it on consent and I'll just pull it.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: So I'll pull 4A.

CHAIRPERSON JUDY DAVIS: All right. So when we get to that point, you can pull it, okay?

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON JUDY DAVIS: All right. Disclosures by Council, there were none I heard. Okay. Is there a motion to adopt the agenda?

MAYOR MASTERS: Madam -- Madam Chair, I had a question.

CHAIRPERSON JUDY DAVIS: Oh, I'm sorry.

MAYOR MASTERS: Okay. No -- no problem.

CHAIRPERSON JUDY DAVIS: Mayor Masters.

MAYOR MASTERS: For the manager. I remember at the previous City Council meeting, the question about the amnesty came up and I -- I think you stated that it was still in effect. But now we're going to do a resolution, so this is the same that -- the same exact one. So the one -- the one that we had previously, when did that end?

CITY MANAGER JONES: We --

CITY ATTORNEY RYAN: No. Madam Chair. No.

CHAIRPERSON JUDY DAVIS: Go ahead, Miss Ryan.

CITY ATTORNEY RYAN: We are going to run this meeting correctly. And the correct way to run it is to put this item on consent and when it's pulled, you can start asking questions.

CHAIRPERSON JUDY DAVIS: Absolutely.

CITY ATTORNEY RYAN: But we have not even adopted the agenda. We are out of order at this point.

CHAIRPERSON JUDY DAVIS: Thank you very much.

CITY ATTORNEY RYAN: I want to get us back on -- in order.

CHAIRPERSON JUDY DAVIS: Okay.

MAYOR MASTERS: Madam Chair, Madam Manager, you can answer that question when we --

CHAIRPERSON JUDY DAVIS: When we -- when we get to --

MAYOR MASTERS: -- get that -- when we get to it.

CHAIRPERSON JUDY DAVIS: -- when we get to it. Yes.

CITY MANAGER JONES: Yes.

MAYOR MASTERS: Okay.

CHAIRPERSON JUDY DAVIS: Okay. Is there a motion to adopt the agenda?

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON JUDY DAVIS: Okay. Is there a second?

COUNCILPERSON THOMAS: Second.

CHAIRPERSON JUDY DAVIS: Okay. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Madam Chair, let the record reflect that Councilperson Guyton is now present on the dais.

CHAIRPERSON JUDY DAVIS: Okay. Thank you very much. Okay. We're now down to consent agenda.

ADOPTION OF AGENDA

COMMENTS FROM THE PUBLIC ON CONSENT AGENDA (THREE MINUTES LIMITATION)

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.

CHAIRPERSON JUDY DAVIS: I have no consent agenda speakers. What -- let me see what this is okay. No other -- no consent agenda speakers. Is there a motion to approve consent?

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON JUDY DAVIS: Well, does anybody want to pull an item?

COUNCILPERSON THOMAS: Yes.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Yeah.

CHAIR PRO TEM PARDO: 4A.

COUNCILPERSON THOMAS: Yeah, 4 -- 4A.

CHAIRPERSON JUDY DAVIS: Okay. Is there a motion to approve consent with item 4A pulled?

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON THOMAS: Second.

COUNCILPERSON TERENCE DAVIS: Second.

CHAIRPERSON JUDY DAVIS: Okay. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON JUDY DAVIS: Okay. Item 4A.

MINUTES

1. MINUTES OF THE DECEMBER 3, 2014 REGULAR CITY COUNCIL MEETING.

RESOLUTIONS

- 2. RESOLUTION NO. 01-15 OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE MAINTENANCE MEMORANDUM OF AGREEMENT (MMA) BETWEEN THE CITY OF RIVIERA BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE**

MAINTENANCE OF STATE ROAD 710 (BEELINE HIGHWAY) PERIMETER WALL IN PHASES B AND C AS WELL AS LANDSCAPING FROM AUSTRALIAN AVENUE TO OLD DIXIE HIGHWAY; AND PROVIDING AN EFFECTIVE DATE.

3. RESOLUTION NO. _____ OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PIGGYBACK AGREEMENT FOR AN ELECTRONIC PATIENT CARE REPORTING SOLUTION WITH SAFETYPAD OF MINNEAPOLIS, MN; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PIGGYBACK AGREEMENT WITH SAFETYPAD FOR SAME; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NUMBER 001-0920-522-0-3102 IN AN AMOUNT NOT TO EXCEED \$12,000.00; AND PROVIDING AN EFFECTIVE DATE. (DELETED)
4. RESOLUTION NO. 02-15 OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE SALE AND TRANSFER OF RETIRED K-9 POLICE DOG "DASTY" IN THE AMOUNT OF \$500.00 AND AUTHORIZING THE MAYOR AND INTERIM CITY CLERK TO EXECUTE; AND PROVIDE AN EFFECTIVE DATE.
- 4A. RESOLUTION NO. 03-15 OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE REINSTATEMENT OF THE 2014 CODE ENFORCEMENT AMNESTY PROGRAM AS ADOPTED UNDER RESOLUTION 30-14 FOR A PERIOD OF ONE CALENDAR YEAR EFFECTIVE JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 TO ENCOURAGE HOME AND PROPERTY MAINTENANCE AND COMPLIANCE WITH CITY CODES AND ORDINANCES, AND PROVIDING AN EFFECTIVE DATE. (ADDITION)

CHAIRPERSON JUDY DAVIS: Is there a motion?

COUNCILPERSON GUYTON: So moved.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON JUDY DAVIS: Okay. Miss Jones?

CITY MANAGER JONES: Yes. This item is before you to continue for an additional 12 months the Amnesty Program that the City is currently -- that the City currently has. In order for us to assist our residents who still have some outstanding code violations and want to bring them into compliance, we want to provide them every opportunity to do so. We also recognize that sometimes, the things that they need to correct are not cheap and they have to be able to have the money in order to be able to do that. So --

COUNCILPERSON THOMAS: Okay.

CITY MANAGER JONES: -- we want to establish it for one more 12-month cycle in order to allow our residents the opportunity to continue to take advantage of the program and -- and so that way it will be in order. And so we'll have a resolution that will support that reinstatement for one more year.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Okay. Two things. The first is we're making it effective January 1 for what purpose?

CITY MANAGER JONES: It was just the date that was chosen. It --

COUNCILPERSON THOMAS: Okay.

CITY MANAGER JONES: Uh-huh.

COUNCILPERSON THOMAS: So we couldn't just reinstate the program without giving that particular date?

CITY MANAGER JONES: Or we can say "reinstate the program and continue until further notice."

COUNCILPERSON THOMAS: I think that that would be better. I -- I don't just --

CHAIRPERSON JUDY DAVIS: (Inaudible).

COUNCILPERSON THOMAS: I'm sorry?

CHAIRPERSON JUDY DAVIS: No. Go ahead. I'm sorry.

COUNCILPERSON THOMAS: I just don't -- I don't think that making it a 12-month period is -- is long enough. We've obviously started it and stopped it and by the time individuals get a chance to really get into it, I just think that that's not, you know, a long enough period. I would like to see it extended at least -- at least, you know, two years. But, you know, more if we need to.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: Okay. I totally disagree. I think extending this program almost a year -- well, extending it a year is enough time for people to get back into compliance and then it also gives us an opportunity to re-evaluate the program and re-evaluating it, not necessarily stopping the program, but re-evaluating it to see if the program is successful, if people are beginning to clean up their properties. You know, to have this go on in perpetuity really isn't doing property values any good. So I think if we allow the people, you know, whoever has these liens, let them know that the program is going on for another year and they have until the end of the year to bring their properties back up to code. I think we're doing a great service to the community. We're doing a disservice if we allow this to continue to go on and on and on. And then where's the incentive for people to really clean up their properties? There's no incentive because then they know, Well, you know, I can wait another, you know, four years or until I decide to, you know, try to refinance my property to bring it up to code. You know, it's a disservice to the residents in the surrounding area. So I'm not supportive of, you know, letting this program go on for years before it comes back to us for re-evaluation.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: You know, I hear Miss Pardo's concerns and, you know, that's -- that's all fine, but I think that we need to give the residents every opportunity. These fines and these liens should not be punitive. They're to bring into compliance. Sometimes it takes a little longer. Obviously, the program has been successful or we wouldn't be doing it again. I don't think that we should close it off at one year. I just think that it -- it would not be -- it would not be prudent to give the residents that opportunity. Now, if you want to make the argument that people are not gonna do anything, well, there's homes with a lot of liens on them on now that show that people are not doing -- some people are not doing the things that they need to do for their property. Some people may say, Listen, 12 months is not even enough time for me to get started. Or some get a chance to get into the actual program later on or they, you know, have to account for whatever their financial situation is. I just think that we need to give them, you know, enough time. What would be the reason not to give them the chance?

It's -- it's our City. It's their City. We should not be holding these liens over their head if we can give them an opportunity to -- to do it. Their properties -- they have to be in compliance to be in the program. That clears it up right there. You have to be in compliance in order to be in the program. Give them more time if they need it, you know? Instead of just holding these liens and fines. That'll be all for me.

MAYOR MASTERS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Mayor.

MAYOR MASTERS: Thank you very much. Madam Manager, let's go back to the previous question. When did this Amnesty Program end if it ended at all?

CITY MANAGER JONES: The -- there was a last day to make application but that was not the end of the program. We gave them until -- I want to say 90 days, which took us through September to apply. But they have to also go before the magistrate, so it's a longer process than just the application date. So we stopped taking applications as of a certain date, but we didn't stop the program because it hadn't gone all the way through the process.

MAYOR MASTERS: All right. Let me see if I can understand this correctly. What was the date that we stopped applications?

CITY MANAGER JONES: Okay. I'm gonna have to refresh my memory 'cause it was back up this summer.

COUNCILPERSON TERENCE DAVIS: Uh-huh.

MAYOR MASTERS: Okay.

CITY MANAGER JONES: And --

MAYOR MASTERS: Okay. Well, whatever date it was, explain the 90-day period after that. You said still --

CITY MANAGER JONES: Well, once they make application or they've brought their properties into compliance --

MAYOR MASTERS: Okay.

CITY MANAGER JONES: -- they make application. We cannot just reduce their fines. It has to be reduced by a magistrate.

COUNCILPERSON TERENCE DAVIS: Magistrate, okay.

CITY MANAGER JONES: So it has to go through that process. That's the additional time.

MAYOR MASTERS: Okay.

CITY MANAGER JONES: For them to get through the magistrate process, because administratively, we can't do it. The magistrate has to do it.

MAYOR MASTERS: Okay. Mr. Jones, do you have a answer to my question? No? Yes?

CITY MANAGER JONES: When -- what was the -- the last date for accepting applications was the question.

UNIDENTIFIED SPEAKER: Good evening.

CHAIRPERSON JUDY DAVIS: Good evening.

COUNCILPERSON TERENCE DAVIS: Good evening.

UNIDENTIFIED SPEAKER: The last date for accepting applications was July 31st.

CHAIRPERSON JUDY DAVIS: Okay.

UNIDENTIFIED SPEAKER: However, there was a 90-day grace period for all those people who made application or who had come in to continue to work for compliance.

MAYOR MASTERS: Okay.

UNIDENTIFIED SPEAKER: And that's per the resolution from Council.

MAYOR MASTERS: So we could say that in October or November or December, the latter part of the year, they could not make any applications, right? If they had not gotten it in before July 31st? Is that correct, Madam Manager? I'm -- I'll direct to the manager.

CITY MANAGER JONES: We never wanted to deny any of our residents if they came in. It's fortunate for us, nobody came in during that time span to ask for an application. So this way, in order to ensure that we're clean, we just want to go ahead and reinstate the program.

MAYOR MASTERS: Okay. Well, that's a wonderful thing to reinstate the program, especially less than 60 days before March the 10th, the election. Let me just ask you this, Madam Manager. The amnesty, it's not full amnesty the way it is in this because it's not -- it's partial amnesty; is that correct?

CITY MANAGER JONES: Our Amnesty Program is that the individuals bring their property into compliance. Then depending on whether it's a residential property or a commercial property, they get an opportunity to satisfy those fines at a certain percentage. I want to say one of them was five percent of what the fines were for commercial. And it's either one percent for homesteaded properties or two? What's the percentage? Just what's the --

UNIDENTIFIED SPEAKER: Homestead was cost.

CITY MANAGER JONES: Okay. Homestead was just the cost. And then there -- the two percent was the other one. So it varied, depending on whether it was commercial property or whether it was residential property or whether it was homestead property.

MAYOR MASTERS: Okay. With residential property, it wasn't full amnesty; it was reduced.

CITY MANAGER JONES: Yes.

MAYOR MASTERS: Would you -- would you say that was --

CITY MANAGER JONES: Yes.

MAYOR MASTERS: -- correct?

CITY MANAGER JONES: Correct, sir.

MAYOR MASTERS: Okay. What -- well, it -- it was for a year. What -- did we have any type of programs in place that if people -- particularly seniors and others that were experiencing a financial burden, a hardship -- did we have any funding or anything at all to help these people to -- a -- a grant or anything? Any kind of anything to help these people to bring their properties into compliance?

CITY MANAGER JONES: There were no dollars allocated for assisting individuals going through the amnesty process. We did have situations where we referred senior citizens to resources that we knew of. And then, of course, you know that you all, as a Council, approved a senior roofing program, but none of those programs had anything to do with amnesty.

MAYOR MASTERS: Do you know whether some of those people that we referred to -- to those resources are still available to people?

CITY MANAGER JONES: I will have to check. I don't have an answer off the top of my head, sir.

MAYOR MASTERS: You don't know. Okay. The other question is so what Mr. Thomas proposed, a extra year, which would be two years, would give these individuals another -- more time to bring their property into compliance. Is that correct?

CITY MANAGER JONES: It would give them more time to bring it into compliance. We can go with 12 months and bring it back and ask for another 12 months. Or we can do a 24 at this time. Those are two options.

MAYOR MASTERS: Well, let me make my statement. First of all, that's -- as you know, this is the year of jubilee. Around the world, this is a -- a good year to forgive debt. It's been a great tradition around the world and this -- this is the year of jubilee. This is not a political mandate. It's just something that happens across the country and other parts of the world. I propose full amnesty, one. Two, I propose three years instead of two. Thank you, Madam Manager.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Let me first get some clarification. As I understand the resolution, and I think Vice Chair Pardo recommendation is not to cut it off in a year, but only to re-evaluate it.

CHAIR PRO TEM PARDO: Correct.

COUNCILPERSON GUYTON: Is -- is that's how I'm understanding it?

CHAIR PRO TEM PARDO: Correct, sir.

COUNCILPERSON GUYTON: Okay.

CHAIR PRO TEM PARDO: (Inaudible).

COUNCILPERSON GUYTON: So this is not a proposal to say at a year, no one else gets to apply. I do feel that there needs to be some incentives to have people to come into compliance as quickly as possible. We already have in place, for lack of a better term, if the person reaches out to the City, oftentimes they are granted, without an amnesty, more time. Staff, am I correct in -- in that?

CITY MANAGER JONES: Yes, you are, sir. We try to work with the residents.

COUNCILPERSON GUYTON: Okay. So we already have it unofficially in place. One of the things that concerns me is that as we begin our momentum on this positive vibe, we have a lot of positive energy going and always there's, you know, those who may feel that what we feel are positive -- not positive, but we have a lot of people now looking at us to invest. Not just looking, some are already investing after the referendum. We are competing for investment with communities like Palm Beach Gardens, Jupiter, West Palm Beach, other areas where code enforcement is a very critical element for people choosing to invest.

They like to come into communities that are well-kept, that seem to be habitable, not inhabitable. It's just what attracts investment as well. We have a demographic of people that need help. And since I've been here, we have afforded that help to the

extent that our resources would allow. If we're gonna compete with other communities, we need to have a Code Enforcement Program in place that one that we enforce. Not just have it on the books and then really don't enforce it. Senior citizens that need help, I'll share this with -- with the community. I've spoken to staff on a number of times that we need to identify vendors, contractors that will volunteer their time to help our senior citizens should they need help. Staff, have we had that conversation?

CITY MANAGER JONES: Yes, sir.

COUNCILPERSON GUYTON: So we need to figure out different ways to skin the cat without compromising the entire image of the City. Those pristine communities, or those that are considered pristine -- clean, habitable -- the mechanism by which they do that is code enforcement. That's it. They enforce their codes. We have a demographic with people that need help so we've gotta go a step further. I'm with that. Let's do it. But we're on a path now of people really looking closely to invest in us and I don't want to give the impression that -- and I don't think that this is the intent -- that we're not really enforcing our codes to the extent that we probably should, that would allow our community to compete with the other communities as the investments come in.

So I am in favor of not ending this program in a year, but going back and re-evaluating it to determine who may still need -- need help. Should we continue it? And, if so, for how long? But I'm going to be mindful of the fact that we're competing against communities where they strictly enforce their codes, and we can lose some potential investors if our community don't appear to be doing the same in a manner where they want to bring their business. So I would support re-evaluating in a year and then make a determination on the length of time that we may extend it. Thank you.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Does anybody else want to speak before I come back to you, Mr. Thomas? Mr. Thomas.

COUNCILPERSON TERENCE DAVIS: I --

CHAIRPERSON JUDY DAVIS: No?

COUNCILPERSON TERENCE DAVIS: I -- I can wait.

CHAIRPERSON JUDY DAVIS: You go -- you go ahead. Mr. Thomas has spoken twice and I will come back to him.

COUNCILPERSON TERENCE DAVIS: Very briefly. I think we don't need to harp or spend a lot of time. We're trying to do something positive in our community. One thing

I'd like to ask the City Manager, once it goes before the magistrate, how often does our magistrate meet?

CITY MANAGER JONES: Typically, they meet the third Thursday of the month.

COUNCILPERSON TERENCE DAVIS: So once a month?

CITY MANAGER JONES: Uh-huh.

COUNCILPERSON TERENCE DAVIS: Is it possible -- I guess it is possible if this Board makes this decision -- that we don't need to necessarily wait a year to review it. I think maybe every six months we get a report to who's actually been responding to us and how great it's going every six months. That way, we don't need to wait a year to find out what's getting -- as it happens, we can start making any modifications prior to those 12 months.

CITY MANAGER JONES: Yeah. We can get you a 6-month report.

COUNCILPERSON TERENCE DAVIS: Yeah. That's all.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: The original one that was in this document and, I mean, I'm not gonna play with anybody's intelligence. You know, of course, this is being done for specific reasons. But I take offense to people saying that I don't want or the insinuation is that I don't want code enforcement 'cause that's not what I'm saying. What I'm saying is I want everybody to have the same right and ability that we afford for everybody, period. The last one was for 60 days. This pops up on the agenda as an add-on. Can't really go through it. It says the same exact thing but we're proposing one year. But in the last document, it said for 60 days.

To the point of people coming and -- and purchasing, people are. You -- you still have to give the people who live here, the residents, an opportunity to do it. We have properties that are worth less than \$20,000, that got \$5 million worth of liens on it. At what point do, you know, you come up with this and say, Okay. Here you are. You can plan out for 24 months or 36 months or whatever, to get your property out of the situation that it's in. You know? Why do you say, Okay, well, we're gonna stop at 12 months? Obviously, if the fines have accumulated to that point, there are some real issues that are being dealt with.

All I'm saying is give the program an opportunity. That's not saying don't exercise code enforcement. You just extend the Amnesty Program for a longer time. We're saying we'll re-evaluate it. Let's be real. This is the third time that we've actually done the program. We've evaluated enough to know that it can work. Some people have taken

advantage of it. And -- and if the program doesn't work, why are we doing it for a third time? Why are we doing it for a third time? Just because one person may disagree with the other person on it? I believe that we should give as much time as we can if we say that it's not supposed to be punitive. I don't believe code enforcement fines or violations should be punitive. It's to stay in compliance. Obviously, however it's going to go, we don't have to take the whole night to do it. But I think that we should always, if we're gonna err, err on the side of giving our residents an opportunity to have as much time as they need to bring it into compliance.

So I'm not gonna debate it any further. We've obviously see where we're going. But we'll deal with it in another item.

COUNCILPERSON TERENCE DAVIS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Davis.

COUNCILPERSON TERENCE DAVIS: So I'm gonna ask Councilman Thomas a real brief question. So you're just asking for -- this is just stating that we come back every year for a review.

COUNCILPERSON THOMAS: No. It's saying that it's over in a year.

CHAIRPERSON JUDY DAVIS: That --

COUNCILPERSON THOMAS: Miss Pardo's --

CHAIRPERSON JUDY DAVIS: -- the conversations our supposed to be making comments, not talking to each other.

COUNCILPERSON THOMAS: We can ask --

COUNCILPERSON TERENCE DAVIS: Well, he made a statement.

COUNCILPERSON THOMAS: Sure.

COUNCILPERSON TERENCE DAVIS: I can ask questions on the floor.

COUNCILPERSON THOMAS: Yeah. We can ask each other --

CHAIRPERSON JUDY DAVIS: Go ahead.

COUNCILPERSON TERENCE DAVIS: I can't ask the public questions, but I can ask my colleague a question because we're the policymakers --

CHAIRPERSON JUDY DAVIS: Go ahead, sir.

COUNCILPERSON TERENCE DAVIS: -- at -- of this decision. I just want to make sure that I'm consistent with working as a team to moving forward on what we need to get done. If two years is -- is being asked to do something positive, I support the two years.

COUNCILPERSON THOMAS: Well, my only thing would be is, why are we stopping it at two years? It doesn't -- if you -- if you get into the program, then the program is there for you to get into. What would be the problem with maintaining it? It doesn't hurt anything; it doesn't cost anything additional. It's just more time for individuals to get into the program. What is the downfall of holding it for -- for two years versus one year? Nobody's been able to articulate that point.

COUNCILPERSON TERENCE DAVIS: City Attorney, really quick - not City Attorney but City Manager, Miss Jones. What are some of the penalties they can incur or what can we put in place that would encourage those that are not coming forth to -- if we was to have a two or a three-year extension on this program?

CITY MANAGER JONES: I believe the sanctions for violations are already in place.

COUNCILPERSON TERENCE DAVIS: But what are we doing to make sure that -- because sometimes people say that they don't receive notices for things that are happening. Some people -- what are we doing to prove that we actually made contact with the property owner? They're aware --

CITY MANAGER JONES: Okay. We have the -- the listing of every place we send our mailings.

COUNCILPERSON TERENCE DAVIS: Okay.

CITY MANAGER JONES: And we have -- and program that runs on TV 18 explaining amnesty.

COUNCILPERSON TERENCE DAVIS: Correct.

CITY MANAGER JONES: And where they need to go and what they need to do and the office that they need to contact and how it basically works.

COUNCILPERSON TERENCE DAVIS: Okay.

CITY MANAGER JONES: Those are our -- our major things that -- that we do. 'Cause your outreach is critical in getting people to participate in any program that you have going.

COUNCILPERSON TERENCE DAVIS: Thank you. I just -- thank you so much. I'd just like to just really hear a solution, Councilman Thomas, on what exactly it is that you want, for how long.

COUNCILPERSON THOMAS: I just want more time. By the time this gets out, you know, we -- we act as if everybody understands what's going on as soon as it's done. Sometimes, it takes months to get out in the -- to the community. And by the time they get involved and say, Oh, okay. Well, if they have the program again, I'll, you know -- I'll participate. And by the time that they can up to that, it'll be gone. All I ask for is the extend the time. I haven't heard a reason why we couldn't extend the time. What -- what is the drawback or the fallback or what is the negative part of extending the time? The properties will -- if they're gonna do something with it, they still can do something with it. It's just a program. It's a program. So what is the reason for not giving somebody an opportunity -- a longer opportunity to be in it. I haven't heard that yet.

COUNCILPERSON TERENCE DAVIS: Madam Chair.

CHAIRPERSON JUDY DAVIS: I -- before I come back to you, I'm gonna make my comments. I think with the one-year extension, it is an opportunity and I think that if, you know, after reviewing it, you know, we continue it, to give people that opportunity. I don't, you know, one doesn't offset the other, as far as I'm concerned. I attended a candidates' forum down in Lake Worth over the weekend, this past Saturday. The Democratic Women's Club. And just about every candidate who spoke from West Palm, Delray, Lake Worth, et cetera, all spoke about enforcement of code -- support of code enforcement. Because, I mean, it is the law of the land. And if we don't do something, I mean, you know, everybody can just stop taking care of their properties and -- and what's going to happen then? So I'm not trying to punish anyone but it is a law. It has been on the books forever and, you know, it's just a law. And, you know, by doing this, it gives people an opportunity to participate, an incentive to go ahead and -- and -- and fix what's wrong.

I mean, I started the -- the Painting Program back in 2008. That's -- this is the very reason I did it. It was specifically for senior citizens, low -- you know, who are on fixed income. And a person on this dais had the audacity to tell me, That's -- you're not doing anything. You know? I thought it was wonderful and it helped senior citizens, you know, get something done that needed to be done to their properties. So I support the resolution as it is. Mr. Davis.

COUNCILPERSON TERENCE DAVIS: It -- you know, I just really feel like we're just wasting a lot of time just to do something positive. It doesn't take long to do something positive. This is an item that came on as an add-on. You know, I wish we had -- we was all privy to -- to know that this was coming. These questions could've been eliminated with staff. But all I'm stating is that I just want to support it. I think we all are saying the exact same thing. We all support it. There's just one colleague on this

Board that's asking for more time. The only thing I'm asking is for that colleague to be very specific on how much time he would like to start with, so we can move forward on being positive on what we're trying to do in this City. That's all.

CHAIRPERSON JUDY DAVIS: Okay. At this time we're gonna go ahead and call the question. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes, with it coming back to be re-evaluated.

CHAIRPERSON JUDY DAVIS: That's what we're voting on. Yeah.

COUNCILPERSON GUYTON: Okay. As long as we're gonna --

COUNCILPERSON TERENCE DAVIS: Time frames isn't --

CHAIRPERSON JUDY DAVIS: It's the exact item that we're voting on right now.

COUNCILPERSON GUYTON: Yeah. For one year.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

MAYOR MASTERS: Not two and not three.

COUNCILPERSON THOMAS: No.

INTERIM CITY CLERK ANTHONY: Councilperson Davis?

COUNCILPERSON TERENCE DAVIS: Oh, me?

INTERIM CITY CLERK ANTHONY: T. Davis, yes.

COUNCILPERSON TERENCE DAVIS: Not for one year.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: That motion is approved with Councilpersons Thomas and T. Davis dissenting.

CHAIRPERSON JUDY DAVIS: Okay. We're now down to item 5, awards and presentations.

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

5. PRESENTATION - WELCOME ABOARD NEW EMPLOYEES TO THE CITY FOR THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER 2014.

CHAIRPERSON JUDY DAVIS: This is a presentation to welcome new employees to the City.

UNIDENTIFIED SPEAKER: Good evening, Council.

CHAIRPERSON JUDY DAVIS: Good evening.

CHAIR PRO TEM PARDO: Good evening.

UNIDENTIFIED SPEAKER: It's my pleasure to introduce to you our new employees for the fourth quarter of 2014. That's for October, November and December. When I call your name, please move forward. Catherine Henry, Case Manager with the Justice Center. Please come forward.

MAYOR MASTERS: (Inaudible) to welcome you.

UNIDENTIFIED SPEAKER: Mayor would like to welcome you and I'm sure all the Council members would like to welcome you also.

UNIDENTIFIED SPEAKER: Nice to meet you.

UNIDENTIFIED SPEAKER: Francie Vasquez.

CHAIRPERSON JUDY DAVIS: Excuse me. Ma'am.

UNIDENTIFIED SPEAKER: Would you please stand?

CHAIRPERSON JUDY DAVIS: Excuse me, ma'am.

CHAIR PRO TEM PARDO: Ma'am.

UNIDENTIFIED SPEAKER: Catherine, would you please stand?

CHAIRPERSON JUDY DAVIS: Would you just come stand up front and face the audience, please? Thank you.

UNIDENTIFIED SPEAKER: Geraldine Driver.

MAYOR MASTERS: Okay.

UNIDENTIFIED SPEAKER: Code Enforcement.

CHAIRPERSON JUDY DAVIS: Ooh. Are you sure you want to come here for this?

UNIDENTIFIED SPEAKER: Justin Scott with the Police Department.

COUNCILPERSON THOMAS: (Inaudible).

UNIDENTIFIED SPEAKER: Police Officer. Justin Barham [phonetic], Police Officer. Omar Forbe [phonetic], Police Officer. Nicole Gailhouse, Senior Planner with Community Development. Malcolm Scarlett, Police Officer. Latoya Wright, Police Officer.

CHAIRPERSON JUDY DAVIS: Wow.

COUNCILPERSON THOMAS: It is important.

UNIDENTIFIED SPEAKER: Jameel Canty [phonetic], Firefighter. Brandon Keats, Firefighter. Christopher Magnitico [phonetic], Firefighter. Daniel Rush, Firefighter.

CHAIRPERSON JUDY DAVIS: Wow.

UNIDENTIFIED SPEAKER: Nicholas Morero [phonetic], Firefighter. William Weatherholt [phonetic], Firefighter. Jack Wood, Contract Administrator, and Joanne Drummond, Customer Service. And this is our new hires for the fourth quarter of 2014. Please welcome them.

CHAIRPERSON JUDY DAVIS: Wow. I'd like -- are you finished?

MAYOR MASTERS: Yeah. I just want to say something. Let me just say to you from our Council. I know the Chair will -- well, certain -- second and the Office of the Mayor, we really are glad you have chosen the best waterfront city to which to live, to work and to play. Although you may hear some of the debates that go on here tonight or before and after, but always remember, we're debating this to what we feel is in the best interest of the City. We all agree on, it's just how do we there? So thank you so much. Madam Chair?

CHAIRPERSON JUDY DAVIS: Any other -- I'd just like to take this opportunity to welcome you. The Mayor is correct. You're here in the best waterfront city to live, work and play. Anybody else have any comments?

CHAIR PRO TEM PARDO: No. Well, I'll just make a comment. Thank you all, again, for choosing Riviera Beach and we expect excellence from each and every one of you.

CHAIRPERSON JUDY DAVIS: Absolutely.

CHAIR PRO TEM PARDO: Thank you.

COUNCILPERSON THOMAS: Congratulations and welcome aboard.

COUNCILPERSON TERENCE DAVIS: Congratulations.

CHAIRPERSON JUDY DAVIS: Okay. Thank you. You can have a seat. I'll give you a minute to have a seat.

MAYOR MASTERS: We ask them (inaudible) in the lobby. Madam Chair?

CHAIRPERSON JUDY DAVIS: Okay. We're now moving down to item 6, which is a presentation by BoatWash Now. Madam -- Mrs. Jones.

6. A PRESENTATION BY BOAT WASH NOW LLC EXPLAINING THE OPERATIONS AND GUIDELINES FOR THE BOAT WASH AT THE CITY MARINA.

CITY MANAGER JONES: Thank you, Madam Chair and members of -- of the Council. We are pleased to make a presentation tonight to make you, as well as our residents, aware of a new pilot program that we have at our marina, as we begin to continue to move forward. I'd ask -- like to ask Ed Legue if he would, please introduce the parties to this boat wash arrangement and then they will give us an overview of what their product does and what it does for the environment.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Yes, Miss Pardo.

CHAIR PRO TEM PARDO: Miss Jones, I would request and I have brought this up many times over the years and other Council people have. I would really appreciate you guys giving us this prior to the Council meeting, so when I'm sitting here watching the presentation, I know a little more about it, so I can ask questions. All right. Okay?

CITY MANAGER JONES: Uh-huh.

CHAIR PRO TEM PARDO: And I'm -- I'm -- I'm really -- I'm over it. I'm over it. So Miss Jones, you have your marching orders here.

CITY MANAGER JONES: Okay. We'll --

CHAIR PRO TEM PARDO: You know, it just -- it makes no sense. At every meeting, people give us this stuff and, you know, I would like to see it when I'm going through my backup material.

CITY ATTORNEY RYAN: Yeah. That's right.

CHAIR PRO TEM PARDO: All right?

CITY MANAGER JONES: Okay.

CHAIR PRO TEM PARDO: So maybe you can encourage your staff and people who are on the agenda giving us presentations, to send us the information that they're going to present to us. Not just to us, but to the public also, so we're not in the dark. Thank you.

CHAIRPERSON JUDY DAVIS: Miss Jones.

CITY MANAGER JONES: Mr. Legue.

MARINA DIRECTOR ED LEGUE: Well, good evening, Council, and Happy New Year.

CHAIRPERSON JUDY DAVIS: Good evening.

COUNCILPERSON THOMAS: Good evening.

MARINA DIRECTOR ED LEGUE: Several months ago, mid-summer, I was approached by a gentleman from -- from BoatWash Now who wanted to establish a boat wash within the marina. Quite frankly, I wasn't overly impressed with it. I had never seen one before; I never heard about it. So, in fairness, I -- I had a discussion with the City Manager who rightly put me in the direction of discussing the thing with all department heads, which we did. The outcome of that meeting was that we had very few things in the way of objections. However, there were some DEP issues that we wanted to vet out. So we've asked -- we asked Mr. John Sprague to do that for us. I'll introduce John now and -- and he'll give you an overview of -- of -- of his report that he did for us and then he'll introduce the principals of BoatWash Now.

JOHN SPRAGUE: Good evening, Madam Chair, Mr. Mayor and distinguished members of the Council.

CHAIRPERSON JUDY DAVIS: Good evening.

MAYOR MASTERS: Good evening.

JOHN SPRAGUE: Let me give you a little background. Vessels that are in the water like the ones at our marina are bottom painted. And bottom paint is designed to prevent growth of barnacles, slime and whatever, from growing on the bottom for a period of time. As the months go by, up to about a year, the paint degrades and it requires scrubbing, generally done by divers. In this particular case, in Sweden, they've come up with a machine that does that work that you can just pull your boat in and it scrubs it. As it was presented to us, my understanding was is the DEP was going to issue a permit to that company and the City of Riviera Beach. My problem with that is it puts the City in the position where we're responsible for what they're doing. That's like saying a charter fishing boat, that we're responsible because it docks at the marina.

So I met with DEP and they agreed to drop that provision. The second part was that the City was going to require that we get DEP and U.S. Army Corps of Engineers to sign off to ensure that there was no environmental impacts at the marina or to the water quality, as stewards of the environment, which this City is. They have issued those okays and it is a pilot program. And what they're going to do is they're going to send DEP staff down periodically when they're scrubbing the boats. They're going to do -- there's a protocol. They will do water sampling and whatever and the hope is that this is new technology in cleaning up our environment over time. It's -- it's a new deal because here, we have very warm water and we have difficulty, even with the best paints that are out there, keeping growth off the bottoms. And unless the growth is kept, the boats will not -- they just don't move through the water like they're designed to do. And in some cases, those propellers, you -- you couldn't even move them out of the slip when they get enough growth on them.

That's about all. I'm going to turn it over to Johnny Graham now and he'll actually explain their process, the machine, where they came from and all the information. And with that, do you all have any questions of me? Thank you very much.

CHAIRPERSON JUDY DAVIS: Mr. Sprague. Now, I'm looking at a picture here and -- and I guess it -- it's a picture of a boat on top of this thing with brushes. So the water -- so the paint that it's scrubbing, it goes back into the -- the water? Is there --

JOHN SPRAGUE: What it basically is, it has a -- a bag underneath --

CHAIRPERSON JUDY DAVIS: Uh-huh.

JOHN SPRAGUE: -- and it has a gate.

CHAIRPERSON JUDY DAVIS: Uh-huh.

JOHN SPRAGUE: And what you do is you drive the boat in, they shut the gate behind it, which now you're totally bagged, basically, around the boat.

CHAIRPERSON JUDY DAVIS: Okay.

JOHN SPRAGUE: And it's got hydraulic, big scrubbers on the bottom.

CHAIRPERSON JUDY DAVIS: Okay. I see the bag down -- laying in the bottom.

JOHN SPRAGUE: It comes up and those scrubbers move their way down the boat --

CHAIRPERSON JUDY DAVIS: Uh-huh.

JOHN SPRAGUE: -- and hydraulically they're going around and they scrub the bottom as it goes.

CHAIRPERSON JUDY DAVIS: Okay. Okay. That's clear. Thank you very much.

COUNCILPERSON TERENCE DAVIS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Davis.

COUNCILPERSON TERENCE DAVIS: I'd just like to know is this the first time this has been done or they've done it in other places?

JOHN SPRAGUE: They've done it in Sweden, but it's the first time, as far as I know, in this country. I also sit on the Clean Boating Partnership, which is the Clean Marina Program --

COUNCILPERSON TERENCE DAVIS: Uh-huh.

JOHN SPRAGUE: -- which hopefully we will get with our marina as soon as we get our upland a little more laid back and done. So we're always looking for environmental quality in things that improve our environment: fish, clean water and, of course, at our marina, we're lucky that we have crystal clear water on incoming tides.

COUNCILPERSON TERENCE DAVIS: That's good.

JOHN SPRAGUE: And we want it to stay. But you have to understand that that scrubbing is done by hand at -- at every marina there is in the country now, matter of fact, the world. Because it's the only way you can keep boats done. New technology. I have not, personally, seen it operate yet and I'm -- I'm waiting for that to take place. It just ties up in the slip. You plug it in and it's ready to go. So --

COUNCILPERSON TERENCE DAVIS: What -- what size boats will they be working on? Just huge commercial yachts or --

JOHN SPRAGUE: I would prefer to leave that to them. They're -- that's their machine, but it -- it -- I assume that they can make it for regardless what size, based on what the demand is. I think this one does up to 40 feet and if the boat is longer, they can turn it around and take it back in. So they can do half the boat and then do the other half.

COUNCILPERSON TERENCE DAVIS: Thank you.

CHAIRPERSON JUDY DAVIS: All right. We'll see the presentation now.

JOHNNY GRAHAM: Thank you. Good evening. Happy New Year, also.

CHAIRPERSON JUDY DAVIS: Thank you.

COUNCILPERSON TERENCE DAVIS: Happy New Year.

JOHNNY GRAHAM: My name is Johnny Graham and my partners are over here. We have Max Malmstrom [phonetic] and Lars Malmstrom from Sweden. And you've had a chance to take a look at the machine. So I want to give you a little bit of a background and I believe this machine goes -- there we go. Okay.

So I'm going to give you a little bit of a background. About 15 years ago in Sweden, this machine was designed, basically, as a convenience -- as an option as opposed to having divers going underneath the water. It was found after several years that most boat owners were no longer using this -- this toxic paint on their boats which was creating a positive environmental situation over in Sweden. So the Swedish government decided to co-fund these for any marinas that were interested in bringing them in as an extra service to their -- to the marinas for their customers, helping to improve the -- the water quality.

And I'm just gonna kind of go through all of this with you and -- and tell you that what happened was that we -- we looked at this technology and decided that the U.S. market would be a great place for us to bring this to. We know that several municipalities, like, for example, San Diego doesn't even allow boat scrubbing anymore because of the copper and the toxins that it puts into the water. Washington State has banned certain anti-fouling paints. And so when we saw this, we looked at it as an opportunity to help improve the environment here in the -- in the United States, provide a -- a safer alternative to maintaining boat hulls.

I think that Mr. Sprague explained a little bit about bio-fouling. But, in general, what happens is marine life begins to grow on the bottom of boats causing fuel problems, causing weight problems and also maneuverability problems. And in order to combat

this, what most people use is a toxic anti-fouling paint. You can take a look at this and you'll see that most of the paint contains a lot of copper in it. Paints are used in two ways. They release a toxin to stop -- to stop marine growth and the other is, as marine growth begins to grow on there, the paint will slough off. Well, this causes an issue with marine life and marine life gathering that up, eating it and getting that -- those heavy metals into our food chain. And you're more than welcome to stop me if you have any questions as we move forward.

CHAIRPERSON JUDY DAVIS: Okay.

JOHNNY GRAHAM: Here are some photographs of it. As you can see, um, this is currently what we have at the dock. If you look at the photograph on the left, to the -- to the top, that's currently set up at Riviera Beach Marina right now. A boat will pull in directly. It gets tied off and the -- the brushes will come back, scrub the bottom of the boat, and go back the other direction. The bladder at the bottom, that's held up in the air, but it's -- it's normally in the water; you can't see it. And that gathers up all of the toxins coming off the boat, all of the bio-fouling. That --

CHAIRPERSON JUDY DAVIS: Excuse me. Did you say it's already set up at our marina?

JOHNNY GRAHAM: Yes. We have a contract.

CHAIRPERSON JUDY DAVIS: Okay. So --

CHAIR PRO TEM PARDO: So why are you here?

CITY MANAGER JONES: But -- but it's -- but it's a six-month, it's -- DEP gave them a six-month pilot to try to see if it would work.

CHAIR PRO TEM PARDO: Oh, DEP?

CITY MANAGER JONES: Yes. So it's just the six-month pilot program to see if it works.

CHAIRPERSON JUDY DAVIS: But why are we are just now finding out, I mean --

CHAIR PRO TEM PARDO: Yeah. Why are we finding out about it?

CITY MANAGER JONES: 'Cause we just started entering into that arrangement. We don't know whether it will stay and if it's going to be -- going to be viable for anything, long term. And so this is a pilot to see if it's viable 'cause DEP may say, For the State of Florida, we're not going to allow these.

CHAIRPERSON JUDY DAVIS: Okay. All -- all --

CITY MANAGER JONES: And then they're taken out.

CHAIRPERSON JUDY DAVIS: -- I'm saying is, though, that, you know, even if DEP is saying, Okay, let's just test it out, still, you know, we should have been notified, too. I think I may have spoken to you about it but --

CITY MANAGER JONES: Yes, you did.

CHAIRPERSON JUDY DAVIS: -- I don't know if everybody else had. But I did not know that it was already being tested at this point. So --

CITY MANAGER JONES: Okay. 'Cause I didn't know you want -- every time we rented a -- I'm trying -- so I need to determine every --

CHAIRPERSON JUDY DAVIS: I understand.

CITY MANAGER JONES: -- when a slip is rented --

CHAIRPERSON JUDY DAVIS: Yeah.

CITY MANAGER JONES: -- what information needs to be shared.

CHAIRPERSON JUDY DAVIS: It was -- it just took me a little bit by surprise that it was already in operation. Okay.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Yes, Miss Pardo.

CHAIR PRO TEM PARDO: No. Not every time a slip is rented. I don't think any of us care about that. We're hoping that you're out there marketing, or someone is out there marketing the marina so we get the slips. But something like this that has the potential to do something to our water, all right, and something where DEP is involved, I would have thought that someone would have brought this to the Council prior to allowing them to, you know, set up shop over there. So that's what I'm saying. I don't know what everyone else is saying. That's what I'm saying. I think you guys should have come to us prior to allowing them there. And, you know, since you've known about it for months and months and months, you know, at the very minimum, you could have given us that. So, you know -- so basically, why are we here? It, you know -- you're just giving us a presentation; they're already there. And your marina director, I guess, is, what, running the show there? You know, I'm sorry. But --

CITY MANAGER JONES: It is a presentation --

CHAIR PRO TEM PARDO: -- you know, it's true. At the end of the day --

CITY MANAGER JONES: -- it is a presentation.

CHAIR PRO TEM PARDO: -- if anything happens, then it's -- it's us. All right? It's the five of us up here and the Mayor who's going to get the heat. So that's all I'm saying. All right? You should have -- prior to setting up shop, we should have been informed. Thank you, Madam Chair.

CHAIRPERSON JUDY DAVIS: Miss Jones. Miss Jones.

CHAIR PRO TEM PARDO: Do you have those (inaudible)?

CITY MANAGER JONES: Yeah. I -- I appreciate the distinction in when things should come and when things should not come, 'cause that is not the typical process. This is just a pilot program. DEP is assessing it. It is -- DEP did not give a permanent permit. They will conduct the water quality checks, 'cause that's what they want to see, as to what is basically going on with that. And that's how this particular product works and I understand now about the prior information.

CHAIRPERSON JUDY DAVIS: Yeah. I mean, just like I said, you mentioned it to me. I just did not know that --

CITY MANAGER JONES: Right.

CHAIRPERSON JUDY DAVIS: -- they were already there. And -- and everybody else should have been -- been notified, too. So that's all.

CITY MANAGER JONES: And they've only been here --

CHAIR PRO TEM PARDO: (Inaudible) environmental (inaudible).

CITY MANAGER JONES: -- this year. I mean, they haven't started doing a lot of -- a lot of work and opening it up to do that.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY MANAGER JONES: And you're placing it out. But I do understand that there is a -- now a distinction as to what should come and that -- that's not necessary to come.

MAYOR MASTERS: Madam Chair. Sir.

CHAIRPERSON JUDY DAVIS: Mr. Mayor.

MAYOR MASTERS: I'm sorry.

JOHNNY GRAHAM: Yes. Yes, Mr. Mayor.

MAYOR MASTERS: You -- you said we could ask questions.

JOHNNY GRAHAM: Yes, please.

MAYOR MASTERS: Okay. Use that one, but you -- you said something I want to kind of go back to real quickly. You mentioned San Diego, right?

JOHNNY GRAHAM: Yes.

MAYOR MASTERS: And the other place.

JOHNNY GRAHAM: San Diego and Washington State just banned copper -- just banned copper anti-fouling paints for recreational vehicles -- recreational boats.

MAYOR MASTERS: So my -- my question is with all this new technology that you have now here, would they accept this in San Diego and the State of Washington?

JOHNNY GRAHAM: We don't know that. Well, the machine, I would assume so, in Washington because they've just banned the anti-fouling paints. As far as San Diego goes, I don't know that. This is new technology and the problem that they were having in the San Diego harbor was that everything that they were scrubbing was not being captured. And you have these boats that are kicking off this copper. The distinction between our machine, and it is new technology that we have not approached and been out there yet, is that we gather up everything in that vinyl bladder on the bottom to take it out of the water. As a matter of fact, as far as the DEP was concerned, we actually asked them to get involved with us on it. Sweden being the most environmentally-friendly country in the world --

MAYOR MASTERS: I understand. I -- I just don't want to go on and on.

JOHNNY GRAHAM: Okay. Sorry.

MAYOR MASTERS: But let me -- let me just ask you this. Do you not think they know about this? San Diego?

JOHNNY GRAHAM: No.

MAYOR MASTERS: They don't know about the technology?

JOHNNY GRAHAM: No.

MAYOR MASTERS: So you experimenting with us?

JOHNNY GRAHAM: Yes.

MAYOR MASTERS: Thank you.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: I just heard the Mayor ask you a question that you answered to so quickly, I probably would've reserved that answer had it been me. But I'm obviously not you.

JOHNNY GRAHAM: I'm here learning.

COUNCILPERSON THOMAS: Right. You've -- well, you're really about to learn. Did you -- did you look at any other places to -- to do your experiment?

JOHNNY GRAHAM: Yes, we did.

COUNCILPERSON THOMAS: What other places did you look at?

JOHNNY GRAHAM: We were down in Broward County.

COUNCILPERSON THOMAS: Uh-huh.

JOHNNY GRAHAM: And Broward County has a strange books -- has a strange law on their books. They had a lot of problems with polluting the waters down there.

COUNCILPERSON THOMAS: Right.

JOHNNY GRAHAM: So when this machine came -- when this machine came out and I -- and I actually had a marina down there that wanted to do this with us -- I went to the County and they said to me directly, "Well, we think that this creates a discharge." And -- and -- and to give you the background on it --

COUNCILPERSON THOMAS: I get it. I -- I -- I get it. I'm just -- just trying to follow here.

JOHNNY GRAHAM: So --

COUNCILPERSON THOMAS: So you did Broward County and what other county did you --

JOHNNY GRAHAM: It was -- it -- it was Broward. We -- we were working in Broward.

COUNCILPERSON THOMAS: Just -- just Broward?

JOHNNY GRAHAM: Just Broward. So when we went to --

COUNCILPERSON THOMAS: Well, hold on. Let me just ask you this question here. What made you say, I want to go and try Riviera Beach? What made you just -- what made you say that? What -- what -- when you all were sitting around the table, and I'm pretty sure it was a nice table, what made you say, "I'm gonna go and take this to Riviera Beach"? How did you come up with that? How did you come up with that? What -- what taught -- what thought matriculated?

JOHNNY GRAHAM: It was -- it was actually the recommendation from the FDEP.

COUNCILPERSON THOMAS: The Florida Department of Environmental Protection --

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: -- said that you should go to Riviera Beach?

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: So now let me -- let me -- let me ask this question here. One county said that they didn't want to deal with this, so a government agency said, Let's go and ask Riviera Beach to do this?

JOHNNY GRAHAM: To give you just a little step back in the background was that we had approached the FDEP a while ago because we knew that this was new technology here. We wanted to be able to prove that this helped take toxins out of the water. So we went and we started looking for marinas, not really realizing that certain counties had certain laws on their books.

COUNCILPERSON THOMAS: I get it. So you could've went anywhere in the country or the world, as far as that's concerned. And you chose --

JOHNNY GRAHAM: Well, we live -- I live here. I live down in -- I -- I live just south of here, north of Fort Lauderdale.

COUNCILPERSON THOMAS: Oh, okay. So you wanted some place close?

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: All right. So let me -- let me ask you this. Just -- and let's pretend like nobody's here but you and I.

JOHNNY GRAHAM: All right.

COUNCILPERSON THOMAS: What -- what would you want us to say? I mean, what - we don't want stuff that's -- could potentially pollute our waters. Why -- what -- we want to be business friendly. No, no. Mr. Sprague, let me -- I want to ask him. He's the business guy. I get it. I want to ask him. What would you -- what would you like for us to do in this -- in this situation? I mean, 'cause we -- I'm very upset I didn't hear anything about this prior to you being here. I thought this was sort of like, Hey, do you want to try it? Not, Oh, we're here already and, Council, just so you know --

CHAIR PRO TEM PARDO: Right.

COUNCILPERSON THOMAS: -- they're already here, potentially polluting our waters. What -- what is it that you would like for us to say? 'Cause what I want is the FDEP can't tell us that we have to let you come to our marina, period. They can't do that. It's a thing called home rule. Can't happen. Uh-uh. Okay? So my thing would be if it's potentially polluting the water -- and we've had some of these things before and we didn't like it at all -- the pollution of the water, I'm speaking of. I don't see why we -- why you're still -- why we're still here. Why are we still here even saying that we want the -- to risk this? 'Cause you don't know whether it pollutes the water or not. I'm pretty sure you're gonna say it doesn't. But you don't know whether it pollutes the water. That's why you're trying to see if it works. I'm just really not -- I'm not really into that. But let me ask you a question. Do we charge you for being here?

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: What is that -- what do we charge you for being here?

JOHNNY GRAHAM: You charge us \$2,500 a month, plus our electrical.

COUNCILPERSON THOMAS: Oh, plus you're electrical?

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: And is that the going rate? Did -- did you get that fee --

JOHNNY GRAHAM: It's actually higher than the going rate because we felt that taking up that -- it's higher than the potential rate -- it's higher than -- than the going rate.

COUNCILPERSON THOMAS: Okay. So let me just -- let me -- let me say this, 'cause I don't want to be offensive or offended.

JOHNNY GRAHAM: Okay.

COUNCILPERSON THOMAS: You know? The -- the issue that I'm having is you had to come through a couple of different counties to get here. Why here at our marina that we're working so hard to make a destination place? Why here?

JOHNNY GRAHAM: I -- I think that's -- that that's the point that was really missed. Is that this isn't a potential polluter. What this is, it's an environmental cleaning machine. It's designed to keep our environmental -- environment more clean. It's designed so that those people that are in the marinas that are scrubbing the bottoms of boats and all of this toxic material is going into the marinas, this is designed to pull that out. So our -- our experiment and our pilot program with DEP, the reason we asked for it, is we want to be able to prove, not just that this has been in Sweden for 15 years, the most environmentally-friendly country. They've done their tests. But we want to prove here that we can pull out hundreds of pounds of toxins. That we can get people to stop using these anti-fouling paints and keep track of that. So it's not a potential to pollute. It's a potential to clean up the environment.

COUNCILPERSON THOMAS: Let me -- let me ask you a question, though. You -- you say that Broward County did not really like this?

JOHNNY GRAHAM: Broward County was stuck in a lot of politics. And -- and what I mean by that is that years ago, they had very heavy pollution problems. So they just came straight out and said that, We're not going to allow any type of discharge in our water.

COUNCILPERSON THOMAS: Have you looked at the website, though? Because it says that Broward County is in favor of it as well as West Palm Beach --

CHAIR PRO TEM PARDO: And Miami.

JOHNNY GRAHAM: In favor of?

COUNCILPERSON THOMAS: Of this -- this product that you're trying to bring here.

JOHNNY GRAHAM: No. No, no, no. We -- we -- no, no, no. They don't. I -- we haven't been to Miami. We -- we've only been to Broward. So -- I -- I'm sorry. I missed the question.

COUNCILPERSON THOMAS: Have you looked at your website?

JOHNNY GRAHAM: At our website?

COUNCILPERSON THOMAS: Yeah.

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: Do you know that it's on there that --

CHAIR PRO TEM PARDO: Here you go.

COUNCILPERSON THOMAS: -- it -- it clearly say, "All concerned agencies are informed and favorable to this, including Broward County, West Palm Beach County, Dade County, EPA and more. So you're telling us that they're not but on your website --

JOHNNY GRAHAM: That would be a mistake.

COUNCILPERSON THOMAS: -- you -- on your website, it's a mistake?

JOHNNY GRAHAM: Yes. That's -- that's directly a mistake on the website.

COUNCILPERSON THOMAS: On your -- no. I'm saying it's your website.

JOHNNY GRAHAM: No, no, no, no. It's -- it's okay. This is my partner, Max. Max handles the website. He -- sorry.

MAX MALMSTROM: Yeah. Well, once we first initiated this project, we -- we came in contact with the Dade and the Broward.

JOHNNY GRAHAM: No. What he's saying is our website --

CHAIRPERSON JUDY DAVIS: I'm sorry. Excuse me. Excuse me. State your name for the record. I know it's --

MAX MALMSTROM: I'm Max -- I'm Max Malmstrom.

CHAIRPERSON JUDY DAVIS: Max Moser [sic]. Okay.

MAX MALMSTROM: Yes.

CHAIRPERSON JUDY DAVIS: Okay. Speak to us, please.

COUNCILPERSON THOMAS: Go -- yeah. Go ahead. What were you about to say?

JOHNNY GRAHAM: Do you understand the question?

MAX MALMSTROM: Go with the question again.

COUNCILPERSON THOMAS: Okay. Well, listen. This is the question. You all are giving us contradict -- contradicting information that's on your website. So why don't we do this? Because we are a business-friendly community, if it really is good, we might want to look at it. Well, why don't you give us an opportunity to read over the information that we just got tonight and maybe we can -- I mean, if it's -- pleases the Board, maybe we can come back and do something a little different. 'Cause right now, I don't want to -- you know, I want to trust what you're saying. And if you're saying it here, verbally, but on your website that goes out to, you know, a few people like the

worldwide web, I -- you know, I just want to make sure that it's consistent and I don't want to -- you know, I don't want to.

MAX MALMSTROM: Broward County was --

CHAIRPERSON JUDY DAVIS: Let's take it off.

MAX MALMSTROM: -- when we spoke to them, they were actually very favorable to this.

COUNCILPERSON GUYTON: I -- I got a couple of questions --

MAX MALMSTROM: But as Johnny explained --

COUNCILPERSON GUYTON: -- before we table it.

MAX MALMSTROM: -- it was just politics.

JOHNNY GRAHAM: It was -- excuse me. What it was -- and -- and this is the mistake that was made on there. What it was is that, initially, when we verbally spoke with them at Broward, there were certain people in Broward that handled the permits for this that were favorable for it because the DEP was involved in it. What happened is when it went up the chain, they started looking and one of their laws prevented us from doing it there. And so I believe that a -- well, I know that a mistake was made by not taking that off.

COUNCILPERSON THOMAS: Okay. All right.

JOHNNY GRAHAM: And -- and -- and I will -- and any questions you have, I will tell you -- you know, if there -- if there's a mistake there, I apologize for the mistake.

COUNCILPERSON THOMAS: No problem. Somebody else had a question so I --

COUNCILPERSON GUYTON: Yeah. Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Yeah. I'm sorry. I didn't get your name.

JOHNNY GRAHAM: Johnny Graham.

COUNCILPERSON GUYTON: Mr. Graham.

JOHNNY GRAHAM: Yes.

COUNCILPERSON GUYTON: At our -- I don't know if this to you or Mr. Sprague -- at our marina now, do boaters clean the bottom of their boats now aside from this new product.

JOHN SPRAGUE: Yeah. And I apologize for not clarifying that issue. Bottom paint, first of all, is approved by EPA. There are two types. There's a hard bottom paint and there's now bio-sloughing paints -- the paint actually comes out in the water color along with it. The hard paint generally does not go in the water but both of them are designed to release either copper in the hard bottom paints or biocides in the soft paints, into the water body all the time. So it's got a fresh film on the surface that prevents growth from happening.

Over time, the copper and the biocides starts to dilute itself to where it's not working. You know, one -- month one, two, three are really good. Four, five, six, starting to get more growth every week. You know, when you get to seven, eight, nine or whatever, it starts getting worse. Every single boat in the water gets scrubbed by divers in any areas where there's growth and the EPA knows that. It's something that happens every day because if you didn't do it, you wouldn't have any boats in the water.

COUNCILPERSON GUYTON: Okay. But you just answered my question. So we're doing it with the divers now?

JOHN SPRAGUE: Yes, sir.

COUNCILPERSON GUYTON: Do we ever do any environmental checks to determine the level of toxins that may be --

JOHN SPRAGUE: Toxins probably isn't a good word.

COUNCILPERSON GUYTON: Maybe not toxins but --

JOHN SPRAGUE: Because the EPA approves it. There are metals -- there's heavy metal, there's copper that's in -- in your hard-based paints. That's in general. There used to be tin. They took that out.

COUNCILPERSON GUYTON: Okay. Do we ever do tests to determine the level of those that are -- that are -- been exposed in our waters?

JOHN SPRAGUE: Everybody knows that the stuff is being released in the water. But when you figure yourself -- when you're in this great, big bathtub --

COUNCILPERSON GUYTON: Okay. Okay.

JOHN SPRAGUE: -- with the current running, you can't just say --

COUNCILPERSON GUYTON: I -- I -- I don't want to go on and on, but do we ever test it?

CHAIRPERSON JUDY DAVIS: Any testing done by EPA or --

JOHN SPRAGUE: No.

CHAIRPERSON JUDY DAVIS: -- us?

JOHN SPRAGUE: No.

COUNCILPERSON GUYTON: Okay.

CHAIR PRO TEM PARDO: Madam Chair.

JOHN SPRAGUE: Not required.

COUNCILPERSON GUYTON: We -- okay. So --

CHAIRPERSON JUDY DAVIS: I don't (inaudible).

COUNCILPERSON GUYTON: -- we never do any tests to determine the level of whatever you referred to it as (inaudible)? Okay. My other question -- and -- and that's happening without this program, right here?

JOHN SPRAGUE: That's correct.

COUNCILPERSON GUYTON: Okay. Are -- are they required to carry liability insurance?

JOHN SPRAGUE: Yes, sir.

COUNCILPERSON GUYTON: Are we held harmless?

JOHN SPRAGUE: That's why we came off the permit. I was assured by DEP that the City had to be removed. So we're not responsible. And what the issue comes down to -

COUNCILPERSON GUYTON: Okay. Wait, wait, wait. Come -- coming off the insurance, it's different from being held harmless.

JOHN SPRAGUE: Oh. They -- they have to carry -- what's the insurance at under the contract? \$1 million worth of liability insurance.

COUNCILPERSON GUYTON: Okay. Do we have any documents that's saying that the City would be held harmless of any liabilities associated?

JOHN SPRAGUE: Yes, there is.

CHAIR PRO TEM PARDO: Did you see the contract?

CITY ATTORNEY RYAN: I did.

JOHN SPRAGUE: Yes, sir. It's in the standard contract -- the standard docking agreement.

CHAIR PRO TEM PARDO: All right.

COUNCILPERSON GUYTON: And -- and it says that the City will be held harmless? Is that the language?

JOHN SPRAGUE: Well, it's -- it's a fairly lengthy one but there's many places where it says that, yes.

COUNCILPERSON GUYTON: Okay. I would like a copy of the contract. I -- I --

JOHN SPRAGUE: Well, sir --

COUNCILPERSON GUYTON: -- I would assume that this is coming back to us.

CHAIRPERSON JUDY DAVIS: Uh-huh.

COUNCILPERSON GUYTON: And I would like a copy of the full contract and I would like for you to note for me --

JOHN SPRAGUE: Where it is?

COUNCILPERSON GUYTON: -- where it says that the City is held harmless from any liabilities associated with this experiment.

JOHN SPRAGUE: Yes, sir. Okay. Very good, sir.

CHAIR PRO TEM PARDO: Madam Chair.

COUNCILPERSON THOMAS: Madam Chair.

MAYOR MASTERS: Madam Chair.

CHAIRPERSON JUDY DAVIS: I heard Miss Pardo then Mr. Thomas then Mayor Masters.

CHAIR PRO TEM PARDO: Okay. I would like to see that contract but I would also like to see the correspondence that you had with DEP. So there's supposed to be a letter, you know? There's nothing in the backup. There's emails from March.

JOHNNY GRAHAM: Yes. We -- we had that all in the contract also.

CHAIR PRO TEM PARDO: Okay, fine. So I would like to see that.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: I heard Mr. Guyton say that this needs to come back to us. Why would it come back to us if you're already here?

COUNCILPERSON TERENCE DAVIS: (Inaudible) for six months.

CHAIRPERSON JUDY DAVIS: That's just --

COUNCILPERSON GUYTON: No. I was assuming from your comments that -- you said that you wanted us to --

COUNCILPERSON THOMAS: Yeah. I -- I -- I wanted -- what I'm trying to understand and ascertain is, they had a discussion with DEP or E somebody.

CHAIRPERSON JUDY DAVIS: DEP. Yeah, DEP.

JOHNNY GRAHAM: Yeah. The FDEP. Yeah.

COUNCILPERSON THOMAS: Yeah, FDEP. And then a discussion with staff that did not raise to the level of the City Council -- that's not your problem, that's an internal problem and we'll deal with that -- but you're here now. So we've given you some type of lease.

JOHNNY GRAHAM: Correct.

COUNCILPERSON THOMAS: And --

COUNCILPERSON TERENCE DAVIS: For six months.

COUNCILPERSON THOMAS: -- so basically what I'm saying is even if DEP says it's okay or whatever the situation is, I would like for this to come back to us to decide if we want this type of business in, you know, our marina. But at this time, I mean, you're there. We -- you got a lease so it's nothing we can really do or say unless we want to go to court, right?

JOHNNY GRAHAM: Yes, that's true. I -- I --

COUNCILPERSON THOMAS: Yeah, yeah.

JOHNNY GRAHAM: -- we -- I -- I would like to come back to the Council once this is to the point where we've had our -- our -- our pilot program finish, or as we're getting close to it, to see if this has been a good situation for the Riviera -- for Riviera Beach Marina, to see if it's been good for us and then come back in and try to get a long-term lease at that point.

COUNCILPERSON THOMAS: I -- I -- I got it. But let me ask you this question here. Is it something in this contract -- and maybe this if for our staff who did not bring this to us prior to now -- that says if during this pilot or this testing stage, that some type of mess happens, waste, spillage, whatever, that they're responsible for remedying that or cleaning that up? Is that in --

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: -- the contract?

JOHNNY GRAHAM: It -- it -- it is and we've also put up a bond money for that also. We're putting up an extra \$15,000 bond money.

COUNCILPERSON THOMAS: Thank you.

JOHNNY GRAHAM: Along with that, sure.

COUNCILPERSON THOMAS: Thank -- thank -- thank you, sir.

COUNCILPERSON TERENCE DAVIS: Excuse me.

COUNCILPERSON THOMAS: \$15,000 is probably not a whole lot --

JOHNNY GRAHAM: With -- with -- with the insurance policy.

COUNCILPERSON THOMAS: -- to clean -- I'm asking if our -- I'm -- I'm -- yeah. Thank you, sir. I'm sorry. I'm not trying to be disrespectful. I'm just trying to get it from our staff.

JOHNNY GRAHAM: Sorry.

COUNCILPERSON THOMAS: That should be giving us this information. Do we -- do we have that and do we have adequate enough coverage if something happens, you know, spillage? I don't want to equate this to BP or anything, but I'm just saying, if something like that happens, is there adequate enough coverage that this can be cleaned or -- 'cause we don't know anything about this. We don't have any scientists or

anybody on staff to let us know, you know, what's going on with this. What do we put in place to make sure of that?

MARINA DIRECTOR ED LEGUE: Sir, it's -- there we go. It's -- we have -- it's in the standard dockage agreement that the vessel is responsible for any and all pollution of any type and that they're required to do the cleanup. They're required to contact the Coast Guard through the 8 -- 1-800 number and all that. They have that same information in their contract. They have a million dollars which is the -- the City's, you know, requirement for a commercial enterprise. We have also in the contract, which is again, a standard contract for a dockage agreement, of a 30-day notice of either party. So if, after 30 days, we don't like, as the City, what's going on, we can give them notice. And if, you know, the same thing is true with the other way around.

COUNCILPERSON THOMAS: Yeah. Well, you know, I mean, we all know that just because you have something that says 30 days in your contract, doesn't mean that you won't be sued or subpoenaed in all of that. We've -- we're dealing with that type of stuff. So we -- we don't need to trip over the same stone twice, you know? I'm just trying to make sure, you know, of it. I just want to -- you know, these type of things are -- are serious in nature, sensitive in nature. These -- these aren't staff-level decisions by themselves. You all are supposed to make the recommendation. We really need to know about these type of things that -- that go on in -- in -- in, you know -- in the marina. It could be a great thing. But we need to do that. And I want to make sure that we start -- that is what turns businesses off. They negotiate with -- with staff, they think everything is fine, then they come here to a meeting and be like, What in the world just happened? Well, the policy-makers, the ones that have -- that the citizens say, We want you to stamp this, we don't have the information. So we get it tonight and now we have to ask these -- these questions where it could be perceived as, Well, they're not business-friendly or whatever. No. We just want to protect our waterways and protect what's going on. Now that's a internal issue that has to be stopped.

I don't want business people coming to staff -- staff needs to say, Look, we only have authority up to this particular point. The rest of this needs to go to the Council. So as staff, we're good with this. But you still need to go visit with your Council members. You still need to go make sure that they understand what's going on, so we don't have this type of interaction.

Now, unfortunately, for -- for this nice gentleman here who is very patient and -- and answering all our questions, he has some -- some contradiction on his website that they need to, you know, deal with and we can deal with that. But at this point, they're in. We're obviously -- are stuck with this decision at least for the next six months. But we need to update and -- and find out what's going on, and then we need to find out who is going to be there to check and see if this is pollution or check and see if it's -- if it's done. I don't think we have anybody on staff that, you know, will go -- or, you know,

they may be nice people but I'm sure if they're polluting, they're not gonna say, Hey, we're polluting. You know? So we need to make sure of that as well.

CHAIRPERSON JUDY DAVIS: Mayor Masters.

MAYOR MASTERS: Yes. Just a couple of things. Let me be very brief.

COUNCILPERSON GUYTON: Madam Chair. Could he -- could he answer the question about checking for the pollution.

CHAIRPERSON JUDY DAVIS: Did you -- oh, I -- I heard so much. I didn't -- I -- I lost the question. Go ahead and answer the question, sir. I'm sorry.

JOHN SPRAGUE: DEP is going to be at the marina when they start this machine up and start doing bottoms.

CHAIRPERSON JUDY DAVIS: Okay.

JOHN SPRAGUE: They will take water samples. They have a permit that has been issued by them and I can guarantee you if there is a water quality problem, they're going to get cited and this operation will stop immediately.

CHAIRPERSON JUDY DAVIS: Well, that sounds good.

CHAIR PRO TEM PARDO: Great.

JOHN SPRAGUE: So those safeguards have been put in in their permit. The only difference is, the City is not on that permit so there's no liability for the City part. It all lands on their company and their operation, and the DEP permit and the U.S. Army Corps permit both hold them responsible for any water quality problems.

COUNCILPERSON THOMAS: You said Riviera Beach is not responsible.

JOHN SPRAGUE: No.

COUNCILPERSON THOMAS: By virtue of it being a city, I'm pretty sure we're going to get drug into a lawsuit. So we're gonna have -- we're gonna have the -- the responsibility of defending that. So I'm not --

CHAIRPERSON JUDY DAVIS: We're gonna be (inaudible).

COUNCILPERSON THOMAS: -- you know your business and we pay you very well for you to advise us. But I want to make sure that we understand that. I don't think that we can just say, We're not gonna have any, you know -- any exposure if something does happen. Am I correct in saying that?

CHAIRPERSON JUDY DAVIS: I -- I -- we think so. Absolutely.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Wait a minute. Hold on, hold on. Mayor Masters was next.

MAYOR MASTERS: Thank you, Madam Chair. Just to be brief. Co-chair Pardo mentioned the backup and documentation that we don't have. But in addition to that, I want to see in writing -- in writing, that the DEP told you to come here. You said they did. You said they recommended that. Is that true?

JOHNNY GRAHAM: They recommended that in -- in our discussions in sitting down with them to say that there are -- Palm Beach County would be the proper place to start this with and that with the -- and that with the flow that is at Riviera Beach Marina, that that would be a recommendation. It was never written in an email; it was never written anywhere. It was strictly conversations and then moving forward from there.

MAYOR MASTERS: Okay. Well, let's say it this way. Whatever the --

CHAIRPERSON JUDY DAVIS: Who did you speak to?

MAYOR MASTERS: Yeah. Whatever the conversation was, I want to see it in writing that someone -- whoever -- like the Chair said, whoever told you that -- somebody had to tell you that --

CHAIRPERSON JUDY DAVIS: Uh-huh.

MAYOR MASTERS: They didn't put it in writing, but you said they told you. So I need that in writing, who that person was and exactly, as best as you can recollect, what they said, in writing. Can you do that?

JOHNNY GRAHAM: Mr. Mayor, I -- I would hate to write that down because I don't remember the specific details or --

MAYOR MASTERS: I thought that would be a problem.

JOHNNY GRAHAM: Yeah.

MAYOR MASTERS: Let me move --

JOHNNY GRAHAM: I -- I mean, I don't --

MAYOR MASTERS: -- let me move on.

JOHNNY GRAHAM: And -- and I know --

MAYOR MASTERS: I'm -- no. And I'm talking. Just -- just hold on, please. I want to make sure that we are -- that we -- I'm understanding this. Miami Dade and Broward County, I know you mentioned politics, which is everywhere you're gonna go, there's gonna be politics. It's government; it's a political situation. Okay? Just -- and -- and my colleague was very brilliant to -- to bring that up, as for your website. But I need to be clear: Broward, Miami Dade is against this or are they for it?

JOHNNY GRAHAM: Miami Dade was not approached.

MAYOR MASTERS: Broward?

JOHNNY GRAHAM: And Broward was for it until it got higher up and they said that we needed to -- they said that it would take a long time for us to get it through their Council for us to put this in their water.

MAYOR MASTERS: So you -- you don't know whether they changed their mind or not. It's still -- so what are you telling me?

JOHNNY GRAHAM: We -- we walked away from Broward.

MAYOR MASTERS: But you walked here.

JOHNNY GRAHAM: We did, yeah.

MAYOR MASTERS: Thank you.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON TERENCE DAVIS: Madam Chair. Oh.

CHAIRPERSON JUDY DAVIS: Mr. Davis?

COUNCILPERSON TERENCE DAVIS: I just have one small, brief question. I hear our staff down on the floor talking about all the legal contracts. Who represented us reviewing the legal contracts? Can staff answer that question?

JOHN SPRAGUE: The contract that we're talking about is a --

MAYOR MASTERS: Your mic on.

CITY ATTORNEY RYAN: Hold on. Let me answer that, please.

JOHN SPRAGUE: Yeah.

CITY ATTORNEY RYAN: If I can -- Madam Chair.

CHAIRPERSON JUDY DAVIS: Yes, ma'am.

CITY ATTORNEY RYAN: The -- this issue was brought to the City Attorney's office and we did review -- our standard dockage agreement with an addendum --

COUNCILPERSON TERENCE DAVIS: Okay.

CITY ATTORNEY RYAN: -- that added extra protections because of the type of work that they're doing. So it was vetted by our Department. We made sure the indemnification provision was there, twice. That's why he said "in more than one place." So in terms of the City having protection, I think we are adequately protected.

COUNCILPERSON TERENCE DAVIS: Okay.

CITY ATTORNEY RYAN: Of course, as you said before, you can't stop people from suing you.

COUNCILPERSON TERENCE DAVIS: Okay.

CITY ATTORNEY RYAN: However, they have agreed to indemnify us should anything occur. Not just suing us, but should anything occur, including a disaster, which we hope will not happen.

COUNCILPERSON TERENCE DAVIS: Okay.

CITY ATTORNEY RYAN: At that -- that --

MAYOR MASTERS: Marina.

CITY ATTORNEY RYAN: -- that -- right, at the marina.

COUNCILPERSON TERENCE DAVIS: So, Miss Ryan, when did they bring the contract to you?

CITY ATTORNEY RYAN: Okay. I -- I can't give you a specific answer on that but it was a few months ago, I think. Two or three -- two months ago maybe.

MARINA DIRECTOR ED LEGUE: I think it was back in November.

COUNCILPERSON TERENCE DAVIS: November?

CITY ATTORNEY RYAN: Okay.

MARINA DIRECTOR ED LEGUE: I think right before they started --

COUNCILPERSON TERENCE DAVIS: Okay. That's all.

MARINA DIRECTOR ED LEGUE: (Inaudible).

COUNCILPERSON TERENCE DAVIS: So -- so we did have someone on our end representing us to make sure --

CITY ATTORNEY RYAN: Yes. In fact -- that's right. Miss Goodell [phonetic] from Glen Trevesia's office handled it for me because I was in the trial. Yes, that's correct.

COUNCILPERSON TERENCE DAVIS: All right. Thank you.

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: One last question to staff or John Sprague. DEP, as you indicated tonight, does not require us to do quality checks when boaters in our marina clean the bottom of their boats; is that correct?

MARINA DIRECTOR ED LEGUE: That's correct.

COUNCILPERSON GUYTON: We're trying to determine now based on a pilot program, whether it can -- I -- as I understand it, eliminate some of what may be dispersed into our waterways now.

MARINA DIRECTOR ED LEGUE: That is correct.

COUNCILPERSON GUYTON: That's correct. Is it an expensive endeavor to, in addition to what they're doing, do our water quality check for boats that are still doing it, not under this pilot program?

JOHN SPRAGUE: I didn't understand the question exactly.

COUNCILPERSON GUYTON: My question is -- first let me ask this. Are all of the boats going to be required to go through this pilot program?

JOHN SPRAGUE: No.

COUNCILPERSON GUYTON: Okay. The boats that do not go through this pilot program, the water that they are using to clean the bottom of their boats --

CHAIRPERSON JUDY DAVIS: Just in the interim.

COUNCILPERSON GUYTON: -- is it an -- an expensive endeavor for us to hire a consultant to do our own water quality checks for those areas that are not going through this program?

MARINA DIRECTOR ED LEGUE: (Inaudible).

CITY MANAGER JONES: Ed. Go up there. They can't see you as well. Thank you.

MARINA DIRECTOR ED LEGUE: I -- I'm not sure whether it's an expensive process, but I'm not sure that it could be a process because of the current level. We have a pretty quick current in there. And by the time somebody would scrub a bottom, by the time you'd get somebody there to try and do a water quality analysis, I don't think you'd find anything in the water because the water is so clean and it's -- it flushes so well. We, in fact, when we were doing construction, did several soil samples within the marina. And -- and found very few in the way -- very -- very little in the way of hard -- hard metals and so forth. And that's attributed to the fact that the current is so -- so fast in there. So whether or not doing a water quality in and around the area of a boat that's actually doing a scuba scrubber or -- or that type of thing, would do you any good or -- or have any, you know, results. I -- I don't think so.

COUNCILPERSON GUYTON: The pilot program, I see where they're gonna have something catching whatever is being dispersed from the bottom of the boat.

MARINA DIRECTOR ED LEGUE: Yes, sir.

COUNCILPERSON GUYTON: How would we determine where whatever's in there little catch thing where it came from and what boats and --

CHAIR PRO TEM PARDO: In the marina.

COUNCILPERSON GUYTON: -- is there a way to determine that or -- so --

MARINA DIRECTOR ED LEGUE: I -- I mean --

COUNCILPERSON GUYTON: -- so you don't tag it to say this type of boat, this is where this came from, where -- how -- so you don't do a tracking system?

MARINA DIRECTOR ED LEGUE: No, sir. I -- I think that the -- the major push for this is to -- to utilize and see if the amount of bio -- bio-nasties and -- and ethyl-methyl-terrible and all that stuff, that we get out of the bladder -- if they have something that they can measure and say, This system prevented X amount of milligrams of -- of whatever, from going into the system. This system is something that is going to, hopefully, reduce the pollution, and as far as people coming in to see it, you know,

obviously, they're gonna have to make it economically feasible for people to use it. They're gonna have to make it convenient for people to use it and so forth. So, I mean, they've got kind of an uphill battle. From the DEP environmental standpoint, and -- and part of the reason that we're here now the way we are is that I looked at it and -- and I can't speak for the manager, but we had several discussions -- that this was a -- a benefit to the environment and -- and -- and very little in the way of risk to the environment.

COUNCILPERSON GUYTON: Okay. And I'm -- and I'm not doubting that. I'd like to be able to measure and that is why I inquired about those boats that don't use this operation.

MARINA DIRECTOR ED LEGUE: Uh-huh.

COUNCILPERSON GUYTON: You said that it pretty much flushes quickly, and now I'm thinking, Why, in my mind, are we using this if it flushes out quickly and we can't determine what's there? I -- I'm -- I'm -- so --

MARINA DIRECTOR ED LEGUE: Well, it's going somewhere.

COUNCILPERSON GUYTON: Understood.

MARINA DIRECTOR ED LEGUE: And -- and this, by having this, we will know -- if we do 100 boats and we end up with X amount of pounds or milligrams or whatever of -- of nasty, then we know -- then we have -- we have something to gauge it by.

COUNCILPERSON GUYTON: Okay.

MARINA DIRECTOR ED LEGUE: We have -- we have something to measure.

COUNCILPERSON GUYTON: And -- and I'm -- I'm in this with -- with this observation. With the technology now, as I understand it, they can measure currents and how far currents will push debris and other things. So I don't see how, to some degree, that we cannot measure what emanated into our water outside of this operation here with the right technology. So that is where I'm going. There should be a -- a -- a -- an -- a measure by which, aside from this program, we can measure what's going into our water and -- and to what level, outside of what is being caught in this little catch thing here. So I would hope that staff consider that because it's important to me, because if we have to do something in addition to, we need to consider that. But we need data, documents and evidence --

MARINA DIRECTOR ED LEGUE: Sure.

COUNCILPERSON GUYTON: -- that this is what's being emanated; this is the amount. And even with that program there, I don't know, is it considered foolproof that absolutely nothing gets through? Is -- is it foolproof?

MARINA DIRECTOR ED LEGUE: I'm -- I'm not going to say anything's foolproof.

COUNCILPERSON GUYTON: Okay.

MARINA DIRECTOR ED LEGUE: No, sir.

COUNCILPERSON GUYTON: So -- so --

MARINA DIRECTOR ED LEGUE: But what I will say is this. I'll check with both DEP, EPA and Health Departments to find out what water quality analysis is done. 'Cause I'm sure there are some done --

COUNCILPERSON GUYTON: I know.

MARINA DIRECTOR ED LEGUE: -- throughout the area. It's just that we don't do it.

COUNCILPERSON GUYTON: Yeah. And even though it's not required, it's my hope that we step our game up and be a level above our competitors --

MARINA DIRECTOR ED LEGUE: That's --

COUNCILPERSON GUYTON: -- and -- and we can tout that as a reason to select Riviera Beach as opposed to others, which may have more pollutants than -- well, not pollutants, what -- whatever you consider -- than we do.

JOHN SPRAGUE: If I can add to that, the other problem, though, you gotta remember, that our Lake Worth lagoon, which surrounds the marina and the marina is in, is at the end of the food chain. Every storm drain that there is in the county, going all the way back to the western community, drains into this water body eventually. So coming off of cars, coming off every business that does things outside, every homeowner, everybody, whether we spill oil or whether it leaks from your car, it's gonna wind up in that water body. So when that stream goes by us on an outgoing tide, it's carrying all kinds of stuff that came upland of us. And that's why when we get into a separation with a -- with a current to be able to determine exactly where that is, that's where our point source permitting comes in versus storm water, where a business has to retain or whatever. But it's a cumulative of everything that feeds into the water body.

COUNCILPERSON GUYTON: Okay. And that is the point and maybe I didn't make myself clear. Not just to determine what's emanating from the boats, but I want to see what the quality of our water is. It doesn't matter to me where it comes from. I want to

know the quality of our water where people sometimes play and boat and -- and swim and all those other good things. What is the quality of the water they're swimming in?

JOHN SPRAGUE: That is collected, sir, just like when you saw the -- what's the beach up in Jupiter --

CHAIRPERSON JUDY DAVIS: Who collects it?

JOHN SPRAGUE: -- where they -- they closed it because of pollution? That's because it's tested. Environmental Resource Management, as far as I know, still does water quality sampling in certain places in the water body that the marina is located in.

COUNCILPERSON GUYTON: Okay. I'm -- I'm gonna end with this. I said that before. I'm saying that I want data in Riviera Beach about our water. Not -- not, you know, periodically somebody come through and do a check and if they don't -- but, no. I -- I don't want to go back and forth.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON GUYTON: I just want to know the quality of our water.

CHAIRPERSON JUDY DAVIS: Okay. And I -- and I have one question. When you collect this stuff in the -- in the bag there, how do you dispose of it?

JOHNNY GRAHAM: CBI -- excuse me.

CHAIRPERSON JUDY DAVIS: To the mic.

JOHNNY GRAHAM: Currently --

CHAIRPERSON JUDY DAVIS: CBI picks it up?

JOHNNY GRAHAM: Yeah. CBI will come pick it up.

CHAIRPERSON JUDY DAVIS: And where do they take it?

JOHNNY GRAHAM: They will test it and they will take it to whatever facility it needs to go to according to whatever's in it.

CHAIRPERSON JUDY DAVIS: Okay. All right. I -- I -- as I've said before, the -- the manager had mentioned this to me. But, you know, I would expect you to notify my colleagues also. And that's the only problem that I have with it at this point in time. And, you know, it may be a benefit. I'm open to that. And I think I heard Mr. Sprague say that DEP was going to be there at the very beginning and if there was any sort of problem, they would shut you down. So I would also expect the City to -- if this gadget

is -- is operated or this piece of equipment or whatever you call it -- is in operation anywhere else? Do your own due diligence and -- and see what kind of data you pull back from that. See -- see how it's operating and see how it, you know, if it's cleaning the water -- keeping the water clean. You know, we need to do our own due diligence as far as that's concerned. So I think -- my colleagues, what I'm hearing is they -- they want -- are you guys saying that you are okay with DEP going forward with testing this or what? We're -- we have a contract already.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: Right. We -- we have a contract that we just found out about tonight. I think some staff person, I'm not sure who, mentioned that it's a six-month lease. Is that correct?

CHAIRPERSON JUDY DAVIS: Or DEP will shut it down.

CITY MANAGER JONES: A six-month pilot, yes.

CHAIR PRO TEM PARDO: Okay, fine. So prior to extending that lease, this needs to come --

CHAIRPERSON JUDY DAVIS: It comes back to us.

CHAIR PRO TEM PARDO: -- back to us.

CHAIRPERSON JUDY DAVIS: Absolutely.

CHAIR PRO TEM PARDO: But in the meantime, I'd like to see the contract and I believe Councilman Guyton also wants to see it. And I'd like to see the letter from DEP.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And, you know, as everyone up here knows, I am your environmental girl. So I have a meeting in Broward tomorrow with the head of ERM and DEP's gonna be there. So I look forward to talking to Broward ERM to, like, really find out what their problem --

CHAIRPERSON JUDY DAVIS: Okay.

CHAIR PRO TEM PARDO: -- was with it.

CHAIRPERSON JUDY DAVIS: And you want that information prior to your meeting?

CHAIR PRO TEM PARDO: Absolutely.

CHAIRPERSON JUDY DAVIS: Okay. All right. So --

CHAIR PRO TEM PARDO: I'd like it first thing tomorrow morning.

CHAIRPERSON JUDY DAVIS: All right.

CHAIR PRO TEM PARDO: And again, prior to extending this lease, it needs to come back to us with all of the data that DEP collected. That's what I would like.

CHAIRPERSON JUDY DAVIS: Okay. We're clear?

CITY MANAGER JONES: Clear.

CHAIRPERSON JUDY DAVIS: Okay. All right. Thank you very much.

JOHNNY GRAHAM: May I?

CHAIRPERSON JUDY DAVIS: No. Go ahead.

JOHNNY GRAHAM: Are we --

CHAIRPERSON JUDY DAVIS: You have some last comments.

JOHNNY GRAHAM: Yeah, I do. Actually, I apologize for getting off on the wrong foot. I didn't really know that this was going to be just dropped on everybody the way that it was. And -- and I just wanted to let everybody understand that this is a way to help us clean up our environment. This is a way to help people to stop having to use those -- those toxic paints or those -- those -- and I know -- I know John doesn't like me to use "toxic," but the -- the paints that are gonna be harmful to the environment.

CHAIRPERSON JUDY DAVIS: Okay.

JOHNNY GRAHAM: And -- and we also know that this will be a very good addition to the services for Riviera Beach Marina. Our goal behind this was to allow people to spend time there. And, well, thank you for your time.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON TERENCE DAVIS: Madam -- Madam Chair. Really quick.

CHAIR PRO TEM PARDO: Take care of our marina.

COUNCILPERSON TERENCE DAVIS: I just want --

CHAIRPERSON JUDY DAVIS: Mr. Thomas and then Mr. Davis.

COUNCILPERSON THOMAS: Is -- is this already at the marina?

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: So it's already up and --

JOHNNY GRAHAM: It's -- it's -- it's been installed in the marina. We're currently having --

COUNCILPERSON THOMAS: So you're using it?

JOHNNY GRAHAM: No. Not -- not yet. We're --

COUNCILPERSON THOMAS: All right. That's what I'm -- that's what I'm trying (inaudible).

JOHNNY GRAHAM: No, no, no. Not yet. We're currently having the electrical installed for it. And then before we start up, we will have the --

COUNCILPERSON THOMAS: And you're -- you're picking up the cost of the electrical installation?

JOHNNY GRAHAM: Yes.

COUNCILPERSON TERENCE DAVIS: Yes.

JOHNNY GRAHAM: Yes.

COUNCILPERSON THOMAS: Okay. That's -- that's always a good thing. But when do you expect for this to -- to be up and running?

JOHNNY GRAHAM: We're -- we're coordinating up with -- with Bill Sadler. I know he's a -- a -- I know he works with the City also. He's actually the one who's going to be taking care of all of our testing for us, our water testing, along with the DEP.

CHAIR PRO TEM PARDO: And you're paying for that?

JOHNNY GRAHAM: Yes. We're paying for that.

CHAIR PRO TEM PARDO: You're paying Bill Sadler?

JOHNNY GRAHAM: We're -- we're paying for that.

COUNCILPERSON THOMAS: Okay.

JOHNNY GRAHAM: So -- and -- and you had a question about the cost. Our costs --

COUNCILPERSON THOMAS: Yeah. I have a question of when it's going to start 'cause you kind of didn't answer that.

JOHNNY GRAHAM: Oh.

CHAIR PRO TEM PARDO: We can monitor Sadler's (inaudible).

JOHNNY GRAHAM: Probably within the next two weeks we'll be starting up.

COUNCILPERSON THOMAS: Okay. Thank you.

CHAIRPERSON JUDY DAVIS: Mr. Davis.

COUNCILPERSON TERENCE DAVIS: Would you please, as you get started in doing your testing, do -- record a simulation of some of the projects that you're doing, because some people may not go down to the marina to see it. So when you come back before this Board that the residents at home can actually see how this works?

JOHNNY GRAHAM: Yes, we will.

COUNCILPERSON TERENCE DAVIS: Thank you.

CHAIRPERSON JUDY DAVIS: Okay. Thank you very much.

JOHNNY GRAHAM: Thank you.

CHAIRPERSON JUDY DAVIS: Sorry it was painful.

JOHNNY GRAHAM: That's okay.

CHAIRPERSON JUDY DAVIS: But we have to do --

MAYOR MASTERS: I just have -- not -- not for them, but a question for the manager for clarification.

CHAIRPERSON JUDY DAVIS: Go ahead, sir.

MAYOR MASTERS: Okay. The -- the Chair had a conversation with you about it. What I want -- what I want to know for in the future, is it for you to inform us or the Chair's responsibility?

CITY MANAGER JONES: Well, I think that's something that I speak with each Chair at the time that they're serving, during the time that they're serving. I don't -- it's not upon

the Chair to do it. It -- from what I'm hearing and understanding now, it's incumbent upon me to --

MAYOR MASTERS: Okay.

CITY MANAGER JONES: -- make sure that I get to each of you.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY MANAGER JONES: The other way it happens, sometimes the individual will come to the elected official themselves.

MAYOR MASTERS: Or they would get to you probably.

CITY MANAGER JONES: Yeah. So it's --

MAYOR MASTERS: Thank you.

CITY MANAGER JONES: Yeah.

MAYOR MASTERS: I just wanted to know.

CITY MANAGER JONES: Yeah. I just hear this as --

MAYOR MASTERS: 'Cause, I mean, you won't make the same mistakes.

CITY MANAGER JONES: -- a directive that now it must come from -- from me.

MAYOR MASTERS: Okay. I just wanted to know.

CITY MANAGER JONES: For information.

MAYOR MASTERS: Is it clear?

CHAIRPERSON JUDY DAVIS: Okay. We're now -- it's 7 p.m. It's now down to public comments. First person up and I do apologize to you, Mrs. Gay. You're going to be first up. We missed you last -- at the first meeting in December, I think it was.

DOROTHY GAY: Yes, it was.

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

7. ORDINANCE NO. 4056 OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 10, ARTICLE VI

ENTITLED "TELECOMMUNICATIONS REGULATIONS" OF THE CODE OF ORDINANCES BY RENAMING THE ARTICLE TO "PLACEMENT AND MAINTENANCE OF FACILITIES FOR COMMUNICATIONS SERVICES IN RIGHTS-OF-WAY"; UPDATING DEFINITIONS IN CONFORMANCE WITH STATE LAW; PROVIDING FOR WIRELESS COMMUNICATIONS FACILITIES; UPDATING AND REVISING THE REGISTRATION AND PERMITTING PROCESS; REQUIRING DESIGN FEATURES FOR CERTAIN ABOVE GROUND FACILITIES; PROVIDING PLACEMENT PARAMETERS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL RIGHTS OF WAY; REVISING ADMINISTRATION AND ENFORCEMENT PROCEDURES; PROVIDING REGULATIONS FOR "PASS THROUGH PROVIDERS" IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: This scam.

CHAIRPERSON JUDY DAVIS: Is there a motion?

COUNCILPERSON TERENCE DAVIS: So moved.

CHAIRPERSON JUDY DAVIS: Is there a second?

CITY ATTORNEY RYAN: Well, we probably should wait for Mr. Guyton to come back.

COUNCILPERSON THOMAS: That's not how we do things.

CHAIRPERSON JUDY DAVIS: Is there a second?

COUNCILPERSON TERENCE DAVIS: What are we waiting for?

CITY ATTORNEY RYAN: There he is.

CHAIRPERSON JUDY DAVIS: I'll pass it -- okay. Is there a second?

COUNCILPERSON GUYTON: (No audible response).

CHAIRPERSON JUDY DAVIS: Okay. We have a second. Okay. Mrs. Jones.

COUNCILPERSON TERENCE DAVIS: What you doing?

CITY MANAGER JONES: Okay. This is an item for -- on the second read. This is the second -- I want to say at least our third time that the item has been before you. Staff is available to answer any questions that you may have about the item.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: I've got -- let me -- let me take these two first (indicating).

COUNCILPERSON THOMAS: Yes, ma'am.

CHAIRPERSON JUDY DAVIS: Okay. Melissa Anderson and then Hope Calhoun.

COUNCILPERSON TERENCE DAVIS: That's what we're doing. That's all we're gonna do.

CHAIR PRO TEM PARDO: (Inaudible).

COUNCILPERSON THOMAS: Madam Chair. Before -- if you don't mind --

CHAIRPERSON JUDY DAVIS: Sure.

COUNCILPERSON THOMAS: -- before we take the speakers, if my issues were addressed that I talked about before, I'd like to hear them in the presentation because some of the questions may be about that. If that's okay with you.

CHAIRPERSON JUDY DAVIS: Well, I -- I -- I -- I generally want to hear the -- go ahead and take these. And then we'll --

COUNCILPERSON THOMAS: Yes, ma'am.

CHAIRPERSON JUDY DAVIS: -- we'll go forward.

CITY ATTORNEY RYAN: Mr. Davis.

CHAIRPERSON JUDY DAVIS: Come on up, ma'am.

CITY ATTORNEY RYAN: Keith Davis. Can you just come up just so you can be (inaudible)?

CHAIRPERSON JUDY DAVIS: Melissa Anderson and then Hope Calhoun.

MELISSA ANDERSON: Good evening, Council members. I actually am here just to answer any questions you might have. I was not available at the last meeting. I know that there were some questions. I am the government relations counsel from Crown Castle. So if you have any questions, I am here to answer them. Thank you.

CHAIRPERSON JUDY DAVIS: Okay. Hope Calhoun.

HOPE CALHOUN: Good evening, Hope Calhoun, attorney on behalf of Crown Castle. The same, I'm here to just answer any questions if they're relevant to my --

CHAIRPERSON JUDY DAVIS: Okay.

HOPE CALHOUN: -- clients issues tonight. Thank you.

CHAIRPERSON JUDY DAVIS: All right. All right. Miss Jones.

CITY MANAGER JONES: Yes. I would like to ask the staff, and the staff -- the attorney that worked on this regulation, to point out the changes in the document since the last meeting that we had.

CHAIR PRO TEM PARDO: I don't have them.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Good evening, Mayor, Council, staff. My name is Jeff Gagnon.

CHAIRPERSON JUDY DAVIS: Good evening.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: I am the Zoning administrator for the City. There was a -- a memo that was released on December 30th and just for background, this item appeared before the Board, excuse me, the Council, for first reading on December 3rd. Second reading occurred on December 17th. At that time, Council directed staff to amend the ordinance to include a public notification element.

CHAIRPERSON JUDY DAVIS: Mr. Gagnon. Pull -- pull the mic down so --

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Yes, ma'am.

CHAIRPERSON JUDY DAVIS: -- so it'll catch -- catch your voice, okay?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: At the December 17th Council meeting, there was a request to have staff include a public notification element within the ordinance. That specific language is outlined within that memorandum. It falls on page 20 of 50 of the ordinance. It is under Section 10-211, Use of Rights-of-Way. In summary, what it -- what it does is it accounts for a public notification element where adjacent property owners will be notified of any potential work. Depending on the extent of the work, it could escalate to a public meeting process.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: Yes.

CHAIRPERSON JUDY DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Madam Chair, thank you. Mr. Gagnon, I -- I recognize the attempt to accomplish what I was asking for, but this doesn't quite do it for me and let me tell you why. It is still that they can place these wherever they want to without the residents being able to have any say-so. Is that correct?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: What the new language does, if a permit is required, a notification will also be required. So that's for a new facility or --

COUNCILPERSON THOMAS: I get it. The notification.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Correct, sir.

COUNCILPERSON THOMAS: But if, let's say Crown Castle wants to come -- and let me explain -- there's a sidewalk -- hopefully, there's a sidewalk in your neighborhood. If not, they're coming soon. Right in front of that sidewalk, although it really doesn't belong to the residents, most of them take good care of them. I've seen some streets where there are palm trees and lights and they -- they put money -- they -- they take care of those. Crown Castle, if this happens, can just come and say, I'm going to put one of these poles right there, anywhere, in that median. And all this does, it says, Well, they gotta tell you they're going to do it. You don't really have any say-so in that.

Now, for me to have to take care of that, I don't want my -- I don't want the front of my house littered with these poles. Now, let me -- let me -- let me make sure, 'cause we can't say that they can't do this anywhere. They get just to do it if it's in -- if it's a right-of-way. Correct?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: What -- what this ordinance is attempting to do is provide guidelines and parameters so the entities and the providers cannot just come into a neighborhood and -- and put poles or facilities wherever.

COUNCILPERSON THOMAS: I want more than perimeters -- parameters. I want some protection so that they can't litter our City with these things all over the place, just so they can make money. I get it. Some of the services are horrible. They need to put them out. The proposed places that they put them, happen to all four be in the residential district where I reside and I'm the councilperson for. But I have an issue that they're -- have not put these in any other residential places, anywhere in the state of Florida, residential, that I've seen. If they have, I'd like to see that. I'd like to see that, you know, right here.

The fact that we say this, we could still fight. It -- it's not like we -- we can fight. That's what we have attorneys for. We can fight. I am nervous, I'm scared, and I don't believe that they will respect our community enough to not do the right thing. They're gonna put them wherever it's best for them. Not where it's best for that resident who pays their taxes, who keeps their property up, who wants the quality of life that they have in terms of what they see, to be what they see. You know?

So this is just not something that can affect my neighborhood. This can affect any neighborhood, the western communities, the island, everywhere. This is a city-wide thing. They're only proposing to put it in -- in our neighborhoods -- in my neighborhood right now. So has there been any update on a way to protect that from happening? Can we confine them to the back of properties? What can we do? Where do we go? Where do we go that extra mile for our residents to be protected from this big company who just has their mind on their bottom dollar, getting more customers, make sure that their calls don't drop -- I understand that -- but at the risk of putting it here.

You know, I want to be on the cutting edge of a lot of things. But I'm tired of being on the cutting edge of all this stuff that's risky -- you know, all the stuff that could be considered to be not good. So did we do anything different with those? Did we do anything different to add protection?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Yes. Before I -- I introduce Mr. Keith Davis, what I will say is staff had gone back; and working with Mr. Davis, we have implemented almost every legally available, I guess, deterrent, for lack of a better word, but as many conditions that we could put into place that would be legally defensible, we have done that. So --

CHAIRPERSON JUDY DAVIS: Yes.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: -- a separation requirement is one of those items. But to really make a long story short, there are federal regulations that we're also trying to abide by as well. And, at that point, I'll let Mr. Davis chime in.

ATTORNEY KEITH DAVIS: Good evening, Madam Chair and Council.

CHAIRPERSON JUDY DAVIS: Good evening, sir.

ATTORNEY KEITH DAVIS: Keith Davis, Special Counsel for the City. If I may, to get back to the -- the public notification piece, the way we've written this, it -- it really is more than just notification. It allows an opportunity for public comment to be provided, either in writing to the City or if there's a -- a public information meeting, verbally at that meeting. Public comments that are received in either -- either way, have to be addressed and dealt with prior to a permit being issued. So if there are negative

comments from residents who are notified, the applicant has to get with City staff, and those issues have to be addressed to the satisfaction of the City staff before any permit is issued. So it's -- it really is a bit more than just simply notification.

COUNCILPERSON THOMAS: But the end result is what I'm trying to get to. Will they still have the right -- will they -- let's take a -- let me -- let's not use my neighborhood. Let's take the neighborhood over here by the -- the Coast Guard, that area over there. I forget what that's called but they're right, like, right there on the water right there.

CHAIR PRO TEM PARDO: Lakeshore Drive.

COUNCILPERSON THOMAS: Lakeshore Drive, that area over there. If -- if the right-of-way -- I'm sorry, Miss Duncombe. I forgot you live in that neighborhood. Maybe we shouldn't use that one either, but since we started, we're going to go ahead and use that one. If they wanted to come and put a pole right in front of that house, as long as it's considered right-of-way, and right-of-way is at the front and the back, they pay money to be on that water. People pay money to keep their yards clean. The way that this is being -- manicured and cut, I'm saying -- the way that this is being offered, they still would be able to put this in those right-of-ways.

ATTORNEY KEITH DAVIS: Well, under your code today, before this ordinance is adopted, I agree. That's absolutely correct. Right now there are no protections in place in your code for these -- for this new technology. This ordinance does put those protections in place. Now --

COUNCILPERSON THOMAS: Sir, are you our -- you're our attorney, correct?

ATTORNEY KEITH DAVIS: That is correct.

COUNCILPERSON THOMAS: So do me a favor --

CITY ATTORNEY RYAN: Hold on.

COUNCILPERSON THOMAS: -- don't -- no, hold on. Don't use words like "technology" because it sounds better. These are going to be in our right-of-ways where we can see them and we really don't have anything to deal with that. It's not a problem right now because a lot of people don't understand that. But when they start popping up in your neighborhoods, popping up in front of your boat ramps, popping up in front of where you have your -- your -- your nice, decorative lights and your trees and all those things, it's going to be a problem then. So I -- I get that. I'm trying to figure out where do we have protection against saying, We gotta notify you. At the end of the day, the law states that they still have to be able to put that there. That's what I'm trying to get at.

ATTORNEY KEITH DAVIS: Here's the bottom line from where I'm standing. Under federal law and for this to be a legally sufficient document, which is the only type of document that I would bring before you, that I would put my name on and that I would ever sign off on, is a legally sufficient document. For this to be legally sufficient under federal and state law, wireless poles have to be given the same -- have to be treated in a -- in the same way that wire -- poles with wires are treated. So the same places that you want to allow Comcast to put the poles and the wires, or -- or anybody else, then these folks have to be allowed this -- the exact same rights under federal law. That's -- that is the box within which we are required to work. We can't get outside that box without being legally insufficient.

So within that box, we have placed restrictions in this ordinance that say, you know, you can only have equipment boxes clustered in such big a size and they can only be so close together. It -- there is language in here that says these -- these wireless poles, if - if -- if they have to go into a residential neighborhood, they can't be in front of a house, they can't block views, they have to be disguised with -- with stealth design. Co-location is encouraged. You know, the ordinance itself directs these -- these things --

COUNCILPERSON THOMAS: Did you just say that -- that you put in that it can't be in front of a house?

ATTORNEY KEITH DAVIS: Yes.

COUNCILPERSON THOMAS: So even if that's the right-of-way, they can't be there.

ATTORNEY KEITH DAVIS: Right. There's language in here that says it can't be right in front of the house, it can't be --

COUNCILPERSON THOMAS: I'm just trying to make sure I understand you.

ATTORNEY KEITH DAVIS: Yes, sir. Absolutely.

CITY ATTORNEY RYAN: (Inaudible) in front of, right directly in front of.

COUNCILPERSON THOMAS: Because what --

ATTORNEY KEITH DAVIS: It can't be right in front of a house. That is correct.

COUNCILPERSON THOMAS: Okay. Okay. Well, wait a minute. That's two different things. Because we do have poles that are in the front of houses. We do have them. So if you're saying that we must allow them to be anywhere those other poles are, that means that they're going to be in front of houses. So please don't have me contradicting myself and my thoughts here. I want to make sure I understand this perfectly fine. Are you saying that it is prohibited for them to put them in front of a house? If that is the case, you may start to win me.

ATTORNEY KEITH DAVIS: In front of the building, that is correct.

COUNCILPERSON THOMAS: What does that mean?

ATTORNEY KEITH DAVIS: Well, you've got -- you've got a yard --

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: Directly in front.

ATTORNEY KEITH DAVIS: -- and then you've got some -- and you got a house in the middle of the yard, for example.

COUNCILPERSON THOMAS: Okay.

ATTORNEY KEITH DAVIS: So the pole can't go in front of the building. You could put it, say, on the corner in front of the grass, something like that. But it couldn't be right there so that when you're looking out your living room window, that's what you see or when you open your front door, that's what you see.

COUNCILPERSON TERENCE DAVIS: Just like a light pole.

COUNCILPERSON THOMAS: Are you saying it can't be directly in front of the --

ATTORNEY KEITH DAVIS: Of the building.

COUNCILPERSON THOMAS: -- I'm talking -- the -- the directly in front of the building is the homeowner's. I'm talking about the right-of-way part. I'm talking about the right-of-way.

ATTORNEY KEITH DAVIS: In -- in the right-of-way. That's all this is talking about is in the right-of-way. But there's going to be a part of the right-of-way that's right in front of -- that's in -- in front of the building. There's going to be part of the right-of-way that's in front of the grass.

COUNCILPERSON THOMAS: How is that determined?

ATTORNEY KEITH DAVIS: It's where the building is. It's -- it's --

COUNCILPERSON THOMAS: Okay. But I'm saying, where is that -- how -- how do we know? If they say, We don't think it's right in front of the house, but we believe it's right in front of the house, how is that determined?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Councilman Thomas, it's a good question. If you had the -- the property frontage, you would have a building

envelope on the property. So if an imaginary line was -- was drawn from that building to the street and to the right-of-way, it would be a -- a front of the property that would exist, that would be directly in front of the building. So if there's a -- a side yard area that wouldn't be directly in front, so in between those imaginary lines that -- that were drawn from the building to the right-of-way, that -- that facility or pole cannot exist. So it would have to be either to the left or the right.

COUNCILPERSON THOMAS: Do we have like a -- a photo of a house or something so we can actually see what you're speaking of? I mean, is -- is -- is that something that we could see? Because just you explaining it to me, I'm not -- I'm not picking it up. I'm not picking it up. My issue is right now, they're going to be on their best behavior. Two years, three years, four years down the line, that's where I'm worried about. And why can't -- I don't know if that's the proper way to say it. Why we're not -- okay, maybe that's not the proper way either. How come we haven't been afforded an opportunity to see these in any other residential area, anywhere? I -- I mean, I -- I'm -- I've been waiting on that. The -- the -- the young lady is waving her hand.

CHAIR PRO TEM PARDO: No. Hold on a second. Let the staff --

UNIDENTIFIED SPEAKER: I'm just -- I can answer this question.

CHAIR PRO TEM PARDO: No. You can sit down and we'll get to you in a second.

ATTORNEY KEITH DAVIS: I just want -- wanted to say on that issue, I -- I've worked on this exact same project in the City of Miramar in Broward County because they had the exact same thing happen to them. They had -- Crown Castle Company came and -- and applied for permits to put the -- these wireless antennas in residential rights-of-way. So Miramar adopted a moratorium just as -- as y'all did and we went through this process and created this -- a very similar code to what is before you this evening that puts very similar protections in place for the residential neighborhoods. So I know for a fact because I was directly involved, that -- that it happened in Miramar. I believe it's happened in the City of Homestead. Beyond that --

COUNCILPERSON THOMAS: In the residential areas?

ATTORNEY KEITH DAVIS: Yes, sir. Yes, sir. Absolutely.

COUNCILPERSON THOMAS: Okay. Well, I've been asking for that. I've said, Hey, listen. Can you give me that information 'cause I can't find it. They haven't given it to me where I want to see it in the residential areas -- in the residential areas.

ATTORNEY KEITH DAVIS: Yes. I know for a fact that Miramar went through this exact same thing.

COUNCILPERSON THOMAS: Do they have them in the residential areas?

ATTORNEY KEITH DAVIS: Yes, sir.

COUNCILPERSON THOMAS: Okay. Can we get that information? I mean, 'cause that's what I've been asking for for months.

ATTORNEY KEITH DAVIS: I'm sure we could. I -- that -- I worked with Miramar in 2012 and, you know, their moratorium was released in 2013 and they started processing permit applications in residential zones after that.

COUNCILPERSON THOMAS: They -- they took a year to do their moratorium?

ATTORNEY KEITH DAVIS: No. It was -- I think it was about six months for the moratorium and then we got the code in place. And -- but it's been, you know, then it's -- it's been some time since the -- their code has been on the books and the moratorium has been lifted. So -- but it was -- it was a little less than a year that I was involved in the project in Miramar.

CHAIR PRO TEM PARDO: Okay. Jeff, do you want to continue?

CITY ATTORNEY RYAN: Madam Chair?

CHAIRPERSON JUDY DAVIS: Yes, Miss Ryan.

CITY ATTORNEY RYAN: I also found the section in case you want to look at it that discusses the residential area. It's on page 23 of the 50-page document.

COUNCILPERSON THOMAS: Twenty-three.

CITY ATTORNEY RYAN: Page 23. And if you want, I can read it very quickly.

COUNCILPERSON THOMAS: Please.

CITY ATTORNEY RYAN: Okay. In the middle of Subsection I, it states, "In such circumstances," and this is where the -- when the wireless facilities are being erected, "the applicant shall include with its building permit application, sufficient evidence consistent with industry stand -- standards, to justify such placement. Whenever wireless communications facilities must be placed in a right-of-way with residential uses on one or both sides, neither poles, equipment, antennas nor other structures -- structures shall be placed in front of a residential structure. If a right-of-way has residential structures on only one side, the wireless communications facilities shall be located on the opposite side of the right-of-way whenever possible. All wireless communications facilities shall be located in such a way that they do not interfere with views from residential structures."

COUNCILPERSON THOMAS: Okay. Now, let me ask you this question here. What process do we have in place to make sure that that's not occurring? At what department is going to make sure that this happens -- I'm talking about -- I'm not talking about right now. They're going to be very good right now.

CITY ATTORNEY RYAN: Oh, yeah.

COUNCILPERSON THOMAS: But what happens two years, three years down the line, where they just say, Oh, we got -- we, you know, we -- we got a -- a document that say we can put it here.

CITY ATTORNEY RYAN: Under this ordinance, they must come to Community Development every time they want to put a structure in, every, single time.

COUNCILPERSON TERENCE DAVIS: (Inaudible).

CITY ATTORNEY RYAN: So they have to get a permit to do that. They have to give us drawings. We have to see exactly what kind of antenna they're trying to put in because some places we may have certain types of stealth -- that's what they call it, stealth, like the car. In other places, they may want something different or staff may recommend something different. So they can't just come to somebody's -- in front of somebody's house or on the side of somebody's house and plop one down. Staff will know in advance every single time. And they have to pay a permit fee every single time.

COUNCILPERSON THOMAS: Now this is -- this is monitored by the FCC or the FEC or -- not the FEC.

CITY ATTORNEY RYAN: You're correct, FCC.

COUNCILPERSON THOMAS: But FCC and that's the Federal Communication Commission or something like that?

CITY ATTORNEY RYAN: I guess. I don't know.

COUNCILPERSON THOMAS: Is -- is -- okay. Somebody needs to give me a answer, please.

CHAIR PRO TEM PARDO: Yes. Yes.

CITY ATTORNEY RYAN: Yes, yes.

CHAIR PRO TEM PARDO: FCC is --

ATTORNEY KEITH DAVIS: The Federal regulations are -- are -- back to the microphone.

CITY ATTORNEY RYAN: FEC?

ATTORNEY KEITH DAVIS: Yes. The Federal regulations that -- is the Telecommunications Act which the FCC is involved with that. But, I mean, the actual -- I don't want -- I don't want you to think that the FCC is going to be watching where these facilities are going to be 'cause that --

COUNCILPERSON THOMAS: Oh, I'm sure they're not.

ATTORNEY KEITH DAVIS: -- that's absolutely not the case. This will be handled at the local level.

COUNCILPERSON THOMAS: Exactly and that's what I'm trying to get at.

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON THOMAS: So these -- these -- well, first of all, let me ask you, did - did we consult with anybody from the FCC when we were drafting these ordinances or did we consult with any of them to see, you know, how much protection could we put in in this? Did we -- did we talk to anybody?

ATTORNEY KEITH DAVIS: I didn't talk to anybody but we've -- we're familiar with the Telecommunications Act and the -- the statutory and federal language that -- that requires equal treatment and non -- they can't be put at a competitive disadvantage. And that's in federal and state law. So -- and really, that's the key is that -- that all telecommunications providers have to be put on an equal playing field. So the wireless folks have to be given the same opportunities that the wire folks get.

COUNCILPERSON THOMAS: I -- I understand -- I understand.

ATTORNEY KEITH DAVIS: So that -- that's really -- that's really the essence of it.

COUNCILPERSON THOMAS: I -- I understand that and this is not about me trying to make one company better than the other. I'm about how these are going to look, where they're going to be and how are we going to monitor this? I don't see us having the staff to continue to do this. What kind of cost is this going to be? Can we make them pay for the extra staff that we may need? All of those things, I don't think, have been vetted enough for us to be deciding on it.

ATTORNEY KEITH DAVIS: As far as -- the City can recover its actual costs for processing permit applications and the other piece of this is that under state law, we require anyone who wants to put anything in your right-of-way to register with the City

and maintain a current registration so we know who they are and what they're doing and -- and -- and that -- that -- that -- that's a process in this ordinance as well. So to the extent that there are actual out-of-pocket, so to speak, costs that the City will incur, those are -- those can be captured. We can't charge permit fees, per se, because we get telecommunications service tax from the State and -- and the State --

CITY ATTORNEY RYAN: They regulate it.

ATTORNEY KEITH DAVIS: -- restructured that back about 14 years ago.

COUNCILPERSON THOMAS: Okay.

ATTORNEY KEITH DAVIS: So -- so we're stuck with -- with not being able to -- to charge permit fees.

COUNCILPERSON THOMAS: Right. To get a permit. Well, let me ask you this. So you're saying it's solely on the City. What happens if they put a pole up and nobody knows about it? What -- what is the -- what is the recourse that we have for that?

ATTORNEY KEITH DAVIS: Well, I mean, if -- if -- if somebody came in and put something in your right-of-way without your permission, it's your right-of-way, you can take it out.

COUNCILPERSON THOMAS: Okay. So a resident that may not know that so -- how - - what I'm saying is -- you're saying that all of the -- the risk is going to be on the City to make sure that they're compliant. And I'm saying, it's -- it's one thing to get new construction. You got to come in and get your permits. You know, we're going to see that. We're going to see you building the house. We don't all the time see the additions. There be a lot of additions that we'll never catch for permits.

ATTORNEY KEITH DAVIS: Understood.

COUNCILPERSON THOMAS: But a pole like this that can be up in a matter of an hour or two that we may never know existed, what parameters in place do we have that -- that's all I'm saying. Once you get those parameters in place, I want the full protection for our residents --

ATTORNEY KEITH DAVIS: Sure.

COUNCILPERSON THOMAS: -- and businesses. That's -- that's all I'm trying to get.

ATTORNEY KEITH DAVIS: Sure. I guess -- a couple of things. My understanding is that you -- you wouldn't have a situation and -- and Miss Anderson may be able to explain further -- where you would just have a pole get put in. Because these are networked with, you know, underground cables and it's not -- there's a whole series of

things. But there is a permitting process. In addition, with the registration that I was speaking about, one of the new things that we've put into this ordinance to protect the City is -- is an inventory requirement. So we're requiring these providers to tell us what they have -- what they've already got in place and then when these registrations have to get renewed every two years, they have to update the inventory.

COUNCILPERSON THOMAS: If they renew it. So let's -- let's -- let's -- let's look at a case in point.

ATTORNEY KEITH DAVIS: Well, anybody who has anything in your rights-of-way has to have a registration on the books.

COUNCILPERSON THOMAS: I -- I get it. Let's look at -- let's go case in point. You have -- we have something in our -- our occupational license or occupational tax receipts -- let's say, like, it's FedEx or UPS they gotta tell us how many trucks they have and they gotta do all of that. I know for a fact that's not being followed. Another thing is, and I know we got somebody that's supposed to be checking it, there's several businesses that don't come back and get their business tax receipts every year. Not just that, we just saw an incident tonight where there was a business that was in here that we didn't even know that was -- that was taking place. And all I'm telling you is that this is going to get worse over the years. So let's get in front of it. Don't just say, You got to do this because this is what it is. We may have to eventually, but we need to fight to make sure that that doesn't come into place. They don't have to tell -- they can tell each other that they gonna put a pole up. But they can come and put a pole up without us even knowing. It doesn't take that long for that to happen.

That is the only thing that I'm trying to fight for here. Making sure that we put all of the provisions in place to protect us as best we can. And I -- you guys have done a great job on the document. I just want it to be tighter. That's just me. I'm -- I'm going to leave it alone, but I know for a fact, after you're done, after the attorneys for Crown Castle are done, they're going to go on to another city, another issue and we're going to be stuck dealing with this. I would like to fight to make sure that our residents and our businesses get the protection that we so deserve.

Now I'm done with it. I've talked to my colleagues about this enough. It's going to be on them. Thanks.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Thank you. Let me say that I am in support of it. We live in a democracy and there are going to be times that we -- we have to understand that there are going to be sacrifices made in order to accomplish what we're trying to

accomplish. We have First Amendment rights, people can say what they want to say. We don't like some of what they say, but we live in a democracy. But my overriding concern is how it is going to improve technology. And that is where -- and certainly I don't want them going up everywhere either. But I want to get ahead of the technology curve to see -- 'cause I'm one of those ones that experience a lot of dropped calls in my home. So I want some technology that allows me to talk on the phone without it being dropped.

I mean, aesthetically, we need to deal with that. Our attorneys have indicated that it's -- or our attorney has indicated that, to the best of his ability, he has addressed it legally within the parameters that the federal law allows. If someone has some suggestions from this point on, that's what I want to hear. If we're going to make it tighter, say, This is what I want to see. Can we do that? Or this is what I want to see. Can we do that? And that's not what I'm really hearing now. I'm not hearing any suggestions other than just make it tighter. And I -- I would agree to make it tighter if we can. But if the attorneys are telling me that they've done -- he's done what he could, I would like to hear suggestions from the dais so that the attorney can vet them and then we can keep this process moving. But aesthetically, I -- I -- I know that for some, it's not going to be pleasing. I want the technology for our residents to be able to benefit from it. I'm ready to entertain any suggestions that fall within the parameters of the law. And -- and I'm -- I'm -- I'm -- I'm hoping that if we are not totally comfortable, now it's time to say, This is my suggestion to make it tighter. This is what I want to see. Lawyers tell me if we can do that.

So if the -- and one -- I haven't heard from -- and if I may, Madam Chair, I would like to hear from -- Crown Castle, are -- are you -- may I, Madam Chair?

CHAIRPERSON JUDY DAVIS: Yes, sir.

MELISSA ANDERSON: Yes, Council member Guyton.

COUNCILPERSON GUYTON: Would this technology, now -- and let me back up. Whether we want it or not, it's coming. We can delay it this week or next week to next month. Eventually, it's going to get here. So we can fight it for another year or a month. I don't know, but eventually it's going to get here. So I'd rather try to streamline it and get the provisions in that we want and we can provide our residents with better service than what they have. Is this intended to improve the quality of technology that we use? Not just telephones but access in the Internet and all those other good things?

MELISSA ANDERSON: Yeah. These facilities --

CHAIRPERSON JUDY DAVIS: Ma'am, state your name and -- just for the record, please.

MELISSA ANDERSON: I'm sorry. Melissa Anderson, government relations counsel, Boca Raton, Florida. First of all, in terms of the aesthetics, Crown Castle has been working for the last two years on this project in South Florida. And due to concerns similar to Commissioner Thomas's, we have developed a light pole/telecom pole -- that we can actually replace a light pole with a telecom pole -- a functioning light pole and take some of that aesthetic impact away. So that's the first thing. So that we -- we can -- we're offering that to you, the City, because we want to be good corporate citizens and we have developed this and we are using it in Miami Beach. We're probably going to be using it in Fort Lauderdale and we have also put facilities in Miramar, Pembroke Pines, Homestead, City of Miami, and the residential areas.

COUNCILPERSON GUYTON: Okay. Could we go back how it's going to improve technology?

MELISSA ANDERSON: Sure. So --

COUNCILPERSON GUYTON: That was my question.

MELISSA ANDERSON: -- so as you know, everybody's heard about the Internet of things and basically, our economy is becoming a wireless economy. And what these facilities do is help to supplement, normally, capacity, which means -- and the easiest way for me to explain it 'cause I'm an old land-use attorney -- is, let's say in Riviera Beach you had, you know, two lanes of traffic going each way on your main thoroughfare but you had eight lanes of cars wanting to get onto those four lanes of traffic. Well, you can't fit eight lanes of cars into four lanes. What these poles do, essentially, is to help boost the capacity and provide more lanes for that traffic so that you can have more information going on, being transferred wirelessly, including Internet, whatever else may need to be transferred wirelessly on these types of facilities.

Increasingly, what is happening in United States and the rest of the world is going to these types of facilities to supplement capacity because it physically is just incapable for towers to take all of that R.F. traffic and process it. And so essentially, what these do is provide more R.F. capacity to hold those signals and -- and make it possible. That's what they do.

COUNCILPERSON GUYTON: Okay. And is this -- once you put your equipment up, is there a delay process before the people in the immediate area --

MELISSA ANDERSON: No. In fact, we've had companies tell us that -- because we represent all the major carriers. This particular carrier is T-Mobile/MetroPCS. They have told us that they need this so badly that they will, for instance, turn -- turn on one of these facilities out in Sunrise and it just fills up the -- in other words, they need it. It -- it helps to provide that extra capacity and it soaks it up. I mean, it just -- the -- the need

is out there for -- for this type of -- of capacity boost in South Florida, in Riviera Beach, Homestead, you name it, it's needed. And part of the reason for this is because a lot of what we're transferring on these signals now is not voice, it's data.

COUNCILPERSON GUYTON: Okay. All right. Well --

MELISSA ANDERSON: And -- and, no, Councilman Thomas, a pole -- theoretically, anybody can go out and plant a pole in the middle of the right-of-way. What Mr. Davis is referring to is, these are really sophisticated systems that are connected underground by fiber optic cable and there's an antenna on top of the -- the pole. And for us to go out and just throw these up in the middle of the night would be virtually impossible, number one. Number two, we are a utility licensed in the State of Florida and I would hate to use -- to lose my certification from the Florida Public Service Commission because we did something illegal.

COUNCILPERSON GUYTON: Okay. One last question. The fiber optics, did you say that they're going to be underground?

MELISSA ANDERSON: Yes, sir.

COUNCILPERSON GUYTON: All of them and then there'll be an antennas placed somewhere. Is -- is that the model --

MELISSA ANDERSON: Yes, sir.

COUNCILPERSON GUYTON: -- that you're saying? So it won't be a separate pole --

MELISSA ANDERSON: No.

COUNCILPERSON GUYTON: -- itself? It would use an existing pole --

MELISSA ANDERSON: Well, we do both. If there is an existing pole, we will always use an existing pole in order not to pollute the right-of-way with poles. If there's not an existing pole, we would propose to install a new one and if there's a light pole nearby, we would propose to take that light pole out, replace it with one of these telecom poles. It's still a functioning light pole, you just have now a telecom pole and a light pole.

COUNCILPERSON GUYTON: Okay, Madam Chair. I'm done.

CHAIRPERSON JUDY DAVIS: Okay. Miss Pardo.

CHAIR PRO TEM PARDO: Okay. So staying on that, with the poles, a lot of those poles belong to FPL. So in the, I guess -- you have these antennas up and running down in Miami. So do you have these antennas on any of the FPL poles? Or --

MELISSA ANDERSON: We -- we do have antennas on FPL poles. Yes.

CHAIR PRO TEM PARDO: Okay. So will you be working with FPL here in the City?

MELISSA ANDERSON: Absolutely.

CHAIR PRO TEM PARDO: You know, I mentioned this -- you guys have been here several times already. My concern is this -- very similar to Councilman Thomas's -- we're trying to improve Riviera Beach.

MELISSA ANDERSON: Absolutely.

CHAIR PRO TEM PARDO: All right. We just did a major improvement over on Singer Island on A1A. The last thing I want to see over there is these antennas popping up. The same with Broadway. We just made a major investment on the Broadway corridor. We put new lighting in. One side of the street has underground power now. The last thing, again, I want to see is these antennas -- these poles with the antennas -- popping up. So if there's any way that we can put language together where we strongly, you know -- we strongly suggest or whatever -- the attorney can come up with something -- that before you install a pole, you reach out to FPL to see if there's any way that you can utilize their pole.

MELISSA ANDERSON: We always do that, always.

CHAIR PRO TEM PARDO: Okay. Now the other --

MELISSA ANDERSON: In fact, we are working closely with FP&L to be able to site more antennas on their poles because they have very strict requirements on what they will allow on their poles. And we have been working FP&L hand-in-hand for the last three years, and in emphasizing to them and they now understand, that it's very important to communities that FP&L allow us on their poles so we don't have to put up more poles.

CHAIR PRO TEM PARDO: You know, if anything, if we have to allow this and I think we all know we're not afraid of a lawsuit, but, you know, if the consensus is to move forward with this, then there really needs to be some kind of partnership with FPL because we do have these light poles throughout the community. And --

MELISSA ANDERSON: And Tom -- Tom Kennedy with FP&L is the person that you should read out -- reach out to. Mr. Kennedy is -- works with us and he would be -- we would love for you to -- to tell Mr. Kennedy that you're interested in having FP&L work with us.

CHAIR PRO TEM PARDO: Well, I think that's the conversation that you need to have with them.

MELISSA ANDERSON: We are having the --

CHAIR PRO TEM PARDO: Because at the end of the day --

MELISSA ANDERSON: No. Absolutely.

CHAIR PRO TEM PARDO: -- we don't want -- you know, we don't want these poles here. But if they have to be here, then the -- you know, we are encouraging you to reach out to FPL and try to work out some agreement so you can put your equipment on their poles. Now, the other thing is I believe in the ordinance that we have, it states that these poles must be a minimum of 1,000 feet apart. Is that true? Right? Didn't I read that the last time? Has that changed?

CITY ATTORNEY RYAN: Yeah. It's 1,000 feet.

ATTORNEY KEITH DAVIS: That -- that is correct.

CHAIR PRO TEM PARDO: Okay. So what are -- in the communities that you're dealing with right now, if you take an average street -- you've been around Riviera Beach, so you know what our streets basically look like. On an average street, how many poles would you have or how many antennas would you have?

MELISSA ANDERSON: It really depends on the coverage that you're attempting to provide. Normally what happens is, in -- for instance, your concern is a residential area. We will target the area that we know is deficient. We can tell. And so there may be -- and I -- I'm -- I'm sorry, I wish I had a technical person here with me and I don't -- although Wanda, can you -- she may be able to better answer these questions than I. You -- normally in a circle, what we call a polygon, there will probably be five to six poles, spread out at a fairly good distance. I -- I wouldn't say that they're as close as 1,000 feet. I'd say they're farther apart than that. And they're usually in a circle, so they're beaming in to hit the spot that's deficient.

CHAIR PRO TEM PARDO: Okay. So did you --

MELISSA ANDERSON: So that -- that -- that is -- that is my answer. And -- and by the way, these facilities, you know, we -- we -- for instance, Hilton Head Island. There -- there have -- the plantation asked us to come install these facilities on the island. They are on Hilton Head Island in very exclusive vacation communities. This is nothing that if -- if done correctly, they don't have to be an eyesore, truly. It can be a great benefit to this community and not an eyesore.

CHAIR PRO TEM PARDO: Well, I can tell you if these start popping up over on Singer Island, those people over there are going to be saying it's an eyesore and we have a resident right here who's on the mainland in the waterfront community and it's the same

thing, you know? She made her comment that the last thing she wants to see is them popping up also in front of her property. So that's why I would strongly, strongly encourage -- and Miss Ryan, you know, if you could maybe put something in the document where, you know, proof has to be shown to us prior to a permit being given, that they've been working with FPL.

MELISSA ANDERSON: I think all of that is in the ordinance. We are required to provide --

CITY ATTORNEY RYAN: Look for it.

CHAIR PRO TEM PARDO: Okay. You know, I think that is very important because, again, the last thing we want to do is litter the right-of-ways in the City. Now, my -- my last question is regarding hurricanes. Okay. So if a hurricane comes by and blows off one of your antennas, you know --

MELISSA ANDERSON: We will fix it.

CHAIR PRO TEM PARDO: -- what's the -- okay. Right. So what's the process for that?

MELISSA ANDERSON: Identifying it --

CHAIR PRO TEM PARDO: Do you have a crew that goes out and --

MELISSA ANDERSON: Yes. We have -- yes. Absolutely. We have 24-hour call center that we monitor and we are very diligent about replacing our facilities. We value our facilities. We own these. We have these all over the country and we, you know -- Wanda and I can tell you that we personally field complaints from people if they don't know what these facilities are. What are they? Can you clear brush if, you know -- we are out there in the field monitoring these facilities and we make sure that if they're damaged, if there's graffiti, if they need to -- if the lawn needs to be mowed around it, you know, that's gonna happen.

CHAIR PRO TEM PARDO: So you're going to maintain the right-of-way now, too? If you put a pole there, you're going to maintain it?

MELISSA ANDERSON: No. I'm not going to maintain the right-of-way --

CHAIR PRO TEM PARDO: The grass around it?

MELISSA ANDERSON: -- I'm going to maintain the pole --

CHAIR PRO TEM PARDO: Right.

MELISSA ANDERSON: -- I'm going to maintain the antenna.

CHAIR PRO TEM PARDO: Okay. But you mentioned the --

MELISSA ANDERSON: I'm going to make sure there's no graffiti.

CHAIR PRO TEM PARDO: Right. Mowing the grass around it.

CITY ATTORNEY RYAN: They're not doing that.

CHAIR PRO TEM PARDO: Well, if there's landscaping, if landscaping is required as I believe is maybe in your ordinance, we would maintain that.

CITY ATTORNEY RYAN: (Inaudible).

CHAIRPERSON JUDY DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: Okay. Madam Chair, I'm done. Thank you.

CHAIRPERSON JUDY DAVIS: Okay. Now on page 22 of 50, it -- F. It addresses -- it says, they're -- they shall, "Shall endeavor when practical to place all communications facilities or wireless communications facilities underground." I know you brought that up and just pointing it out that it's there.

CITY ATTORNEY RYAN: Yeah.

CHAIR PRO TEM PARDO: I want to see the FPL.

CITY ATTORNEY RYAN: Yeah. I thought there was one or two but I can't find it.

COUNCILPERSON THOMAS: Madam Chair.

MELISSA ANDERSON: And -- and if you would like a copy of our agreement or at least the front page of our -- our Pole Attachment Agreement with FP&L, I can provide that.

CHAIRPERSON JUDY DAVIS: Would you please? Yes.

MELISSA ANDERSON: Absolutely. We have one with AT&T, too.

CHAIRPERSON JUDY DAVIS: Okay. Just F -- FP&L would be great. Mr. Thomas.

COUNCILPERSON THOMAS: Yes. I -- I have a -- just a couple of questions. (Inaudible). Does FP&L charge you to utilize their poles?

MELISSA ANDERSON: I don't know. We -- we have a Pole Attachment Agreement. I'm sure they do.

COUNCILPERSON THOMAS: Right. So at some point, these -- these will become business decisions on whether you enter into an agreement with FP&L or just erect your own poles?

MELISSA ANDERSON: No. Absolutely not. We always go on existing poles. That is our protocol. We do that -- first of all, it's cheaper for us because we don't have to build a pole and we don't have to maintain it ourselves. We go on somebody else's pole. It's just good -- it's good business practice on our part to -- to co-locate on somebody else's pole.

COUNCILPERSON THOMAS: Okay. So is it -- why wouldn't you just say, We want to put this technology, as I've heard it referred to, in, but we're only going to put it on existing poles? Why wouldn't you just say that?

MELISSA ANDERSON: Well, we would like to do that but because --

COUNCILPERSON THOMAS: I could support that. I could support it if you say, "We're only going to put it on existing poles," my hand will go up right now. I'll do a cartwheel.

MELISSA ANDERSON: I want to see that. No.

COUNCILPERSON THOMAS: Well, go right ahead and say it to me.

MELISSA ANDERSON: No, no. Well, I -- I -- what -- what I cannot do is tell you that we -- that we will not have to erect any new poles because FP&L has -- we are allowed under the Federal Pole Attachment Act to put our facilities on FP&L poles.

COUNCILPERSON THOMAS: Uh-huh.

MELISSA ANDERSON: However, FP&L is allowed to tell us what they think is safe and what's not safe.

COUNCILPERSON THOMAS: And they can just flat out say no.

MELISSA ANDERSON: Absolutely.

COUNCILPERSON THOMAS: Exactly.

MELISSA ANDERSON: And that's what we've been discussing with FP&L for the last three years. However, as I said, we always prefer to go -- whether -- and it's not just FP&L. AT&T poles we can go on and we -- several -- we do, all the time.

COUNCILPERSON THOMAS: I -- I get it. Let me ask you this. And please, you know, answer this as honestly as you can. I'm sure you will. When -- when these poles or facilities or whatever you refer to them as, are erected, do they only just service the area in which they're erected for?

MELISSA ANDERSON: Yes.

COUNCILPERSON THOMAS: Okay. So let me make sure I understand you correctly and follow me. We put these up here, it's only going to help our residents?

MELISSA ANDERSON: Yes.

COUNCILPERSON THOMAS: Okay. Now let me tell you why I will respectfully disagree with you. If you only got a certain amount of poles up now, a certain amount of antennas up now, everybody shares those antennas. The data, everything is shared among what you have right now. So that means if you put these poles in our community, everybody's still going to share them. And all -- all I'm --

MELISSA ANDERSON: No.

COUNCILPERSON THOMAS: Yeah. That -- that's going to happen.

MELISSA ANDERSON: No, no, no. That's physic -- no. That's not -- that's scientifically incorrect.

COUNCILPERSON THOMAS: It --

MELISSA ANDERSON: Because what happens is the neighborhood will use the signal that's in that neighborhood. It's not gonna -- people five miles away aren't going to use that signal.

COUNCILPERSON THOMAS: So let me ask you a question. They're not there now so how --

MELISSA ANDERSON: That's correct.

COUNCILPERSON THOMAS: Right. -- so how are they doing it now? They're sharing from some --

MELISSA ANDERSON: They're not because calls are being dropped.

CHAIRPERSON JUDY DAVIS: Okay. Well, let --

COUNCILPERSON THOMAS: I get it but some calls are happening as well.

CHAIRPERSON JUDY DAVIS: -- can you wait until he asks the question before you answer, please?

MELISSA ANDERSON: Absolutely.

CHAIRPERSON JUDY DAVIS: Thank you very much.

COUNCILPERSON THOMAS: Some calls are happening. Maybe not very many, but some calls are happening.

MELISSA ANDERSON: That's correct.

COUNCILPERSON THOMAS: So they're using and they're sharing this signal that's from somewhere.

MELISSA ANDERSON: Uh-huh.

COUNCILPERSON THOMAS: That's why my theory has to be true.

MELISSA ANDERSON: They're using the signal from the tower.

COUNCILPERSON THOMAS: I get it.

MELISSA ANDERSON: Right.

COUNCILPERSON THOMAS: But it's somewhere now.

MELISSA ANDERSON: Yes, absolutely.

COUNCILPERSON THOMAS: It's somewhere. Exactly.

MELISSA ANDERSON: Yes.

COUNCILPERSON THOMAS: So when we put in new poles, that's going to help people all around the place.

MELISSA ANDERSON: No. It's going to help people in the neighborhood --

COUNCILPERSON THOMAS: In addition to helping people everywhere else.

MELISSA ANDERSON: No.

COUNCILPERSON THOMAS: Because if -- if --

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: No. I'm --

CHAIRPERSON JUDY DAVIS: I -- I -- I'm not talking about you Mr. Thomas. I'm just --

MELISSA ANDERSON: No. It -- it -- that's just not correct.

COUNCILPERSON THOMAS: I --

MELISSA ANDERSON: I'm sorry. But that's not correct.

COUNCILPERSON THOMAS: -- I get what you're saying and I'll let you agree to disagree with me on it but it has that because it's happening now. All I'm saying is give me some -- give me some guarantees that this is not going to, as your own words, pollute our areas with this. If -- if you could have come up here and say, You know what, we have 300 poles in Broward County. We have this, we have that. You're basically saying Riviera Beach, accept this, you gotta accept it but we don't know how many poles that we're going to put up. We just -- we just know that we're only going to put up -- we're gonna -- we're gonna put them 1,000 feet apart -- 1,000 feet apart.

As you get more customers, as Metro and Boost and whoever else uses these, as you get more customers, you're going to need more demand and that means they're going to go up in the areas where they're utilized most. You say you -- you're from Boca. How many of these do you have in Boca?

MELISSA ANDERSON: I'm actually originally from Fort Lauderdale, but I live in Delray Beach now.

COUNCILPERSON THOMAS: Okay.

MELISSA ANDERSON: In -- I -- we -- we don't have any -- we have not put any up in Boca.

COUNCILPERSON THOMAS: Exactly.

MELISSA ANDERSON: Well, let me just tell you this. This project, which started two years ago, was the first of its kind in South Florida. We have hundreds of poles, mostly in Broward and Dade County. We -- or we are placing four -- we are asking to place four in Riviera Beach, one in West Palm.

COUNCILPERSON THOMAS: Will it stop at four?

MELISSA ANDERSON: I -- I -- I do not know the answer to that question.

COUNCILPERSON THOMAS: Can you give us a definite, you won't go over 10 poles? Can you give us any of those definites?

MELISSA ANDERSON: No. Because -- because I don't know what's going to happen in the future.

COUNCILPERSON THOMAS: But in -- but in Boca, they're not getting any dropped calls for some reason.

MELISSA ANDERSON: No. I'm sure they're getting a lot of dropped calls.

COUNCILPERSON THOMAS: And what are they doing for that? All I'm trying to say -- and it's up to colleagues. I pretty much see where this is gonna go. It's fine.

MELISSA ANDERSON: Uh-huh.

COUNCILPERSON THOMAS: I just want my colleagues to know that we don't have to just sit here and take this because they're telling us we can fight, we should fight, because at the end of the day, we're going to be the ones that loses just because we're saying we want to get more technology here. Well, Boca is finding a way to deal with it. Delray and most other cities in this county is finding a way to deal with it. We ought to make them find a way to deal with it here as well. So I'm done. You can call the question if you want to but I'm done. If -- if my colleagues think that we should do this, then I guess that's the way to go. I'm done.

CHAIRPERSON JUDY DAVIS: Any other comments?

COUNCILPERSON GUYTON: Call the question, Madam Chair.

CHAIRPERSON JUDY DAVIS: Okay.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: No.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: No.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: No.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: No.

INTERIM CITY CLERK ANTHONY: That motion fails with Councilpersons Thomas, T. Davis, J. Davis and Pardo dissenting.

CHAIRPERSON JUDY DAVIS: Okay. We are now going to item 8.

COMMENTS FROM THE PUBLIC -7:00 PM Non-Agenda 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 had 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.

Public Comments shall begin at 7:00 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 7:00 PM, then comments from the public shall begin immediately after the item has been concluded.

CHAIRPERSON JUDY DAVIS: Okay.

DOROTHY GAY: And I appreciate it. Thank you so much --

CHAIRPERSON JUDY DAVIS: You're welcome, ma'am.

DOROTHY GAY: -- Miss Davis. As I was about to state at that time in December, my first question was -- I'm Dorothy Gay, 720 W. Sixth Street, Riviera Beach, Florida. The comments that I had then are the same that I have now. I wanted to see, first, the misnomer that was made, to correct it. Because at that time, it was stated that my lease agreement was illegible and no one can read it. And that's the reason why it wasn't done. I -- I consider that incorrect. My lease is legible and it was approved by people who read leases. And it has nothing to do with the verbiage 'cause all the verbiage was fine. It was legible. So to correct that misnomer that was stated in the December meeting.

My comments, going down quickly. I think we should have in place procedures and a process from the Water Department, asking -- being enforced really. You have -- have rules and regulations that came into place almost 18 months ago. So it should've been a process, a procedure, before it was fully implemented. Secondly, policies that we say dealing with water and who is responsible, I feel that being a landlord here in the City of Riviera Beach, I shouldn't have to be either censored or hold -- I'm held hostage

because I'm a landlord and they have to put the -- the blame on somebody that has to pay that water bill. So I feel that I'm being scrutinized first -- my document was scrutinized that it shouldn't have been. The City doesn't have a right to scrutinize my lease agreement. Secondly, if the process is that you're going to demand that I pay for a tenant that leaves, it's very unfair, very wrong and I will not be held responsible for it.

Third part that I want to say, policies being overlooked by any individual in the City of Riviera Beach, whether it be my tenant or anyone else, should not come and -- and deny policy being enforced. That means no one should be able to use the water after I went there and turned it off, 11, 12, 14. It should not have been continuously going for me to receive a water bill as well as whoever is there. But I didn't even really read it. I sent it straight to my -- the other office. Last part of this, in reference to deposits, it should be -- some given form that says in a timely format that I -- it must be returned. I appreciate it and I will be continuously saying the same thing.

CHAIRPERSON JUDY DAVIS: Okay. Thank you very much, Miss Gay. Norma Duncombe.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas, while she's coming.

COUNCILPERSON THOMAS: I -- I know. I just need to -- because most of what Miss Gay was stating, I wasn't familiar with. I don't know if -- I -- I really wasn't familiar. Is this something that we're actually dealing with or is this just a -- because she was speaking to us as if we know what's going on.

CHAIRPERSON JUDY DAVIS: It's the -- we approved a resolution some time ago that makes landlords responsible for the --

COUNCILPERSON THOMAS: I remember that.

CHAIRPERSON JUDY DAVIS: -- water bills.

CITY ATTORNEY RYAN: I think it was a workshop.

COUNCILPERSON THOMAS: But -- I remember that. But when she first started, she was saying something about something wasn't legible and the City, you know, responded to that or said something. I -- I'm just --

CITY MANAGER JONES: Yeah. I know that the lease has to be provided from the landlord that the tenant has to have water turned on. And it may be the -- the document that the tenants brought to the window and somebody made that statement to her. We'll have to talk with her individually --

COUNCILPERSON THOMAS: Yeah. Okay, okay.

CITY MANAGER JONES: -- to really see what was said to her and -- and what needs to be corrected and we'll vet this full item in our workshop.

COUNCILPERSON THOMAS: Also -- can I also confirm that the address was 720 W. Sixth Street is what was given?

CHAIRPERSON JUDY DAVIS: Yes.

COUNCILPERSON THOMAS: Okay. Thank you.

CHAIRPERSON JUDY DAVIS: Okay. Miss Duncombe.

NORMA DUNCOMBE: Yes.

CHAIRPERSON JUDY DAVIS: Thank you, ma'am. You have three minutes.

NORMA DUNCOMBE: Norma Duncombe.

MAYOR MASTERS: Good evening.

NORMA DUNCOMBE: I'm here and I had a card that was returned to me on that item that just came up, number 6. She wouldn't allow me to speak. And all I wanted to do is remind you that, don't forget, our water was poisoned not that many years ago by a company. We haven't had a -- a big hurricane in a long time. When you put all that junk out there and what have you, we could have a real problem. So let's not put ourselves in a position -- in fact, that area has not been cleaned up yet where our water was damaged with, what was it, Solartron [phonetic]? Whatever that company was. Okay.

And while you're talking about water, I want to mention water, too. Why are we dealing with a company in Orlando for our water collection? That does not make sense to me. Why are we giving people in Orlando jobs -- jobs, because somebody has to process the mail when it goes up there and they're being paid. So why are we giving somebody in Orlando a job when we could give people here jobs to collect our water funds and what have you.

But what I really came to talk about was that you have your little paper here and you said that those persons who could apply to have assistance with their roofs, that you would help them if they have their code enforcement and those things taken care of. Well, number one, if they need a roof on their homes, they don't have money. If they had money, they would do their roofs. And I think it's unfair to treat senior citizens this way.

Number one, when Schoonie [phonetic] Lounge, which is a wealthy man, had close to a million dollars worth of code violations, you all wiped it off the book. It was -- if it wasn't a million dollars, it was close to a million dollars. You all wiped it off the book. It doesn't take but three votes and what you all need to do is do the same thing for all of the citizens in this City right now. Wipe the -- I mean, people -- and then on top of that, if they want to know if they have some violations and what have you, they have code enforcement violations, well, how much it cost? \$100 to get that information. This is terrible that you're going to bring somebody in and you give them all the privileges they want. And with the citizens who've been in this City all of their lives, they've struggled. Many of them are living on just a little bit of Social Security. It's horrible that we would treat them that way. You need to treat them the same way you treated that rich man that owed, was it a million dollars or close to a million dollars? You wiped it off the book.

CHAIRPERSON JUDY DAVIS: Okay. Thank you, Miss Duncombe.

NORMA DUNCOMBE: And you have something on here --

CHAIRPERSON JUDY DAVIS: You're time is up.

NORMA DUNCOMBE: -- tonight where you're gonna wipe some code violations off the book.

CHAIRPERSON JUDY DAVIS: Thank you very much, ma'am. Mr. Fane Lozman.

NORMA DUNCOMBE: You're gonna insult me now, right?

CHAIRPERSON JUDY DAVIS: Your time is up, ma'am.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: I don't know which staff member can answer this, but what's -- I wasn't here during Schooner -- Schooner Lounge. Did -- did the City wipe anything off the books for Schooner or was it a million dollars or --

CHAIRPERSON JUDY DAVIS: Miss Ryan? Do you remember the contract? Hold on one second, Mr. Lozman.

CITY ATTORNEY RYAN: Madam Chair. The City Council did enter into a settlement agreement with Schooner -- the owner of Schooner Inn.

COUNCILPERSON GUYTON: Okay. And I don't want to get into a long dissertation. But -- but -- but a settlement means that they had to pay something.

CITY ATTORNEY RYAN: Okay. Then I'm just gonna cut to the chase. He did not honor -- he -- they had the buildings demolished and they have not honored the rest of the agreement and this Council, a few months ago, authorized us to foreclose on that property, which we are in the process of doing. There was another -- they had some other lis pendens but --

COUNCILPERSON GUYTON: Okay. So it just wasn't wiped off and his slate was clean and --

CITY ATTORNEY RYAN: No. And he has --

COUNCILPERSON GUYTON: -- he walked away.

CITY ATTORNEY RYAN: No. And --

COUNCILPERSON GUYTON: Okay. Okay. That's all I wanted to know.

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON GUYTON: We -- we don't want to get into all -- okay.

CITY ATTORNEY RYAN: Yes, yes.

CHAIRPERSON JUDY DAVIS: And in addition to that, the building was atrocious.

CITY ATTORNEY RYAN: And it was over a million dollars. Yes.

CHAIRPERSON JUDY DAVIS: And a safety hazard to the public.

COUNCILPERSON GUYTON: Okay. So -- but I didn't want -- I -- I didn't know what happened and I wanted to know if the City just wiped a million dollars off and he was good and everybody --

CITY ATTORNEY RYAN: No.

COUNCILPERSON GUYTON: -- was Kumbaya.

CITY ATTORNEY RYAN: No.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON GUYTON: No. That wasn't -- okay.

CITY ATTORNEY RYAN: No. Not even close.

CHAIRPERSON JUDY DAVIS: All right. Mr. Lozman.

MAYOR MASTERS: Madam Chair, as he comes, Miss Duncombe, I -- I do -- I'm in favor of full amnesty. I said that earlier tonight. So I agree with you. Thank you.

CHAIRPERSON JUDY DAVIS: Mr. Lozman. You have three minutes.

FANE LOZMAN: Fane Lozman, Singer Island. I don't have an address for the Renegade property, so that's about as specific as I can be. There was many misrepresentations made at the last City Council meeting as to what occurred at my recent civil rights trial.

That trial was really between me and Judge Hurley, and Riviera Beach was just along for the ride. I had reversed Judge Hurley twice at the 11th Circuit Court of Appeals and he was not happy and he was going to make sure that I lost that case. But that's going back to Atlanta for a third appeal which I expect to win and that case will be re-tried one day.

But some of the important things that came out that this Council is unaware of unless you read the transcript -- and I'm paying \$25,000 for that transcript to be prepared over the next four weeks -- is Judge Hurley, not surprisingly, stated from the bench that he felt that the specific rules of decorum regarding personal attacks are unconstitutional but he could not enter an opinion that they were unconstitutional because it wasn't pled in the complaint. But when I get the transcript, I will forward each of you a copy of that portion of his comments.

The second thing Judge Hurley said is that as the prevailing party at the Supreme Court, I will have to be paid for my floating home at some point in time, in the proper forum. Unfortunately, it did not occur in that forum, but as the prevailing party I will be have to paid something and when that occurs, the court will also order my floating home returned to the Riviera Beach Marina.

You know there -- there's many things that went wrong at the trial and there was things that could have been prevented -- for example, I have here Return of Non-Service. And this Return of Non-Service is prepared by Rock Legal and it shows that they went eight different times to serve Chairperson Judy Davis and she refused to accept service. And as a result, Miss Davis did not testify at the trial. And the same with Miss Shuttlesworth. She refused to accept service. But everybody else, Dawn Pardo, the other people that, you know -- Ann Iles, Liz White, they all appeared and they were served. So I'm gonna leave a copy of this for the record to be entered into the -- to the minutes tonight. But, you know, it's important when you have a Chairperson who needs to testify that she accept service or someone on her staff accept on her behalf. But that was not done. Eight different occasions the process server came and they refused to accept service.

And the judge should have sent the U.S. Marshals to serve Miss Davis, but he was -- again, the relationship between the two of us was not -- was not very good. Anyway, the -- we'll just see what happens here in the coming months. Thank you.

CHAIRPERSON JUDY DAVIS: Thank you, sir. I --

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: -- I -- I have to -- hold on one second. I have to comment on something. I never got served from anybody. I don't know anything about any service. Nobody ever came to my home. Nobody ever approached me at my office. So I have no idea what that is and I'm glad you gave me a copy of it because if they lied and said that I refused, I definitely want a copy of it to -- to refute that. Thank you very much. Mr. --

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: -- Mr. Guyton and then I heard who down here?

COUNCILPERSON THOMAS: It was me. I just --

CHAIRPERSON JUDY DAVIS: Okay. Mr. --

COUNCILPERSON THOMAS: -- want you to allow Miss Ryan to address anything that --

CHAIRPERSON JUDY DAVIS: I am.

COUNCILPERSON THOMAS: -- was consistent. Okay.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: Okay. That --

CHAIRPERSON JUDY DAVIS: First, Mr. Guyton.

COUNCILPERSON GUYTON: Well, I'll let Miss Ryan address it but let me just say because every time a ruling is in Mr. Lozman's favor or he gets some issue that he thinks he's won, he touts it in front of our residents. The City of Riviera Beach, led by Pam Ryan and Ben Bedard wiped the floor with Fane Lozman. Five counts he tried to get. One, two, three, four, five. He won zero. If he would've won, he would've been here bragging. So I just want the people to know that the City of Riviera Beach is continuing to defeat Mr. Lozman in court and as long as I sit here, I will continue to encourage the City to fight.

Another thing. The court released over \$9,000 of his money to the City of Riviera Beach. His floating boat was only appraised at about 7,500, if I'm not mistaken. So he's talking about getting paid for a boat. He had to pay the City -- and I'll let our attorney explain why -- over nine grand. We got it. I hope we could go party with it but we can't. But I was glad to hear that. So I just want the City to know that we are still winning and we will continue to win. This is a war. He may win a battle every now and then, but we've been winning a lot of battles in this war. And I want the City to know that that has been the best thing that we ever did was to stand up and fight.

CHAIRPERSON JUDY DAVIS: Okay. Miss Ryan.

CITY ATTORNEY RYAN: Madam Chair. I will not belabor this. I will simply say don't believe a word of what he just said. Do not believe a word of it. Number one, the esteemed Judge Hurley went out of his way to assist pro se plaintiff Fane Lozman at every step of that trial. If anybody got the benefit of the judge's wealth of knowledge, it was Fane Lozman. That's number one. Number two, Judge Hurley did not say that the rules of decorum were in violation of constitutional rights. He said, "We are not here to hear about the rules of decorum. That is not what this trial is about." Now do I believe that Fane Lozman will file another lawsuit about rules of decorum? He probably will. That is why you will see me telling this Council over and over again, that we have to be consistent in what we do on this dais. You all are wonderful. However, sometimes we get off the path of the agenda. Sometimes, we respond when we shouldn't respond. Sometimes we don't run the meeting as tightly as we should. I watched meetings going back to 2005, 2006. And for the most part, the City was excellent.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY ATTORNEY RYAN: But we still have some work to do. And I will be bringing forth some of those items so that we are in a better position. We are still in a good position and I -- so I want to make that clear. Nothing wrong with our rules of decorum. Number three, he said we have pay for the value of the vessel. We have offered Mr. Lozman the \$7,500 that the judge, Judge Snow, ruled he was entitled to for the value of his vessel. Mr. Lozman believes that he is entitled to replacement value, even though the law is clear, that you can only get the value at the time it was destroyed. He still pushes with his -- with his issue. Let him push. It is valued at \$7,500 --

CHAIRPERSON JUDY DAVIS: (Inaudible) 100.

CITY ATTORNEY RYAN: What's that? Oh, yes. He wanted over \$100,000 and I think it was more like \$250,000. And lastly, on the issue of the sanctions. Yes, the court did release to us last week a check for \$9,600 and some dollars for discovery violations that Mr. Lozman made during the trial. The money was sitting in the court registry until the -- the case was over and the money was released to the City. We will use that money to

pay some of our -- our fees. And on the issue of Miss Davis, the judge never sent a U.S. Marshal to look for Miss Davis. That is an outright lie.

CHAIRPERSON JUDY DAVIS: He said "should have."

COUNCILPERSON TERENCE DAVIS: Said "should have."

CHAIRPERSON JUDY DAVIS: He said he should have.

CITY ATTORNEY RYAN: Oh, he said "should have"?

CHAIRPERSON JUDY DAVIS: Yeah.

CITY ATTORNEY RYAN: Okay. The judge asked him several times, "Is she under subpoena?" The answer was no. Apparently, Mr. Lozman came to City Hall looking for you. He sent his person to City Hall. They never went to your house, whatever. The point is you did not evade service. Mr. Lozman doesn't know anything about Miss -- Miss Shuttlesworth. She was available until she went out of town. If he couldn't get his people under subpoena, that was his problem. And that's what the judge told him. So do not believe anything that he just said. None of it is true. Thank you.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: She omitted one aspect of this. And just for the record, we get subpoenaed all of the time.

CHAIRPERSON JUDY DAVIS: All the time.

COUNCILPERSON THOMAS: And I hate getting subpoenaed. But this was one subpoena that I hung around the office to wait for. You know, I tried to send smoke signals to do whatever I could. I really wanted to -- to be a part of this trial. Mr. Lozman deposed me for two and a half hours but did not give me the opportunity to be a part of this trial. And, you know, it's kind of sad. But I wanted to be a part. I wanted to -- to speak my piece. But he said that it was Mr. Hurley, Judge Hurley, and the case was between him and Judge Hurley. But I wasn't there. But it wasn't -- not a jury -- was it not a jury involved in this?

CITY ATTORNEY RYAN: Yes.

CHAIRPERSON JUDY DAVIS: Uh-huh.

COUNCILPERSON THOMAS: And -- and we -- we failed to say that a jury of his peers, a jury that he had a chance to help select --

CHAIRPERSON JUDY DAVIS: Uh-huh.

COUNCILPERSON THOMAS: A jury. This wasn't a judge. This was a jury that did this. And we cannot -- the -- these were people, not the City, not the judge. These were citizens. These were obviously --

CHAIRPERSON JUDY DAVIS: (Inaudible).

COUNCILPERSON THOMAS: -- you know, people who have put their -- well, I guess don't put their name to get, you know, jury duty. But this was a jury and we -- we have not yet to discuss that. This was a jury trial. These were other people. This was -- these were people who obviously did not know anything about this trial and -- and you didn't elaborate on that at all and I just wanted to make sure that the community knew that this was a jury trial.

CHAIRPERSON JUDY DAVIS: And also, one thing I wanted to add, Mr. Lozman did subpoena me to be deposed. Had no problem with serving me for that. So -- okay. We're gonna move on. Mr. John Woodward. After him is Margaret Shepherd. Good evening, sir, you have three minutes.

JOHN WOODWARD: Good evening. Thank you. My name is John --

CHAIRPERSON JUDY DAVIS: Please -- okay. Go ahead. I was gonna say, State your name.

JOHN WOODWARD: My name is John Woodward. I'm here with SEFA [phonetic], which is the South Florida Contractors Association, also, FRACCA [phonetic], which is a statewide association. Basically, I'm here to inform you at -- on a multi-family level, not on a individual residence level, but for three years we've been having meetings with Building Departments, code enforcement and even some elected officials, unfortunately, none of you. We have -- we have brought compelling and indisputable proof of the largest criminal, unlicensed activity anywhere in the State, and that's including Riviera Beach. They are the largest violators of the Federal and State Energy Codes.

CHAIRPERSON JUDY DAVIS: They.

JOHN WOODWARD: They install --

CHAIRPERSON JUDY DAVIS: Who --

JOHN WOODWARD: -- thousands of illegal A/C units which are below SEER of 20 years ago using 40 percent more energy, which means 40 percent higher energy bills.

CHAIRPERSON JUDY DAVIS: Okay. And you say "they," who are "they"?

JOHN WOODWARD: I'm referring to multi-family complexes, large apartment complexes, even smaller ones. But most are large.

CHAIRPERSON JUDY DAVIS: So you're talking about the people who hire the -- the complexes who hire?

JOHN WOODWARD: What I'm referring to is a multi-family complex, they have a maintenance crew. And they come in and they do the A/C work.

CHAIRPERSON JUDY DAVIS: Uh-huh.

JOHN WOODWARD: That's a regulated industry. They're supposed to have licensed contractors doing this.

COUNCILPERSON TERENCE DAVIS: They don't, though.

JOHN WOODWARD: Okay?

COUNCILPERSON TERENCE DAVIS: (Inaudible).

JOHN WOODWARD: And because their -- their maintenance staff is doing it, there is wiring that's not done correctly. It's a safety hazard. It's not strapped down, the units outside are not strapped down, which is another obvious hazard. If there's a hurricane, you're gonna have hundred pound units flying everywhere. Not to mention the environmental impact with, you know, all the refrigerant that would be leaked out.

Basically, I'm just coming to inform you guys because we actually did go to the Building Department here in Riviera Beach 45 days ago, explained it to them. They admitted that it was a problem. They admitted that they knew about the problem. Sorry. Then they told us they would look over it and get back to us in about six months. We said, "Well, this is important. This is people's lives and -- and the environment, that's -- it's something that's more important than that." So I said, "I'll get back to you in about 30 days." Today was 45 days. I stopped by, poked my head in, said, "Do you remember me?" He said, "No." I said -- I refreshed his memory. He said, "Yeah, I haven't gotten a chance to work on it. I'm really overwhelmed right now."

So I'm bringing it to you guys so that you guys can know what's going on in your City. I'd be happy to sit down and meet with any of you -- me and also the -- the chairperson for the unlicensed activity committee, for FRACCA or for South Florida Contractors Association -- to explain to you all the details, everything that's going on, how it's happening, how it's been in law -- it's not -- we're not asking to have any laws passed. These laws have been for 30 or 40 years and they're ignored because they're big corporations. This is about half of Riviera Beach's population. So --

CHAIRPERSON JUDY DAVIS: Okay. Thank you for your comments, sir.

JOHN WOODWARD: Yep. No problem.

COUNCILPERSON GUYTON: Madam Chair. I just have a quick question.

JOHN WOODWARD: Sure.

CHAIRPERSON JUDY DAVIS: Mr. -- I'm sorry. Mr. Guyton.

COUNCILPERSON GUYTON: Have you identified any specific multi-family buildings that our Building Department can go to and inspect?

JOHN WOODWARD: Yes. Actually, in the meeting that we had with him, I -- I'm not gonna say (inaudible) here --

COUNCILPERSON GUYTON: Yeah, yeah. We're -- we're not gonna go there.

JOHN WOODWARD: -- but I -- I -- I went into detail with him about quite a few.

COUNCILPERSON GUYTON: Okay.

JOHN WOODWARD: And he was actually -- he actually told me one in particular, he actually said to me directly, "Oh, we're totally aware of that. I just haven't got time to go out there yet."

COUNCILPERSON GUYTON: Okay. Thank you. One last question. Are you part of an enforcement arm of your industry or what is your -- your interest?

JOHN WOODWARD: Oh, no, no, no. I'm here representing South Florida Air Conditioning Contractors. It's a board of contractors, of -- all over South Florida.

COUNCILPERSON GUYTON: Okay. Okay.

JOHN WOODWARD: And I don't want to take up anybody else's time, but basically --

COUNCILPERSON GUYTON: Okay. That's all. That's all I need right there.

JOHN WOODWARD: Okay. My number and --

CHAIRPERSON JUDY DAVIS: Okay.

JOHN WOODWARD: -- address is on there. Feel free to give me a call if you want to -

CHAIRPERSON JUDY DAVIS: Thank you.

COUNCILPERSON GUYTON: No. I'm going to ask Miss Jones --

CHAIRPERSON JUDY DAVIS: Thank you very much, sir. You can have a seat.

COUNCILPERSON GUYTON: -- to look into that and get back to me.

CHAIRPERSON JUDY DAVIS: You done, Mr. Guyton?

COUNCILPERSON GUYTON: Yeah.

CHAIRPERSON JUDY DAVIS: You done?

COUNCILPERSON GUYTON: I'm done.

CHAIRPERSON JUDY DAVIS: Okay. Miss Shepherd. All right. After Miss Shepherd is Miss KaShamba Miller.

MARGARET SHEPHERD: Margaret Shepherd, Riviera Beach. First the mics are wonderful, you all. Great job. I'm here about the turkey giveaway, one -- One Turkey at a Time. And the people wanted to say thank you, Mr. Thomas. It was one of the best. I mean, it was --

CITY ATTORNEY RYAN: Good job.

CHAIR PRO TEM PARDO: Good job.

MARGARET SHEPHERD: He deserve that. Everything went on key. I think -- I heard somebody say one little incident, but with thousands of people standing in line, I forgot the shirt and the bag, but it was a wonderful commitment that Mr. Thomas gave to us. And I thank him. I was also at Mingle Jingle, Mrs. Pardo, but I had to leave a little early. The girls --

CHAIR PRO TEM PARDO: I did see you there and thank you.

MARGARET SHEPHERD: The girls did send their little bag. They always --

CHAIR PRO TEM PARDO: Always.

MARGARET SHEPHERD: -- Summer and Joelle wanted to say thank you.

CHAIR PRO TEM PARDO: Well, thank you, Miss Shepherd.

MARGARET SHEPHERD: Miss Ryan, thank you for a superb job. I wasn't a part of it but they said I was a part of it.

CITY ATTORNEY RYAN: You were.

MARGARET SHEPHERD: They said I took a deep ride. So, whatever. But we thank you. The community thank you for that. At least our money was spent to good use. Also, I heard, Mr. Mayor, and -- and -- and I brought the paper because I did hear it somewhere and it just so happened I was there and I picked up the paper talking about the Youth Justice. And I think you said Mr. Thomas was the one that spearheaded it. I didn't hear that. But I did hear, well, Mr. George Carter and Dr. Drayton and Mr. Sloser was a part of it. So I didn't get that part where Mr. Thomas was a part of it. But I do want to say thank you to the community, whoever was involved. And I said it once before and I think everybody need to hear: it was a two-hour dry run the day before that aired on Channel 18. And I think that was a -- that was a superb job because the children spoke well and they knew exactly what they were talking about. They erred on a couple of things, but I think they did a great job. And, of course, you know, I got to mention my little angel, Summer. I -- I thanked her for even participating because for a while there, she was so nervous. But I wanted to tell you all the kids at Inlet Grove thank Mrs. Banks, everybody that helped put that program together.

I'm trying to read and write it all down 'cause I'm getting old now. One thing that really bothered me as I leave, you guys said it was our three minutes. And when you guys stop and back and forth, it kind of take away the season of the residents coming just to voice their opinion and air out. Because after the meeting, and you guys have a opportunity -- well, I know you have to say what you have to say, Mrs. Ryan, while it's fresh, but I think that the residents want to hear comments of the public. I just ask you all, please respect our comments. Thank you.

CHAIRPERSON JUDY DAVIS: Thank you, Miss Shepherd. Miss Miller. And after Miss Miller is Miss Iles.

CITY ATTORNEY RYAN: Madam Chair. Not to keep --

CHAIRPERSON JUDY DAVIS: Miss Ryan.

CITY ATTORNEY RYAN: -- talking about this but that is one of the things that I will be speaking with you about.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY ATTORNEY RYAN: Miss Shepherd is correct. Public comment -- if you're going to have it, should be for the residents to make their comments without interruption and follow-up questions by -- by the City Council. And we really should try to adhere to that. And I know it's hard, it's hard to let some comments go. But I'm willing to wait until my turn. I have my comments and maybe it will be best if the Council did that as well.

CHAIRPERSON JUDY DAVIS: Okay.

CITY ATTORNEY RYAN: That's just a suggestion.

COUNCILPERSON TERENCE DAVIS: Correct.

CHAIRPERSON JUDY DAVIS: Okay. Miss Miller?

KASHAMBA MILLER: Good evening everyone.

CHAIRPERSON JUDY DAVIS: Good evening, ma'am.

CHAIR PRO TEM PARDO: Good evening.

KASHAMBA MILLER: KaShamba Miller, 430 W. 28th Street. I just wanted to make a few comments regarding some of the issues that we had tonight. I do think it is a great benefit for us to reinstate that Amnesty Program. I've talked to a lot of residents and the liens are an issue. And I think by doing that, that will alleviate some of the concerns that residents are having. I know you're going back and forth on how long it should go, whether it should go on without -- without a defined ending date. But I do think you should keep in -- keep in consideration how it's affecting our residents.

Also, throughout the meeting, I hear a lot of back and forth, where it seems like we just don't follow protocols. The protocols and procedures, if they're established, are you all aware of what they are or are staff aware of what they are? Because it just kind of make the City look as if we don't know what we're doing sometimes. I know that is certainly not the intention. But it is perceived that way because of the fact that, for example, the boat wash. When they -- to say that they were already over there and no one was aware of it or the majority was not aware of it. That just does not look good as a whole.

So I'm just asking and I don't know when you come back and provide answers to any of my questions, it's just that how do we go about making sure that if you're, for one, going to present, what are the deadlines that are established for you all to be able to put that in and make sure you have time to look at it before you say, Okay, well, you're not going on the agenda. So I'm just asking if you can say whether or not there's a timeline established. If not, maybe we need to look at trying to put a protocol or procedure in place to make sure that that is -- that doesn't happen anymore.

Also, it just -- it -- it appears that we have a breakdown in communication. Most of the things that I'm talking about, it -- I'm talking about things that have happened almost every meeting. I do see this a lot. So as a City, it would be nice if we could be able to give the perception that we're all on the same page. Because it -- a -- a lot of times, it seems like we're not on the same page. So, again, if you could also just let me know, how is it that you answer the residents or the citizens as they come up to ask a question? I know Miss Larson, she asks questions all the time and she's constantly

saying that they're not answered. So whenever you come back, if you come back next meeting or if you're able to answer that tonight, just to give the residents a little answer and clarity on what it is that is the proper procedure. Thank you.

CHAIRPERSON JUDY DAVIS: Thank you, ma'am. Miss Iles and then Mr. Gary Colecchio [phonetic].

ANN ILES: Good evening.

CHAIRPERSON JUDY DAVIS: Good evening, ma'am.

ANN ILES: Ann Iles. 321 W. 30th Street, Riviera Beach. And I will read my statement because I have quite a bit to cover in three minutes.

First, thank you Miss Ryan and Mr. Bedard for the splendid defense you put forward in the Lozman vs. Riviera Beach trial where we were accused of intimidation, harassment, auto damage and messing with his dog, all because he was in opposition to the development plan. Even though there was some objection expressed about the strategies used to declare our innocence by some who have no law training or practice in law and won't stay in their lane. I thank you for looking under every rock, shaking every bush to feed out the serpents, rattling every tree to shake down every nut, looking into every nook, cranny and crack to launch the best possible defense, which you owe to your clients. Thank you, again. I would hope that everyone sitting up there would want the same if they find themselves in the predicament. Councilman Davis, I'm going to address this to you.

CHAIRPERSON JUDY DAVIS: Which one?

ANN ILES: Oh, (indicating). Mr. -- T.D.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON TERENCE DAVIS: Terence Davis.

ANN ILES: Mr. Terence Davis.

COUNCILPERSON TERENCE DAVIS: Thank you, Miss Iles.

ANN ILES: Councilman Terence Davis.

COUNCILPERSON TERENCE DAVIS: Thank you.

ANN ILES: After the testimony was given, I was approached by two individuals because they knew I supported you.

COUNCILPERSON TERENCE DAVIS: Who?

ANN ILES: To find out what I thought of you testifying on behalf of Mr. Lozman. My immediate response was that Mr. Davis wouldn't do such a thing. He was probably subpoenaed just like everybody else. I was asked to talk to the lawyers and I did and was told you testified, that you volunteered to testify. I asked for the transcript to verify the claim. I got it. Don't understand why because there was no added value supplied to confirm or deny the charges Mr. Lozman levied against us. Please, go back and review the oath you took to defend the people of this City. And if need be, ask your attorney to explain it. To learn that you stood on the front line of attack with the enemy, against the people of this City, is more than disappointing.

And lastly, over the past eight years, I have watched this governing body and our City be held hostage to intimidation and bullying that borders on terrorism by people who believe if a contract is not handed over to them, whether they can prove themselves worthy or not. Mind you, I firmly believe the playing field must be made even --

CHAIRPERSON JUDY DAVIS: Miss -- Miss Iles.

ANN ILES: -- as possible.

CHAIRPERSON JUDY DAVIS: Okay.

ANN ILES: But to call the U.S. Attorney and everybody else --

CHAIRPERSON JUDY DAVIS: You gotta finish up, Miss -- Miss Iles.

ANN ILES: -- is bogus politics.

CHAIRPERSON JUDY DAVIS: Your time is up, ma'am. Okay. Gary Colecchio.

GARY COLECCHIO: Good evening. My name is Gary Colecchio --

CHAIRPERSON JUDY DAVIS: Good evening, sir.

GARY COLECCHIO: -- and I am here to introduce myself as the new director of Community Engagement and as your representative and advocate in storm water management and your continuing partnership with the South Florida Water Management District. I'm also the past district director of the Florida Department of Environmental Protection. So I'm glad I didn't introduce myself earlier. I'm also very glad tonight to recognize a great old friend of mine --

COUNCILPERSON GUYTON: Gary.

GARY COLECCHIO: -- and -- and -- and colleague from the great village of Royal Palm Beach --

COUNCILPERSON GUYTON: Of Royal Palm Beach.

GARY COLECCHIO: -- Bruce Guyton.

COUNCILPERSON GUYTON: Where I was born. Yes, yes.

GARY COLECCHIO: And we haven't seen each other in a long time, but I -- I'm very pleased and happy to see that you've finally progressed to where I was a long time ago.

COUNCILPERSON GUYTON: Yeah, yeah.

GARY COLECCHIO: So thank you very much and I'll leave some cards and -- and please feel free to -- to call me on any environmental issue at all.

CHAIRPERSON JUDY DAVIS: Okay. Thank you very much, sir.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: What -- did -- does he work for us or what? I -- I kind of missed that.

CHAIRPERSON JUDY DAVIS: South Florida Water Management District.

COUNCILPERSON THOMAS: Oh, oh. Okay.

CHAIRPERSON JUDY DAVIS: Okay. That is the end of public comment. We are now going to our public hearings, ordinances on second reading, number 7.

REGULAR

8. RESOLUTION NO. 04-15 OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE SETTLEMENT OF CODE ENFORCEMENT LIENS ON PROPERTY LOCATED AT 3301 AND 3100 BROADWAY, RIVIERA BEACH, FLORIDA, FOR \$120,300.00 AS COMPLETE SETTLEMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT; AUTHORIZING THE CITY CLERK TO ISSUE RELEASES OF LIENS FOR SAID PROPERTY AFTER CERTAIN CONDITIONS HAVE BEEN MET; AUTHORIZING THE DIRECTOR FINANCE AND ADMINISTRATIVE SERVICES TO DEPOSIT PAYMENT INTO

ACCOUNT NUMBERS 001-00-354104; AND PROVIDING AN EFFECTIVE DATE.

COUNCILPERSON THOMAS: So moved.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON JUDY DAVIS: Is there a second?

COUNCILPERSON TERENCE DAVIS: Second.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON JUDY DAVIS: Okay. I have two public comment cards. Cheryl Mitchell. Is she here?

CHERYL MITCHELL: Yes, I am.

CHAIRPERSON JUDY DAVIS: Okay. And after her is Norma Duncombe. Good evening, ma'am. You have three minutes. Please state your name and address for the record.

CHERYL MITCHELL: My name is Cheryl Mitchell and I am here from Riviera Beach. I kind of thought I would be after item 8, but, so you guys would kind of know what I was talking about. But I am the president of the Southern Court Mobile Home Tenants Association here in Riviera Beach. And I'll be brief and to the point. I have six talking points that I will call out them as I go.

And I want to first of all thank you for taking time to let me speak here tonight. Number one, our biggest concern is that the health and safety conditions remain unchanged and threaten the well-being of our children and inhabitants. Open sewage, exposed electrical, poor lighting, inability to navigate roads for emergency vehicles access, et cetera.

Number two, the entire demographic of the park is not in a position to find adequate housing based on 90 days which has been suggested to us by the buyer's attorney. A minimum of 180 days, with 60-day extension is required by law.

Number three, the association request the buyer compensate for legal support and advice in negotiating a fair and reasonable settlement. We require competent advice and counsel and we do not have those funds to seek that. To negotiate one-on-one without legal advisor would be tantamount to putting us on the streets. Without -- as I say, the amount of monies required by each tenant will predicate on the laws now have without coming out of our pockets. And, of course, we -- we need that help to protect

us, to -- to find equal housing. This would include moving, placement cost, functional facilities, in -- in addition to other fundamental living requirements.

And fifthly, allow me to very -- be very clear on our position. We have tolerated a deaf ear by management, which left our living conditions for many years not only deplorable, but unacceptable. But created a dangerous health and safety hazard for our children. We need counseling and advice and financial assistance to remunerate for these services, to interpret the law as it exists and to understand and exercise our rights. We are willing to expedite a smooth transition for equal or better living conditions. However, this will require time and money that we do not have. We are not legally competent to interpret the law and to be made whole to the greatest extent allowed.

And sixthly, I would like to thank the Board for hearing our plea tonight and respectfully request that a representative of the City be appointed as a neutral liaison to ensure the satisfactory arrangement agreement upon by the buyers and the association is met and all obligations fulfilled.

CHAIRPERSON JUDY DAVIS: Okay.

CHERYL MITCHELL: Thank you.

CHAIRPERSON JUDY DAVIS: Thank you very much, ma'am. Miss Duncombe.

NORMA DUNCOMBE: Okay. Norma Duncombe. And I'm addressing this because I'm looking at the amount of the liens and code violations that are being settled. Is this amount the original amount or is this only a percentage of the liens and violations? If someone could tell me that. And the reason I'm dealing with this is because you have reduced this amount and you should have it on here what you reduced it -- the amount to, so that -- let's operate fairly. If you're going to reduce it for one person, reduce it for everybody. And, you know, there are so many people who are struggling and to listen to the young lady who was just here, this is the reason why I feel the need that other people have to join forces and speak out. This is why people have to understand, you have to join forces because you can't do it one person by yourself.

You're not going to be listened to. And when I hear someone saying, We have deplorable conditions and we don't have the money to do what needs to be done, I think if you're going to operate and -- and I go back to when the young man said that you gave him a diamond when you gave him the rights to the marina. These people need relief. And somehow or another, people need to have you come in and just have some kind of -- just some kind of feeling for persons who are suffering.

The -- when -- this -- this really just -- I'm -- I'm -- I came in here talking about the -- the roof thing but this is even worse when I listened to this young lady. And what could be worked out? And people losing their homes -- when I looked in the newspapers and

saw some lady who lost her home because she had a reverse mortgage and she couldn't get the WIN or whatever it was, insurance. And she's losing her home. When you look and hear stories like that, do you feel a need to reach out to people? Or maybe people just need to get together and figure out how they can get people who will help them and reach out to them. But this is not the original amount of this code violations and what have you. And I think we need to do a reduction for everybody with the same percentage.

CHAIRPERSON JUDY DAVIS: Thank you, ma'am. Okay. That was the end of our comment cards. Miss Jones.

CITY MANAGER JONES: Thank you, Madam Chair. This item is before you, and you have a copy of the resolution as well as the contract agreement in front of you. Right now, I would like to ask Danny Jones to give you a quick overview, and then we will entertain any questions as well as the company is here to answer any questions you may have.

ASSISTANT CITY MANAGER DANNY JONES: Good evening, Madam Chair. Danny Jones --

CHAIRPERSON JUDY DAVIS: Good evening.

ASSISTANT CITY MANAGER DANNY JONES: -- and part of the City's Economic Development Team. What you have before you is a settlement agreement that will serve to resolve existing code enforcement liens on properties located at 3301 and 3100 Broadway, Riviera Beach, Florida. The City was approached by the owners of those two locations who would be the Genovese [phonetic] and Yovanni's [phonetic] Enterprises, as well as East Coast Property Investments, LLC. Currently, those properties have outstanding code enforcement liens and the owners of those properties do not have the means by which to bring those properties in compliance.

East Coast Property Group, Investment Group, is looking to purchase those properties and to immediately close on those properties on or before February 11th and to immediately assume responsibility for bringing those properties into compliance. As you know, and as the person who spoke on behalf of the trailer park, the conditions there are currently in violations of -- in violation of City codes. The City is currently made a huge investment on Broadway and in through the marina area. The City itself put about \$20 million into the marina and currently the CRA is investing another 29 million on the south end of Broadway.

As we look to revitalize and reinvest in Riviera Beach, the natural progression is to go north on Broadway. These two properties are located north of Blue Heron Boulevard and this company, East Coast Property Investment Group, have the ability to bring those properties into compliance and will do so as outlined in this agreement. The

settlement offer is 5 percent of the outstanding liens for code enforcement cases as listed in the agreement. The total amount is about \$2.4 million that's owed on those properties. The current owner does not have the ability to bring those properties into compliance or to pay those outstanding liens. So tonight we're here to present the settlement agreement before the Council and to answer questions as it relates to this issue.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Okay. A couple of things here. I just want to make sure that the community understands that everybody does have the opportunity to participate in this particular program. The percentages are listed. I think it's even less for residential areas. So with this being open as we took action early on, everybody does -- anybody -- any resident, any home, does have an opportunity to do this.

Now, let me tell you why I support this and why I think we should -- we should do this. I've always said that I don't believe code enforcement should be punitive. I don't believe that. Our -- our intentions are to get properties in compliance. Okay? It's in the document that it's going to be compliant. Our money will come back to our -- our -- our settlement amount will come to us at closing and if it is not taken care of, the liens will --

MAYOR MASTERS: Right.

COUNCILPERSON THOMAS: -- remain on the property. That's the first thing. This is a lot different than the Schooner property. It's -- it's a lot different than the Schooner property. With the Schooner property, we were basically trusting them at their word to do what they say that they would do. And they didn't do it. They did not do it. There's no ifs, ands, buts about it. They didn't do it and we're foreclosing on the property and we will get that property. No doubt about it.

This is a -- this is a lot different here. Now, I'm not speaking on anything about the actual individuals who live there. There is a process that has to take place. They have to be able to be afforded the right opportunity. I'm not speaking on legal counsel. I'm not speaking on the City having a representative to -- to address that. The Board can -- can decide on that. I'm saying that as far as this actual settlement, I think that we need to do it and I think that we need to do it right away.

Reason being, it's right in the middle of our redevelopment. You have individuals that are coming there that are investing this money, that are taking on the risk of having to relocate all of those individuals. This right here is probably one of the best things that I've seen happen in that area in a while. I will be the first one to say here if I didn't think that this was a doable thing, that we shouldn't do it. But the fact that it's open to each

and every resident, the fact that it's open to each and every business to pay those -- those particular percentages. That mean it's level across the -- the board and we have people here that have been proven -- the buyers have proven that they have done this. They've doing it all across the place and I just don't think that a company of this particular magnitude is going to invest their money and sit it there and let it -- let it run down.

Now, I don't have very many nice things to say about the owner of the property who let the property sit in deplorable conditions for years and years and years. But I'm extremely happy of the buyer of the property who thought it not enough to -- to see those liens as an issue and say, You know what? I'm just gonna run away from that. No. They made a commitment. They worked it out with us. They're cleaning it up and I definitely think that we should do this. That's all.

MAYOR MASTERS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Miss Pardo was next.

CHAIR PRO TEM PARDO: Thank you, Madam Chair. This is a very exciting night for the City of Riviera Beach. For years, we have talked about, hoping that someone would come along and do something with the trailer parks on Broadway. There was a resident that got up a couple of minutes ago that said that that area that they were living in, you know, deplorable conditions. And this is just, you know, another reason why something needs to be done over there. We finally have an investment group with an impeccable reputation, who is coming in and taking a chance on Riviera Beach.

And I don't know if you all are aware, that they started buying up properties over the summer. They own property already on Broadway, to show their commitment to the City. They purchased property over on Singer Island, a big lot on the corner of -- of East Blue Heron and Park Avenue. They are committed to being part of the City, being part of our redevelopment. And, you know, what --

ASSISTANT CITY MANAGER DANNY JONES: Part of the ownership team, ma'am, I forgot to mention --

CHAIR PRO TEM PARDO: Right. They live here.

ASSISTANT CITY MANAGER DANNY JONES: -- are Riviera Beach residents and Palm Beach County residents.

CHAIR PRO TEM PARDO: Right. Absolutely. Right. Some of them live here in my district. They're voters. And then the rest of the team are in Palm Beach County and they've been here for a very long time. I have -- the state laws, right, they lay out exactly what the -- or federal laws -- they lay out what the developers have to do with all

of the tenants that are living there. So, you know, everything is there. I doubt very much they're going to be able to cut any corners.

And, you know, I'm just -- like I said, I am very excited about this. We've had a lot of crime issues through the years in those trailer parks and I think it's good. It's good all around. And it's nice to see that now we're able to focus on the north end of Broadway. We've, you know, had a lot of focus down on the south end; the marina, Ribovitch is now expanding, Lockheed Martin. So now there's an opportunity to really get the redevelopment over on the north end going. So I'm very excited about this. I hope everyone else is and I just thank these gentlemen for coming in. And also, I thank the staff for sitting down and working with them and working out all of these issues. So, you know, good job, guys.

CHAIRPERSON JUDY DAVIS: Mr. Mayor.

MAYOR MASTERS: Yeah. Thank you, Madam Chair. I guess I'm fortunate, if I can use that word, or blessed to know all parties here and have had experience in dealing with Colin, Chris and -- and the tenants as well as the Southern Courts. And definitely have dealt -- dealt with the past couple of years with the representative of the association, Cheryl. And first let me thank Danny Jones, the City Assistant Manager, City Administrator, for coming in at -- at our request and working with Cheryl and working with the -- the tenants. We were there for several months trying to make things better. And I -- I believe we were able to do some of that. So I do have a relationship with -- as I said, with all parties and know them well.

I am excited as well as Miss Pardo to -- to see the progress in the area. Disappointed that Winn-Dixie moved out across the street, but, you know, it's life. One moves out and 10 move in. What can you say? But Miss Cheryl made some very good points and observations, so I guess this is to the manager. She asked if it's possible that someone from the City can work with them in -- in whatever capacity to make this transition as -- as smooth as possible because -- and I do know that there are federal laws. But it never hurts to go the extra mile, particularly when we're looking at our -- our residents who have gone through a lot of suffering. Health Department have been out there and others, and they were never -- you know, the owners never did follow through on some of the things that they should have done.

So when -- people have sacrificed and lived under those conditions and now it's an opportunity for them, for their lives to be made better and to be made whole, I'm just wondering if the City has -- do we have a way -- has it happened before that we can have someone to sit down with the association, the residents and all parties and see if there's any way that we can facilitate a wholesome transition. Madam Manager.

CITY MANAGER JONES: Mr. Mayor, we plan to continue to stay at the table. We don't plan to walk away once a decision is made tonight, if a favorable decision is

rendered by this body. So we will always be at the table to ensure that everything stays in compliance and that the particular applicant is adhering to the terms and the -- of the -- the agreement that you have before you. I'm -- been sitting here thinking since you started your question about the skill sets needed in order to provide the kind of advising that the current tenants are looking for and I don't think that's in-house. I don't believe it's in-house. But I believe there might be another entity out there, whether it's Legal Aid or whether it's some other group that can possibly do what she's asking the City to do.

MAYOR MASTERS: Okay. And also -- thank you, Madam Chair. Let me just take this opportunity and -- and thank -- well, I know them on a first name basis -- Chris for what you've done on the island as well, particularly at the old Buddy's. You came in and purchased it and -- and we've seen a tremendous improvement. And changed the name and it's just the whole atmosphere. You know, I'm -- I frequent there, play pool and just hang out with the regulars. It's -- I love to go there and -- and be at peace. It's probably the only place I can go and be at peace and not -- someone's not taking pictures of the Mayor on Facebook every five minutes, and wanting autographs and all that other kind of stuff.

But I -- I thank you for really bringing it to another -- to another level as you've done. And I look forward to continuing the -- the wonderful atmosphere there. The entertainment is very wholesome and you -- you've gone the extra mile. So I thank you for that, and I will see you in a couple of nights over there. Thank you.

COUNCILPERSON TERENCE DAVIS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Go ahead Mr. Davis.

COUNCILPERSON TERENCE DAVIS: Mayor, thank you for taking that consideration to asking those questions that I did have in mind for the residents. My one question and concern I have -- there's two. What are some of the ideas of development that we're looking to potentially do here?

ASSISTANT CITY MANAGER DANNY JONES: Immediately, I think the owners are looking to bring the establishment into compliance.

COUNCILPERSON TERENCE DAVIS: Right.

ASSISTANT CITY MANAGER DANNY JONES: And to work with our Planning & Zoning Department to determine the highest and best use and also let the market drive --

COUNCILPERSON TERENCE DAVIS: Right.

ASSISTANT CITY MANAGER DANNY JONES: -- the future of that particular site.

COUNCILPERSON TERENCE DAVIS: The reason I asked that question, because I notice on the Broadway corridor, when you're going north, you can never make a left -- a -- a turn -- you can never turn west until you get to Silver Beach Road. But when you get to in front of that property, there's a turn there. And I was trying to figure out why the DOT taking consideration for that property, specifically?

CHAIRPERSON JUDY DAVIS: Um --

ASSISTANT CITY MANAGER DANNY JONES: We're not certain of that answer, sir, but it probably allows the occupants of those homes to get in and out, if I had to make an assumption on that.

COUNCILPERSON TERENCE DAVIS: Okay. I was just wondering. 'Cause I just noticed when I'm -- when I'm trying to go home, I know that's the only area where you can actually turn left, right there, right before you get to 34th Street you can make that left. But other than that, you can't go west or you can't go east. You have to go one direction. I guess that was a safety measure that DOT put in place. But that's a -- it's a question. That's all.

CHAIRPERSON JUDY DAVIS: Okay. And I -- I just want clarification on something. It -- I read this and I'm just wanting to know: Did the liens start accruing back in 2010?

ASSISTANT CITY MANAGER DANNY JONES: You had two sets of liens. The liens started to accrue in 2006.

CHAIRPERSON JUDY DAVIS: 2006.

ASSISTANT CITY MANAGER DANNY JONES: And the first final order was issued and then the -- the second final order was issued later, after that.

CHAIRPERSON JUDY DAVIS: Okay. So I won't even get into that as to -- I was gonna ask why that, you know, they weren't handled then or what were some of the things that needed to be done and why weren't they handled back then. But that's okay. Don't worry about it.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Thank you, Madam Chair. First of all, let me also give my congratulations and gratitude to another investor coming into our community and understanding that this is a city that clearly is on the move. Some would have you think that we're not on the move but by virtue of all of the investors that are now coming into our community, the evidence is there. Data, document and evidence. Riviera Beach is on the move in large part by the decisions that people on this dais have made. And

decisions that have been made up here to set the type of policies that would entice people to come here and invest.

As it relates to this particular property and -- and also let me congratulate my colleagues who I consider the core members: Vice Chair Pardo, Chair Judy Davis and Councilman Cedrick Thomas. They have been up here navigating this ship to this point now. And I am glad to be a part of where we have come and hoping to assist them to move it even further.

On this property, it's been one that has been an issue for a few years. As I read through the document, I noticed some language that -- that was somewhat clear and I know that there are issues that have to be dealt with. Under the settlement agreement, section 9, it talks about -- it speaks to, "Upon closing on the properties, the contract purchaser, who is the buyer, will immediately commence legally obtaining full possession." My question is has negotiations started in earnest with the current residents? Could somebody from their team answer that?

ASSISTANT CITY MANAGER DANNY JONES: I'd like to introduce Harry Winderman, attorney representing the group, the purchasing group.

COUNCILPERSON GUYTON: Thank you. And your name is --

HARRY WINDERMAN: My name is Harry Winderman. I'm from Weiss, Handler & Cornwell. I'm the attorney for the contract purchaser. Madam Chair, Councilpersons, I'm happy to answer any questions that you have about the settlement agreement. I can tell you that paragraph 9 was probably the most dealt-with paragraph. The City has great concern about this property and wants it to be in compliance as soon as possible. We would've liked to have had more time to bring the property into compliance, but we understood the City's concern about this property and we committed, in contract, to legally remove the tenants, so that we can bring the property into compliance. There's no way to bring it into compliance --

COUNCILPERSON GUYTON: I know.

HARRY WINDERMAN: -- any other way.

COUNCILPERSON GUYTON: And my question was have -- have the negotiations begun with the tenants?

HARRY WINDERMAN: And the answer is yes. The homeowners association is represented by Mr. Krantz -- Kratz [phonetic]. Excuse me, Kratz. And I've had emails and telephone conversation -- I had a telephone conversation with him yesterday. So the answer is yes.

COUNCILPERSON GUYTON: Is Mr. Kratz an attorney?

HARRY WINDERMAN: Yes, yes, sir.

COUNCILPERSON GUYTON: Okay. So they have legal representation?

HARRY WINDERMAN: That's what he has indicated to me.

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON JUDY DAVIS: Right.

COUNCILPERSON GUYTON: My -- my next question is -- is there an anticipated timeframe that you feel negotiations can be consummated?

HARRY WINDERMAN: Well, there --

COUNCILPERSON GUYTON: With -- with the tenants. And I know you can't predict what may come up and surface. I understand some of those issues.

HARRY WINDERMAN: The -- the -- the competing interests here are that those tenants that own their own mobile home and we believe -- we haven't been able to verify this yet, but we will. We believe that's about 80 of the tenants.

COUNCILPERSON GUYTON: Okay. That was one of my questions. How -- how many tenants currently live on the property?

HARRY WINDERMAN: I believe there's approximately 90 or up to 100.

COUNCILPERSON GUYTON: Okay.

HARRY WINDERMAN: Some of them don't own their mobile homes so the protections of the -- the law, don't apply to them. They can be evicted as any tenant could be evicted. Those people that own their own mobile home are entitled to protections under the statute. One of the major protections is they have to be given six months notice. And we intend to do that. The -- the negotiations that we've had -- because we also want to bring the property into compliance as soon as possible. It's going to be hard for my clients to be able to determine the use of the property until they see what it looks like after it's been -- the structures have been demolished.

COUNCILPERSON GUYTON: Uh-huh.

HARRY WINDERMAN: So what we've suggested to Mr. Kratz -- what I've suggested to Mr. Kratz is that in addition to the statutory payment that his -- that those tenants would be entitled to, that we would pay them a premium, so that they would move out sooner.

And Mr. Kratz has suggested an amount. I don't know that he has the authority of his -- of the HOA board or any persons other than the two people I believe he's been in contact with. So we're happy to negotiate with those people and to pay a premium to help them move off of the property, if they will do it in less time, save us the trouble of eviction proceedings. Because they're entitled to statutory notice and then we would have the right to evict them. We don't want to spend time in court evicting people if we can get a voluntary settlement.

COUNCILPERSON GUYTON: Has Mr. Kratz provided documentation that he, in fact, represents the residents, the majority or --

HARRY WINDERMAN: No. Specifically, my email to him was that if he would undertake that obligation, to be -- to get letters of representation from the 80 tenants that we would be happy to negotiate with him and to reach a settlement. And he has told me that under no circumstances will he undertake that obligation.

COUNCILPERSON GUYTON: So he has specific clients that he's representing, obviously?

HARRY WINDERMAN: He has indicated to me, both by what he has told me and the two people I believe he copies on the emails. I think we've had three or four emails. The -- that's -- those are the only people that he's spoken to in the community.

COUNCILPERSON GUYTON: Okay. As it relates to those that don't have the protection of the federal law, those who are renting, is there gonna be any discussion with the owners of the properties -- which is not your responsibility -- to try to ensure that even if they're renting, that they would have some measure of transition support?

HARRY WINDERMAN: Again, we're happy with -- in cooperation with the City, to give those people additional time, beyond which they would be entitled to under the law. It's the City who's come to us and said, "We want you to take every legal step to remove those people and bring the property into compliance." So if the City tells us that we can take an extra 120 days to begin our eviction proceedings, we're -- or -- or longer, we're happy to do that.

COUNCILPERSON GUYTON: Well, let me -- and I don't -- and I'm certain that we're not trying to "rush an eviction."

HARRY WINDERMAN: Uh-huh.

COUNCILPERSON GUYTON: But we do want the property to come into compliance and that's my humble opinion as one councilperson and not speaking for the City. So --

HARRY WINDERMAN: Uh-huh. I understand.

COUNCILPERSON GUYTON: But -- but we -- we have projects that are going on the south end of Blue Heron and we want to see projects on the north end of Blue Heron, and our City is on the move and -- but we need to be mindful, too, that the people need to have a transition that would be humane and reasonable, and I guess the point that was made by the lady that came up -- I guess my question would be, could -- could she speak to that attorney to see if he could represent the COA. Could I ask her that question since you're negotiating with an attorney? Maybe that would expedite this process if one attorney can start talking for the majority of -- of the -- I mean, may I ask her?

CHAIRPERSON JUDY DAVIS: Okay. Mr. -- Mr. Guyton, right now, we -- what we're here to do is to authorize --

COUNCILPERSON GUYTON: Okay. Don't -- don't worry about it.

CHAIRPERSON JUDY DAVIS: -- the settlement. So I think --

CITY ATTORNEY RYAN: Yeah.

COUNCILPERSON GUYTON: Yeah.

CHAIRPERSON JUDY DAVIS: -- we're kind of getting off (inaudible).

COUNCILPERSON GUYTON: Yeah. The -- I understand that, too. And what I'm trying to ensure before we authorize the settlement, is that there are components in place to assist those residents to negotiate --

CHAIRPERSON JUDY DAVIS: Is she still here?

COUNCILPERSON GUYTON: -- to get out as quickly as possible.

CHAIRPERSON JUDY DAVIS: Come on up.

COUNCILPERSON GUYTON: Yeah. I -- because we can't bring them into compliance until they're out. And if we get stuck --

CHAIR PRO TEM PARDO: And there's also a statute. Remember that.

COUNCILPERSON GUYTON: Yeah.

CHAIR PRO TEM PARDO: That they have to follow the laws (inaudible).

COUNCILPERSON GUYTON: Which is six months.

CHAIRPERSON JUDY DAVIS: And what's your question to her.

COUNCILPERSON GUYTON: I'm sorry. What's your name, ma'am?

CHERYL MITCHELL: Cheryl Mitchell.

COUNCILPERSON GUYTON: Miss Mitchell, are you familiar with the -- the attorney that has been talking to the buyer's attorney?

CHERYL MITCHELL: Yes, I am. Yes, I am. He is representing us, the Homeowners Association. There are only a few members who are paid members. So those are the people that we are representing.

COUNCILPERSON GUYTON: Okay.

CHERYL MITCHELL: What I was asking for earlier are people who do not --

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON GUYTON: Okay. That -- that -- that was -- so there is legal representation that --

CHERYL MITCHELL: Yes.

COUNCILPERSON GUYTON: -- involved in it. Okay.

CHAIRPERSON JUDY DAVIS: Okay. All right.

COUNCILPERSON GUYTON: And that's -- that's -- that's all the questions I have, Madam Chair.

CHAIRPERSON JUDY DAVIS: Okay. Madam Clerk?

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Absolutely.

INTERIM CITY CLERK ANTHONY: Councilperson D -- T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON JUDY DAVIS: Okay.

ASSISTANT CITY MANAGER DANNY JONES: Madam Chair, can I --

CHAIRPERSON JUDY DAVIS: Yes, sir.

ASSISTANT CITY MANAGER DANNY JONES: -- just take one moment --

CHAIRPERSON JUDY DAVIS: Yes.

ASSISTANT CITY MANAGER DANNY JONES: -- just to introduce the principals --

CHAIRPERSON JUDY DAVIS: Sure.

ASSISTANT CITY MANAGER DANNY JONES: -- who are involved? I'd like to introduce Mr. Chris Heine, Sr.

CHAIRPERSON JUDY DAVIS: Hello, Mr. Heine.

CHRIS HEINE: Hello.

ASSISTANT CITY MANAGER DANNY JONES: And Mr. Gary Smigiel. Those will be the gentlemen who will be responsible for --

COUNCILPERSON GUYTON: Who was the second one? I didn't catch the name.

CHAIR PRO TEM PARDO: Gary Smigiel.

GARY SMIGIEL: Gary Smigiel.

CHAIRPERSON JUDY DAVIS: Gary Smigiel.

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON JUDY DAVIS: Congratulations and welcome.

GARY SMIGIEL: (Inaudible).

CHAIR PRO TEM PARDO: Welcome aboard, guys.

CHAIRPERSON JUDY DAVIS: Okay? Thank you very much.

ASSISTANT CITY MANAGER DANNY JONES: Thank you, Madam Chair.

CHAIRPERSON JUDY DAVIS: Okay. Now we are down to item 9.

DISCUSSION AND DELIBERATION

COMMUNITY BENEFITS

9. CITY OF RIVIERA BEACH - \$3,000 - CHAIRWOMAN JUDY L. DAVIS - RENAMING OF THE GEORGE STREET PARK TO SADIE MAE DAVIS MCCRAY PARK.

CHAIRPERSON JUDY DAVIS: We have one public comment card, Mr. Lozman. You have three minutes, sir.

FANE LOZMAN: Fane Lozman, United States Supreme Court winner, in case you don't recall that. The renaming of the George Street Park to the Sadie Mae David McCray Park. That's fine. I have no problem with that. But that's something that the entire Council should take the privilege of renaming and honoring this woman. The political grandstanding by Chairwoman Davis to give \$3,000 when this should be on behalf of all five of you in the City, I have a problem with that. You know, that's not the way it works. Just because you're up for re-election in March doesn't mean you to get to throw around \$3,000 of a slush fund from Waste Management that never should've happened. That \$2.2 million should have gone back to the taxpayers. So if you want to rename a park, it should come under a resolution. People should talk about it. You show pictures and you do all that. But you don't jam this through in this little slush fund Community Benefits program. I have a problem with that and a few people I've talked to today mentioned the same thing.

CHAIRPERSON JUDY DAVIS: And for your -- for just the public's knowledge, it was approved by Council some time ago.

COUNCILPERSON GUYTON: And it was a resolution associated with that, if I remember.

CHAIRPERSON JUDY DAVIS: Absolutely. Okay. Number 9 is a \$3,000 donation by Chairwoman Davis to -- for the event taking place on January 24th to rename George Street Park to Sadie --

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON JUDY DAVIS: Okay. So moved and second. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

**10. COUNCILMAN CEDRICK THOMAS 6TH ANNUAL
THANKSGIVING TURKEY GIVEAWAY- \$500- COUNCILMAN CEDRICK
THOMAS - OFFSET COSTS FROM THE 6TH ANNUAL THANKSGIVING
TURKEY GIVEAWAY HELD ON TUESDAY, NOVEMBER 25, 2014.**

CHAIRPERSON JUDY DAVIS: Item 10 is Councilman Cedrick Thomas's 6th Annual Thanksgiving Turkey Giveaway in the amount of \$500 to offset costs.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON JUDY DAVIS: Okay. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

CHAIR PRO TEM PARDO: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

**11. COMMUNITY BENEFITS DONATION TO THE RIVIERA BEACH
HUMAN RESOURCES DEPARTMENT FROM COUNCILMAN BRUCE
GUYTON IN THE AMOUNT OF \$500.00.**

CHAIRPERSON JUDY DAVIS: Item 11 is a community benefit donation to the Riviera Beach Human Resources Department from Councilman Guyton in the amount of \$500.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON JUDY DAVIS: Is there a second?

COUNCILPERSON GUYTON: Second.

CHAIRPERSON JUDY DAVIS: Okay. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: And --

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes. I'm sorry. There was another add-on, Miss Jones that you didn't mention. That's the \$1,000 donation from me. I'm -- I will be taking a group of senior citizens to -- this is a community benefit request in the amount of \$1,000.

COUNCILPERSON TERENCE DAVIS: Madam Chair. (Inaudible). Can we add it on at this point of the agenda?

CHAIRPERSON JUDY DAVIS: I don't see why not.

COUNCILPERSON TERENCE DAVIS: Can we just accept a motion after we go through the -- all these items?

CHAIRPERSON JUDY DAVIS: We have gone through those items and I'm telling you about this one.

COUNCILPERSON TERENCE DAVIS: So you're asking for a motion so we can accept this and to approve it?

CHAIRPERSON JUDY DAVIS: If I need a motion. If --

COUNCILPERSON TERENCE DAVIS: I'm just asking. I don't --

CHAIRPERSON JUDY DAVIS: -- can I have a motion to put this item on the agenda?

COUNCILPERSON TERENCE DAVIS: -- that's -- that's for a point of clarity. I don't -- I don't know. I'm just asking. 'Cause -- 'cause we didn't --

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON JUDY DAVIS: Is there a second?

COUNCILPERSON TERENCE DAVIS: Second.

CHAIRPERSON JUDY DAVIS: Okay. Thank you very much, sir. This is a one -- a -- a community benefit in the amount of \$1,000 to the Riviera Beach Parks & Recreation Department. I will be taking 80 senior citizens to see the movie, "Selma" on Friday. And I'll tell you more about it under my comments. May I have a motion?

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON THOMAS: You already got a motion.

CHAIRPERSON JUDY DAVIS: Is there a --

CITY MANAGER JONES: You already got that.

COUNCILPERSON TERENCE DAVIS: You already got that.

CHAIRPERSON JUDY DAVIS: Oh, that's right.

COUNCILPERSON TERENCE DAVIS: You're good.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: No.

CITY ATTORNEY RYAN: Wait, wait.

CITY MANAGER JONES: No. That was to put it on the agenda.

CHAIRPERSON JUDY DAVIS: It was a motion to put it on the agenda.

CITY ATTORNEY RYAN: Correct.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON GUYTON: Move to prove approve it.

COUNCILPERSON TERENCE DAVIS: Well, I thought it was --

CHAIR PRO TEM PARDO: And second.

CHAIRPERSON JUDY DAVIS: Okay. Yeah.

MAYOR MASTERS: I got a question.

CHAIRPERSON JUDY DAVIS: Well, let's take a vote to -- to -- to put it on the agenda first.

COUNCILPERSON TERENCE DAVIS: I thought that's what we did.

CHAIRPERSON JUDY DAVIS: Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis.

CHAIRPERSON JUDY DAVIS: Okay, yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON JUDY DAVIS: Okay. So I've already told you about it and may I have a motion, please?

MAYOR MASTERS: I have a question.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON JUDY DAVIS: Yes, sir.

CITY ATTORNEY RYAN: Hold on. A motion to approve, once you start discussing it, once you get the motion to approve it --

COUNCILPERSON GUYTON: On the table.

CITY ATTORNEY RYAN: -- then you discuss it and then you take the vote. So --

CHAIRPERSON JUDY DAVIS: That's what we're doing.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: I move to approve.

COUNCILPERSON TERENCE DAVIS: We did that.

CITY ATTORNEY RYAN: Move to approve. Is there a second?

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON JUDY DAVIS: Yes.

CITY MANAGER JONES: They had a second.

CITY ATTORNEY RYAN: Okay. Now the discussion. Sorry.

CHAIRPERSON JUDY DAVIS: Mayor Masters.

MAYOR MASTERS: Yes. We -- we do know this is, as we -- as we often are reminded by others, that this is the political climate in a couple of months. And I'm wondering, what is the public -- whatever the word -- word is, benefit to pay for seniors to go see a movie? Is that --

CHAIRPERSON JUDY DAVIS: It --

MAYOR MASTERS: -- is that considered a community -- a public -- what is the word I'm trying to think of?

CHAIRPERSON JUDY DAVIS: Benefit?

MAYOR MASTERS: A public -- Madam Attorney.

CITY ATTORNEY RYAN: Yes.

MAYOR MASTERS: What is the word? Public --

CITY ATTORNEY RYAN: Public purpose.

MAYOR MASTERS: Public purpose. Is there --

CITY ATTORNEY RYAN: It -- I --

MAYOR MASTERS: -- what is the public purpose?

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: Thank you.

CITY MANAGER JONES: Madam Chair?

CHAIRPERSON JUDY DAVIS: Yes, ma'am.

CITY ATTORNEY RYAN: Miss Davis called me about this issue and advised me that she would be taking the senior residents, in conjunction with the Parks & Rec Department's established program where they take seniors to the movies and to other places. I called Mr. Williams just to make sure that, you know -- what the facts were.

And I was told that that is the case. And it was on that basis that I said that it had a public purpose because we already have a program and the donation Miss Davis was not clear, and that's why I wanted to look at it. The donation is to the Parks & Recreation Department.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY ATTORNEY RYAN: Through their program.

CHAIRPERSON JUDY DAVIS: And I am -- you know, the only person who's reminding people about a political anything is -- is one voice up here. I didn't say anything about a political event.

MAYOR MASTERS: No, you didn't.

CHAIRPERSON JUDY DAVIS: This was just something -- there is, you know -- this movie is coming out. I thought it was -- would be something our seniors would enjoy and that's the whole reason behind it. So --

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: A couple of things. First, I think that it's a public purpose, whether it was through the Parks or Rec Department or not.

CHAIRPERSON JUDY DAVIS: Absolutely.

COUNCILPERSON THOMAS: It's taking the public to the movie which I think is a great idea.

CITY ATTORNEY RYAN: Uh-huh. You're -- you're correct.

COUNCILPERSON THOMAS: I mean, I'm just -- I'm just, you know, being real here that that is an awesome idea. I have not seen it done here and that was a -- that's -- that was a just a good idea. So congratulations, you know, on that, Miss Davis. That was a -- a great idea, thinking outside of the box. But my -- my question was did I see that it had to reimburse or for drivers or whatever the situation is?

CHAIRPERSON JUDY DAVIS: I'm paying -- I'm paying for that.

COUNCILPERSON THOMAS: Yeah. I -- I don't think that that should have to be done, that there. We should absorb that cost --

CHAIRPERSON JUDY DAVIS: Well, I did inquire about it. But because it's going to be after hours, 'cause we're going, you know, to a -- to a matinee at 4 and it's not going to be over until after hours.

COUNCILPERSON THOMAS: I --

CHAIRPERSON JUDY DAVIS: So I have no problem with that. It's the community benefit dollars --

COUNCILPERSON THOMAS: No. I --

CHAIRPERSON JUDY DAVIS: -- you know?

COUNCILPERSON THOMAS: -- I get it. I understand that. But I'm saying I don't want that to become a precedent. When we are doing something for our residents, this is what it's for. Those buses are what it's for, you know, the overtime that we may have to incur, that's -- that's what it's for. So I mean, you're more than welcome to do whatever you choose to do with your community benefits. But I really just, you know, think that the City should, you know -- should absorb that and, you know, make sure that we give -- you can use those community dollars at your discretion somewhere else if you wanted to. But I just wanted to make my comments known.

CHAIRPERSON JUDY DAVIS: Okay. Thank you, sir.

MAYOR MASTERS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mayor Masters.

MAYOR MASTERS: Thank you, Madam Chair. As Councilman Cedrick Thomas wisely stated, it's -- he's never seen this happen -- never seen this before. And I think that was a statement of wisdom and that's why it's suspicious to me and I think it's political. Thank you.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Yes, Miss Pardo.

CHAIR PRO TEM PARDO: Okay. I look at this as no different than every year taking the kids down to a football game in Miami.

MAYOR MASTERS: It's political.

CHAIR PRO TEM PARDO: You know, down to see the Miami Dolphins. So --

MAYOR MASTERS: Never happened before.

CHAIR PRO TEM PARDO: -- you know, what's the difference if it is seniors or -- or children in the community?

CHAIRPERSON JUDY DAVIS: I mean, I -- and, you know, I -- the -- the renaming of --

CHAIR PRO TEM PARDO: Kudos to you.

CHAIRPERSON JUDY DAVIS: -- George Street Park was also political from what he said. So --

CHAIR PRO TEM PARDO: Kudos to you.

CHAIRPERSON JUDY DAVIS: We have a -- a motion and a second. Madam Clerk?

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Absolutely.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Okay.

INTERIM CITY CLERK ANTHONY: Chair Davis.

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON JUDY DAVIS: Sorry. Okay.

BOARD APPOINTMENTS

12. NOMINATION OF PLANNING AND ZONING BOARD MEMBERS.

CHAIRPERSON JUDY DAVIS: Item number 12 is the nomination of Planning and Zoning Board Members.

COUNCILPERSON THOMAS: I have a question, Madam Chair.

CHAIRPERSON JUDY DAVIS: Yes, sir.

COUNCILPERSON THOMAS: Are the -- the -- are the members that are here, are -- are all of these being --

UNIDENTIFIED SPEAKER: (Sneezing).

CHAIR PRO TEM PARDO: Bless you.

COUNCILPERSON THOMAS: Bless you.

UNIDENTIFIED SPEAKER: Gesundheit.

COUNCILPERSON THOMAS: Are these the ones that's -- yeah. You might want to set a time for that.

CITY ATTORNEY RYAN: I know you don't like that.

COUNCILPERSON THOMAS: I don't -- really. It's flu season around here. You know? Are -- are those members -- are -- are those the members that are being asked or are these the ones that just applied?

CHAIRPERSON JUDY DAVIS: Yes. Go ahead, sir.

CITY MANAGER JONES: (No microphone). If I could ask Jeff Gagnon to speak about the vacancies --

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY MANAGER JONES: -- as well as who applied.

CHAIRPERSON JUDY DAVIS: You need to speak into the mic, Miss Jones.

CITY MANAGER JONES: It's not on?

COUNCILPERSON TERENCE DAVIS: It's not on. It's a light. (Inaudible).

CITY ATTORNEY RYAN: Okay. Go ahead.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Good evening, once again. Jeff Gagnon, Planning & Zoning Administrator. For a brief overview, we have

three board members whose terms are expiring. All three have requested re-appointment to the board. Additionally, we have received other letters of interest for residents to participate on the board. The board at this time is at capacity. It's a nine-member board; seven full-time members and two alternate members. Within the agenda item packet, staff had broken down each representative that's currently on the board, have itemized the districts represented by the current board members. So the three board members whose terms have expired is: Miss Marie Davis, who has been a member since 2011; Mr. Edward Kunuty who's been a member since 2002; and Mr. Julius Whigham who's been a member since 1999. Below those listed as current members are other residents that have provided letters of interest to be nominated to participate and volunteer on the board.

CHAIRPERSON JUDY DAVIS: Okay. And Madam Chair. I'm -- jeez. Okay. I -- the reason I -- I'm -- I would like for someone from District 2 to serve on this board. I've been looking for somebody for quite a few years and I got lucky and got two people. But Miss Marie Davis was my appointment and I did speak to her and I did tell her that because of this circumstance, that I wanted to replace her with someone from my district to represent District 2. So the person that I would want to do that is either -- well, my first choice is Miss Shirley Graham. And if there is another vacancy or an alternative or something, that would be Delores Jones.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: Yes, Mr. Thomas.

COUNCILPERSON THOMAS: Let me make sure I got this list correct. They're -- currently, it's one, two, three, four, five, six, seven members or five members and two alternates, all with -- are residing in District 1 and District 4?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Within District 1, there are seven current representatives, and within District 4 there are two. Both District 2 and District 3 are not currently represented.

COUNCILPERSON THOMAS: Right. But I'm -- so I -- I mean, this is not a -- an attack on anybody.

CHAIRPERSON JUDY DAVIS: Right.

COUNCILPERSON THOMAS: But I think that we should have representation from all the districts. But in District 1, I think that's represented by Mr. Guyton. It's -- it's several members. Is there anything that we can do to just have the board just more equitably placed? I mean, definitely by taking one of those off and adding -- well, that actually, that one comes from District -- Marie Davis is coming from District 4.

CHAIRPERSON JUDY DAVIS: Uh-huh.

COUNCILPERSON THOMAS: But that would still leave an enormous amount on District 1. And people who are serving, I would like for them to be reappointed. You know, whatever. I'm not trying to just remove anybody but we -- we need representation across the city. Is there something we can do? I don't know, Madam Chair, is there something that -- I mean, Madam Attorney, is there something that we can do to, you know, get different individuals on this board at this time that's more equitable across the city?

CITY ATTORNEY RYAN: Well, I believe -- Madam Chair.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY ATTORNEY RYAN: I believe the Council -- I don't know if it was a motion. I don't think it was done in writing, but I thought that you all made a decision that each person would have --

COUNCILPERSON THOMAS: An appointment.

CITY ATTORNEY RYAN: -- an appointment.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY ATTORNEY RYAN: On the --

COUNCILPERSON THOMAS: I --

CITY ATTORNEY RYAN: -- on the board.

COUNCILPERSON THOMAS: -- I remember that. Well, my --

CITY ATTORNEY RYAN: 'Cause you wanted to have that --

COUNCILPERSON THOMAS: -- that in there. I do remember that and, you know, based on the Council's changing. The problem is going to be that, I mean, Mr. -- Mr. -- Mr. Guyton -- would that be up to Mr. Guyton's decision, who he wants to --

CITY ATTORNEY RYAN: That is correct. This -- that's --

COUNCILPERSON THOMAS: Okay. So I would -- I would like to -- I would like to -- to ask the board, Miss Davis wanted, I think she said, was it Sheila Graham?

CITY ATTORNEY RYAN: Well, let me also add this. And I know that sometimes when a board member didn't have anyone --

CHAIRPERSON JUDY DAVIS: Yeah. They would get somebody else.

CITY ATTORNEY RYAN: -- they would just give it -- or they would give it to somebody else if you have somebody. So, you know, it's -- but you all have the discretion.

COUNCILPERSON THOMAS: Well, I --

CHAIR PRO TEM PARDO: Well -- yeah.

COUNCILPERSON THOMAS: I -- well, what I would like to do is, I mean, I would like to -- I would like to appoint somebody from District 3. And I just would like for Mr. Guyton, just to, you know, tell me which one. But I would like to add them, you know, on tonight. Because I did see that there was somebody from District 3 that actually applied. I don't know them, but I did see somebody from District 3 applied as well as the person from -- Miss -- Miss Graham. I -- I -- I need to go back. But I -- I did see somebody from District 3 that applied.

CHAIR PRO TEM PARDO: Madam Chair.

CHAIRPERSON JUDY DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: Okay. So if we look at the attendance roster, there are several people on the Planning & Zoning right now that have a lot of absences. There's two people that have five absences and then you have one with three, another with three. Another one has two.

CITY ATTORNEY RYAN: In what period of time?

CHAIR PRO TEM PARDO: Well, there's three consecutive, right --

CITY ATTORNEY RYAN: Oh.

CHAIR PRO TEM PARDO: -- I thought there was something in our --

CHAIRPERSON JUDY DAVIS: There is.

CHAIR PRO TEM PARDO: -- charter or something or in the -- in the ordinance that says after three, you're removed. All right? So you have one that has three consecutive absences. Now my -- this is my concern. We have Mr. Kunuty on there. He's been on there since 2002. All right? He shows up at every meeting. We all know how -- how hard Mr. Kunuty works for us. And then Miss Davis hasn't had any absences while she's been on. And she's been the chairperson a couple of times. I understand that Miss Davis wants to appoint someone and she should be able to. But I'm hard-pressed to -- to just, you know, lie down and say, Okay, Marie Davis is going to be off Planning & Zoning.

Perhaps we can look at the two individuals that have the five absences, especially the one that has three consecutive absences and maybe we can remove her. And like I said, you know, Miss Davis works very hard. I think we'll all agree --

CITY MANAGER JONES: She does.

COUNCILPERSON TERENCE DAVIS: She does.

CHAIR PRO TEM PARDO: -- you know, Mr. Kunuty is going to stay on. But, you know, Miss Davis works just as hard and she, like I said -- she -- she hasn't had any absences.

CHAIRPERSON JUDY DAVIS: And if I can respond to that.

CHAIR PRO TEM PARDO: Sure.

CHAIRPERSON JUDY DAVIS: The -- the reason that I said it was Mrs. Davis is because she was my appointment.

CHAIR PRO TEM PARDO: Uh-huh.

CHAIRPERSON JUDY DAVIS: And, you know, I -- I didn't feel comfortable just saying, Oh, take somebody else off. So, you know, she's my appointment --

CHAIR PRO TEM PARDO: Right. But it's still --

CHAIRPERSON JUDY DAVIS: -- and I -- like I said, I want somebody from District 2 to serve on the board.

CHAIR PRO TEM PARDO: Uh-huh. Okay.

CHAIRPERSON JUDY DAVIS: Simple as that.

CHAIR PRO TEM PARDO: All right. That -- no. That's fine. Your appointment, but it's coming out of the District 4 pool.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: If -- if I may as well, for the attendance roster --

CHAIRPERSON JUDY DAVIS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: -- it does not identify an unexcused versus excused absence.

CHAIRPERSON JUDY DAVIS: (Inaudible).

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: So it could be a case where someone had a specific conflict. They provided the board with proper notification. However, this chart doesn't distinguish the two. So it's either someone was present or someone was absent.

CHAIR PRO TEM PARDO: So perhaps you can bring this back to us then and tell us if these three consecutive absences were real absences or if they were excused. And the same with the other person that had five absences.

CHAIRPERSON JUDY DAVIS: And if -- if others, you know -- if somebody else wants to remove somebody, you know, and let Miss Davis stay on and put my person on, fine. But I'm just saying she was my appointment.

COUNCILPERSON TERENCE DAVIS: Madam Chair.

CHAIRPERSON JUDY DAVIS: That's why I'm comfortable with, you know, doing what I -- what I did. Mr. Davis.

COUNCILPERSON TERENCE DAVIS: Another question that could be done is just check with the board to see if any of those others don't want to continue serving on the board, but they maybe feel obligated as if they made a commitment. Plus there might be someone there that might want to do something different now. So if you check with the board members existing, that are not on this application, you -- who knows what might come out of the situation.

CITY ATTORNEY RYAN: And Madam Chair, it's also my understanding that some more of the board members are going to be up in April, 2015.

COUNCILPERSON THOMAS: Well, one is up in April and one is up in May, it looks like.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON THOMAS: Well, all -- all I'm -- all I'm basically saying and -- and -- and I get it, you know, each Councilperson should have a -- a -- a appointee and however we want to do it is fine. I'm -- I'm looking at District 1 that has several, you know, appointees on there. So I don't know -- I mean, that's -- that would be up to Mr. Guyton. I'm sure that would be a hard decision and he can notify or whatever. But I have a District 3 representative that applied and I would like to see -- I would like to see that District 3 representative on.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: I see that we have applications or a résumé for only one or a couple of them. If -- if I'm being asked to make a decision, I would like to have information on those that I'm asked to make a decision on. So if you all --

COUNCILPERSON THOMAS: Well, can we bring it back?

COUNCILPERSON TERENCE DAVIS: Yeah.

COUNCILPERSON GUYTON: Yeah. I -- I guess 'cause --

COUNCILPERSON THOMAS: Okay. If --

CHAIRPERSON JUDY DAVIS: Sure.

COUNCILPERSON GUYTON: -- I haven't had a chance to review --

CHAIRPERSON JUDY DAVIS: We can bring it back.

COUNCILPERSON THOMAS: Yeah.

COUNCILPERSON GUYTON: -- you all. I'm not going to just do at arbitrarily.

CHAIRPERSON JUDY DAVIS: Sure.

COUNCILPERSON THOMAS: Well, can we agree that some District 1s have to go?

COUNCILPERSON GUYTON: If that's the Board's pleasure. It's fine.

COUNCILPERSON THOMAS: I mean, it's -- we need to fairly do it. Everybody needs to be able to have an appointment.

CHAIR PRO TEM PARDO: We should have two. I think every Councilperson should have two appointments on here.

COUNCILPERSON THOMAS: I'm fine with that.

CHAIRPERSON JUDY DAVIS: All right. Yeah.

COUNCILPERSON THOMAS: I'm -- I'm fine with -- I'm fine with that. We -- I'm fine with that.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: That we want to do two.

CHAIRPERSON JUDY DAVIS: All right. So we'll bring it back next meeting.

COUNCILPERSON GUYTON: With -- with all of the --

CHAIR PRO TEM PARDO: Attendance.

COUNCILPERSON GUYTON: -- attendance and résumés or applications.

CHAIRPERSON JUDY DAVIS: (Inaudible). All right?

MAYOR MASTERS: Madam Chair.

CHAIR PRO TEM PARDO: Motion to (inaudible).

CHAIRPERSON JUDY DAVIS: Mr. Mayor.

MAYOR MASTERS: I -- I just wanted to put on the record in concurrence with Co-chair Pardo, that I don't know anyone who has worked as hard or harder than Mr. Kunuty and Miss Davis on the board. Marie Davis, I -- I don't know how this is going to play out, but certainly those two are pillars of that board. So that's my two cents.

CHAIRPERSON JUDY DAVIS: Okay. Discussion by the City Manager.

DISCUSSION BY CITY MANAGER

CITY MANAGER JONES: Nothing from me. (No microphone).

CHAIRPERSON JUDY DAVIS: Okay. Legal?

LEGAL DISCUSSION/REQUEST

CITY ATTORNEY RYAN: Only one quick thing. I sent an email out to Council -- ooh, yesterday or today, I can't recall, asking if you were interested in a closed executive session in the McKinley vs. City of Riviera Beach case? They sent an email -- I got an email yesterday saying that they would -- they gave some parameters for settlement. I don't know if you all had an opportunity to look at it.

CHAIR PRO TEM PARDO: They know they don't have a case.

CHAIRPERSON JUDY DAVIS: I read it.

CITY ATTORNEY RYAN: Okay.

CHAIRPERSON JUDY DAVIS: (Inaudible).

CITY ATTORNEY RYAN: If -- if there's no real interest in it, then I won't ask for the closed executive session. I know that there were some depositions set for tomorrow for

some elected officials and employees who were subpoenaed for deposition. We have those tomorrow. So I could bring this up at the next Council meeting --

COUNCILPERSON THOMAS: You can just call me and update me.

CITY ATTORNEY RYAN: Okay. Great. Then we won't have the closed session.

CHAIR PRO TEM PARDO: I'll tell you right now.

CITY ATTORNEY RYAN: Okay. All right. Thanks. That's it.

CHAIRPERSON JUDY DAVIS: Okay.

CITY COUNCIL COMMITTEE REPORTS

CHAIRPERSON JUDY DAVIS: Any committee reports? None?

STATEMENTS BY THE MAYOR AND CITY COUNCIL

CHAIRPERSON JUDY DAVIS: Statements by Mayor and Council. Mr. Guyton, we'll start with you.

COUNCILPERSON GUYTON: Thank you, Madam Chair. I just have one announcement and I have a couple of questions for staff. I am having a town hall meeting and, as everyone knows, I do this every three months, every quarter. The department heads accompany me out into the community and any question that a resident has, oftentimes can be answered on the spot. If it can't, staff will get back to them. It would be 6:00, January 15th which is a Thursday at Lindsey Davis Community Center. One of the issues that I will be addressing, I'm going to have staff to give a presentation on the process of code enforcements and how liens are levied on a property. And at that time, for those who have any questions or concerns, that would be a good time to address staff and/or myself regarding that issue.

Speaking on that issue, I've gotten quite a few calls from people that there are those going around the community saying that the City has X number of liens on properties and we're about to foreclose on their property. And we're going to give it to the developers. And let me just say unequivocally, that is absolutely not true. We are not about to foreclose on anyone's home. It is not true. As a matter of fact, I would like to ask our City Attorney or -- and/or our Code Enforcement Administrator, it is my understanding that the law prevents a City from foreclosing on anybody's homestead resident.

Miss Attorney, would you answer that question? Because there is a lot of misinformation being disseminated.

CITY ATTORNEY RYAN: Madam Chair?

CHAIRPERSON JUDY DAVIS: Yes, Miss Ryan.

CITY ATTORNEY RYAN: Mr. Guyton, you are 100 percent correct. The law in the state of Florida is that no one -- not just municipalities -- the County, the State, no entity can foreclose on residential property for code enforcement liens. It cannot happen and it has never happened in the City of Riviera Beach. We have never, ever, to my knowledge, told any resident of this City that we would foreclose on their homestead. It just cannot happen.

COUNCILPERSON GUYTON: Thank you. And this is something that someone up here spoke about this being a political climate, strictly political. Strictly political.

CHAIRPERSON JUDY DAVIS: (Inaudible).

COUNCILPERSON GUYTON: I told people a couple of months ago, the strategy is to get them angry at certain people. If they can get you angry at certain people, they feel that you'll go out and vote against them. We cannot foreclose on the home that you live in. I had them to investigate whether we ever did it. It has never been done.

So as you hear these politically charged lies, I would want you to step back and look at where these rumors are coming from. The question should ask: Is this self-serving? Is anybody involved in disseminating this information can benefit from -- what I'm told they want is to erase all of the liens on everybody homes.

Let me tell you this, I've been in government and I -- a long time. I ran one of the gentlemen that was here tonight, Gary Colecchio, back in the '80s I worked for the Village of Royal Palm Beach. I've worked at the municipal level and the county level. Worked for them for four and a half years; worked for the county now for almost 17. There has never, ever been a time where a municipality has foreclosed on anybody's resident. Don't let them frighten you, scare you, to encourage you to go out to vote for somebody based on a lie. If anyone suggests that, that tells me they do not understand municipal government. And if somebody is saying they will do that, that is a red flag. Because the way you keep your community habitable and not turning into a shanty town, is you have code enforcement. That is absolutely ridiculous. I would never, ever entertain that to just wipe out everybody code. There is no enforcement mechanism if you do that. That is the teeth that the municipalities have. That's how we keep our community clean.

So on -- at my town hall meeting, I'm going to have staff to give a presentation to make sure that the public understand that things that you may hear are not true. They are politically motivated and self serving. And let me just say, too, that I'm told that in addition to Miss Davis, my name is being circulated. Anyone that wants to come after

me or using my name better bring their lunch. Now let me -- better bring your dinner. It's going to be a long night. I'm not backing down from people who are trying to destroy this City. We are moving forward now. We have seasoned, elected officials on the dais. Chairwoman Judy Davis, Vice Chair Dawn Pardo and Councilman Cedrick Thomas, I consider the core on this dais. It would be absolutely devastating to lose one of them.

I -- I came to the table understanding that I plan to complement the core members. I was fortunate enough -- most of us have over five years of political experience. I have four years from back in the '90s. I have almost two years now. That's six years. Miss Judy Davis I know has at least seven.

CHAIRPERSON JUDY DAVIS: Nine. It's nine (no microphone).

COUNCILPERSON GUYTON: Nine years. Vice Chair Pardo has, I know, at least seven. And my good friend, Councilman Thomas has at least eight. I know. There are seasoned, elected officials that we need at this time on this dais. So it is my hope that the people don't believe some of the misinformation being disseminated. But if anybody's talking about erasing liens, just cleaning the slate, that's a red flag. In my opinion, they don't understand municipal government. That's all I have, Madam Chair. And I hope to see everyone at my town hall meeting January 15th at 6:00.

Wait. One -- one last question. There was a rumor going around about we have about 3,000 liens out there. Could code enforcement or somebody come to the mic and ask me -- or and answer that question if that is accurate? That's all I need to know.

CODE ENFORCEMENT ADMINISTRATOR NATALIE MOORE: Good evening again. Natalie Moore, Code Enforcement Administrator.

COUNCILPERSON GUYTON: Code enforcement liens.

CODE ENFORCEMENT ADMINISTRATOR NATALIE MOORE: Yes, Councilperson Guyton. That is a bit of misinformation. It's not accurate. The City files liens of multiple types. The City files water and sewer liens. They file unsafe structure liens and then code enforcement liens. Most of the liens filed in the City are water and sewer liens, not code enforcement liens. So that number of 3,000 code enforcement liens is inaccurate.

COUNCILPERSON GUYTON: Okay. Thank you. And we can get it -- more into it at my town hall meeting. But it is important that the people have accurate information and don't be swayed by people who are trying to get you angry at certain Council -- and what is ironic to me, the least informed on the dais is trying to take out a few of the more informed people. It just makes no sense to me. But that -- that's all I have right now, Madam Chair.

CHAIRPERSON JUDY DAVIS: Okay. Mayor Masters.

MAYOR MASTERS: Great political speech. I'm -- I'm -- I'm pretty sure that Mr. Guyton is referring to me as he has before as the least informed. He could've called my name. It would've been fine. However, that's not what the people of Riviera Beach think, is it? Four terms? They re-elect, elect, re-elect, re-elect. So I don't think that the people of Riviera Beach are ignorant. I don't think they're misinformed. I think they know who they want and why they want and what they want. And they've chosen me as the Mayor four terms, consecutively.

The other thing that was said tonight is that in addition to being least informed, that I'm not a part of this core, this so-called core of leadership here and that I'm not, I guess the two of us, we're not involved in creating environment or atmosphere for businesses to invest. Well, you know, that's kind of shameful for someone to make that kind of statement. Again, then you're -- you're judging the people. You're saying the people is doing something that they don't know what they're doing. I guess the person who says it should -- probably knows more than the -- what the people know.

The fact is, you had a person that was chair, served as -- in the chair position who had great relationship with business community, investors and developers. You had another person that was chair and he did the same thing. Both of them, when it came up, they decided they wanted to run, be mayor, they both lost. I'm still here. So evidently whatever the people see in me, and whatever I do to represent this City, and however I represent it, they had -- they had choices. They had some very good choices. But they decided that that's not what they wanted. They wanted this Mayor. So, you know, people want to continue to minimize the position, fine. But we'll just see -- see them at the polls. And we'll see -- let the people speak.

I'm also going to be having a -- convening a workshop for seniors of this community. I think it's important. There are a lot of services that seniors don't know about like the AARP -- the AARP program and other volunteer programs -- and other programs that pay seniors to work, to be retrained. It's just a lot of benefits -- the -- the Bridges program and with the families. So we're going to have that here at the -- at the Chambers.

I wanted to ask a question, like either of the manager or the attorney. First of all, I want to encourage Pastor Griffin Davis, make -- a pastor of Hilltop Baptist Church, well respected, well qualified, justified and sanctified to continue to advocate on behalf of the least of these, to continue to advocate for people who have been impacted and affected by the liens. I'm sure that your -- your advocacy had a lot to do with the decision that popped up overnight. It wasn't even on the agenda add-on. All of a sudden it came up tonight. And the Amnesty Program was put back. These kinds of things, they don't just pop up out the skies because people are advocating for change. They're advocating for relief. I'm advocating for full amnesty.

It does not mean that people should not bring their houses up to code. But if they do, I just think the -- the liens should be wiped out. That's just me. And there's other pastors like Reverend Davis and others who are well respected in this community. Again, people would not -- he would not have the largest congregation in this city and been here as long as he's been here, if he's been an ineffective leader and misinformed. I think people are a member of Hilltop because they respect his leadership, they respect his wisdom and they respect his legacy. And I respect his advocacy.

I have a question, Madam Manager or either the attorney. And speaking of liens, I'm very interested. Mr. Guyton said earlier tonight that he had had several conversations with staff about vendors helping seniors. And obviously none of them came to the Board and did that.

COUNCILPERSON GUYTON: That is not true.

MAYOR MASTERS: Okay. Well, I thought you said that. But anyway, my question is this. Community benefits, I would rather use my money to help people bring their properties up -- and it's not my money but the community benefits that's allocated to the Office of the Mayor, to bring their properties up to code rather than take somebody to a movie or out to dinner. So my question is, can -- how can we use -- or how can I use -- like, if I wanted to go donate -- it's not a lot of money, but 5 or \$6,000 for people who want to bring their properties up to code? Would there have to be an account set up for that or what would be the process? Because I'm more interested in that. Madam -- Madam Manager, how could that be worked out? I'll wait till you get through.

CITY MANAGER JONES: Well, what -- is Legal here?

MAYOR MASTERS: Yes, the attorney's here.

CITY MANAGER JONES: That's (inaudible) what actually constitutes -- when we review the application for the use of community benefits, we look and see if they can provide all of the documentation that's necessary. Without saying what your guidelines would be, how you would distribute your money, it's hard to be able to tell you how you can do that without further conversation.

MAYOR MASTERS: Okay. Would you look into that whenever you have an opportunity, see if -- if a mechanism or some way, even if we had to use a non-profit organization like the Housing Partnership or some organization. I would like to set aside thousands of dollars to help people. Because, you know, it's one thing to say we -- we want to -- we're going to reduce the lien and we're gonna do this and -- but if people don't have the money, whether it's 10 years or two years or one year, I want to help the people as I've always tried to do as Mayor. Maybe that's a good reason why they keep putting me back. Because they all -- they know that I'm all about the people. So I would appreciate, Madam Manager, if you could figure out how that could be done.

If I can just give the money to the City and maybe something can be set up for that purpose.

CITY MANAGER JONES: Oh --

MAYOR MASTERS: Account or something.

CITY MANAGER JONES: Okay. I'll look into it 'cause I -- I don't want to say I'll tell you how it can be done 'cause it may not be able to be done.

MAYOR MASTERS: Okay. I understand.

CITY MANAGER JONES: I can tell you the results of my research --

MAYOR MASTERS: Okay.

CITY MANAGER JONES: -- and then see if that can help you make the decision.

MAYOR MASTERS: And then also look and see if it would be -- if it's possible that can't be done, if I could donate thousands of dollars to a non-profit organization that may be interested in helping people to bring their property up to code. Can that be an -- as an option.

CITY MANAGER JONES: Well, that -- for non-profits you can automatically do that without anything else done. Now that one I can answer.

MAYOR MASTERS: Okay.

CITY MANAGER JONES: If they can give the appropriate documentation and I believe you had mentioned earlier in the year when we were talking about the roofing program, that you wanted to do that and so I don't think you heard an objection, working through a non-profit in order to be able to facilitate the rehabilitation of some of our senior citizens' residences.

MAYOR MASTERS: Okay. Well, it's -- it's not important to me how we do it as long as we -- it -- it's available. It's -- and if it's the City can't do it, separate account, then fine. We can certainly, hopefully identify -- and certainly -- maybe there's some non-profits who are viewing and listening to me now. If you're interested in helping the people as we say we are, inviting people into our City and investing in our City, this is a good opportunity to invest in the people in the City. We always hear a lot of talk about buildings, highways, railroads, railroad tracks, roads and marinas. But if you don't have a safe city, you don't have a city at all.

And one of the things that the Mayor has been involved in, along with the Chief and other law enforcement entities and neighborhood associations and groups, that's why we're bringing in the peace -- peacemakers, whatever they called. Peace what?

UNIDENTIFIED SPEAKER: Keepers.

MAYOR MASTERS: Peacekeepers because it's important that if we're going to have people to invest in our City, that we continue to make our City as safe as possible. We want to have one group coming in and another group moving out. So that is something that the Mayor has been very actively involved in.

Also, Madam Manager, as you know, a couple of years ago we started the referendum process and were able to qualify -- it's an amount of signatures that were needed. One of those referendums dealt with Fire Station, Police Department -- the Police Station and the Public Works. I know I've -- I've spoken to you about it.

CHAIRPERSON JUDY DAVIS: Do you have much more, Mayor Masters?

MAYOR MASTERS: I have a couple more -- I have a couple more things. Yes, I do.

CHAIRPERSON JUDY DAVIS: Okay. It's not something that you can deal with with the --

MAYOR MASTERS: No. No, it isn't.

CITY ATTORNEY RYAN: Yeah. But (inaudible).

MAYOR MASTERS: Is there a time?

CITY ATTORNEY RYAN: Yes.

CHAIR PRO TEM PARDO: Yes.

MAYOR MASTERS: Is there a time?

COUNCILPERSON THOMAS: Yes.

MAYOR MASTERS: Well, what is the time?

CITY ATTORNEY RYAN: It's almost 10:00.

MAYOR MASTERS: What is the time?

COUNCILPERSON THOMAS: 10:00.

CHAIR PRO TEM PARDO: It's 10:00.

MAYOR MASTERS: Okay. But let me just ask this one question. At the -- the status of the Fire Station has been off -- I guess is off the table because the City ran out of money to move it. But at the retreat, you had told me that if we get three people, then we would not be moving it. You need to hear that from three people. Councilman Pardo agreed with -- with my position. Councilman Cedrick Thomas agreed with my position. Councilman Terence Davis agreed with my position. Bruce Guyton said he would have to see the paperwork, to see the figures and the numbers, which is rightfully so. And Chair Davis disagreed with my position and her position remained the same, which was to close the Fire Station on Blue Heron Boulevard. Thank you.

CHAIRPERSON JUDY DAVIS: At Avenue S, yes. Okay. Mr. Davis.

COUNCILPERSON THOMAS: Madam Chair. We need to either take the motion to do it -- but it's 10:00.

CITY MANAGER JONES: Motion or (inaudible).

CHAIRPERSON JUDY DAVIS: All right is there a motion to extend for five minutes?

COUNCILPERSON GUYTON: I move to extend 15.

CHAIRPERSON JUDY DAVIS: Okay. Fifteen minutes. Is there a second? I'll pass the gavel and second.

CHAIR PRO TEM PARDO: Here. Okay. Madam Clerk.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: No.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: No.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: Yes.

INTERIM CITY CLERK ANTHONY: That motion is approved with Councilpersons Thomas and Pardo dissenting.

CHAIRPERSON JUDY DAVIS: Okay. Mr. Davis.

COUNCILPERSON TERENCE DAVIS: Thank you. I'm not going to say a whole lot and hold you long, but Happy New Year to the residents of Riviera Beach. I don't respond much to residents who come to microphone and the podium, but I want you to always to keep in mind when -- when two or three individuals come to that podium and you make a comment about someone come to you, please put a name out there. That way I can address and I can confront my accuser.

Yes, I did go and testify at that court case. Yes, I took it upon myself to go upon myself to do so. I didn't want to get subpoenaed because I wanted to have control on when I could go in my very busy schedule to show up to court.

MAYOR MASTERS: That's right.

COUNCILPERSON TERENCE DAVIS: And I went before the court system and I told nothing but the truth. And I stood on the truth. And as long as Riviera Beach runs through my blood, I will continue to serve Riviera Beach with the best interest in my heart. Now sometimes, it may be interpreted the way that others not identify with the truth. But if the truth makes your skin crawl, then you need to recheck yourself. And I want to keep in -- I want you all to keep in mind, please contact my office and schedule an appointment so we can sit down and hash out the disagreements because this meeting is not the place for us to fight and argue with the public or with one another. At some point, this culture will change in the City. You talk about you want change and then you get on this podium and you -- and you go in a different direction. So I'm asking this Board to stop -- release your alliances and do what's best for the City of Riviera Beach and stop holding on to one another, and hold on to the people. And I'm done for the night. Have a great night.

CHAIRPERSON JUDY DAVIS: Okay. Mr. Thomas, anything?

COUNCILPERSON THOMAS: No. Just wondering if we can make some type of motion that at the end of the meeting we are not going back and forth with all of this. I would like to get the business done and move on. It's going to be difficult enough. We've all been up here long enough to know how these political seasons go. But, you know, to -- to just make everyone who does not want to be a part of the back and forth, sit through this by virtue of a motion, I think it's just kind of, you know, wrong. Everybody knows what's going on. We don't have to make every issue, every item something political. It's -- it's just not the right thing to do. Let's, you know -- let's -- I'm

sure we're not going to make a motion to not do that. But, you know, let's just make an effort not to do that, please.

CHAIRPERSON JUDY DAVIS: (Inaudible). But anyway, Miss Pardo.

CHAIR PRO TEM PARDO: Thank you. And I for one refuse to get political up here. I have a couple of things for the City Manager. The first is the Ocean Mall. I had a meeting on Singer Island on Monday night and once again, the topic was the Ocean Mall. So, you know, what's -- what's going on at the Ocean Mall? Can you -- what?

CITY MANAGER JONES: We -- we --

CHAIR PRO TEM PARDO: All right. They put up -- we asked them to put up the -- the film on the window, okay? The film is falling down.

CITY MANAGER JONES: And we have contacted the vendor that put it up there.

CHAIR PRO TEM PARDO: Okay.

CITY MANAGER JONES: Today, for them to come back out and reinstall it properly.

CHAIR PRO TEM PARDO: All right. Great. So hopefully, you know, that's not going to take a month or so for them to do. The other thing is the empty parcel. Can we ask GSF to take the freaking fence down? You know, we had that woman in here about a month ago, the woman in the wheelchair. And she had several complaints, but one of the complaints was when she goes by Two Drunken Goats, if she's heading north on the back side of the mall to go to Wings, she has to go in the street. And we all know, at night it's very dark there and a car -- they'll probably see her when they're about to hit her. It is very dangerous. If they need to keep the fence up, the fence needs to go further west. They need to take the fence off of the street -- off of the sidewalk.

But what they should really do and what we should be encouraging them to do is to take the fence down, put some irrigation in and sod it. Make it look a little better. You know, it -- it's really sad that that mall is deteriorating before our eyes. You know, bad enough they have -- they don't have a lot of businesses in there, but, you know, it's a -- it's a real shame. The City made a big investment over there and we have asked them to paint. There's paint still peeling off of the buildings and it's deteriorating and it makes all of us look bad. And here we are trying to, you know, sell businesses into coming into the marina, you know, and -- and what are they thinking? We can't even, you know, stay on top of the Ocean Mall.

CITY MANAGER JONES: Miss Pardo.

CHAIR PRO TEM PARDO: Yes.

CITY MANAGER JONES: We have been on top of that. Mary McKinney is the point for working with GSF. I do know that she has been in contact with them about the fence. We have to allow a certain amount of time. If they don't do it, then we can go in and do it and charge them.

CHAIR PRO TEM PARDO: Okay. So --

CITY MANAGER JONES: As well as we can cite them --

CHAIR PRO TEM PARDO: -- how long?

CITY MANAGER JONES: -- if they -- whenever they get to a point of default in any one of the points within the contract that they default on, then we can collect and make that possible. Our attorney representing us with this, Rick Jarolem, stays on top of them. We have to give them time to correct it. If they don't correct it, then we can go in and do it, charge them, give them code violations for peeling paint, just like we do residents. So we are on it. It's a slower process than even all of us want.

CHAIR PRO TEM PARDO: Okay. But --

CITY MANAGER JONES: But we just want to make sure --

CHAIR PRO TEM PARDO: All right.

CITY MANAGER JONES: -- that we're dotting our I's and crossing our T's.

CHAIR PRO TEM PARDO: Okay. And if you go back in --

CITY MANAGER JONES: So that we -- yeah.

CHAIR PRO TEM PARDO: -- and pull some tapes, you'll see, I started complaining about the paint --

CHAIRPERSON JUDY DAVIS: Yeah.

CHAIR PRO TEM PARDO: -- over a year ago.

CHAIRPERSON JUDY DAVIS: Have they done it?

CHAIR PRO TEM PARDO: No.

CHAIRPERSON JUDY DAVIS: Okay. Well, can we get --

CHAIR PRO TEM PARDO: You know, it took a long time for them just to --

CHAIRPERSON JUDY DAVIS: (Inaudible).

CITY MANAGER JONES: And all you can do is cite them as a code violation.

CHAIR PRO TEM PARDO: Okay. So we need to do something.

CITY MANAGER JONES: And we are.

CHAIR PRO TEM PARDO: We need to do something.

CITY MANAGER JONES: Yeah.

CHAIR PRO TEM PARDO: We need to do something. And I think you should really give them a timeframe. You know, you said we have to give them time. Well, how much time do we have to give them? All right. So, you know, Miss Manager, you know, this is on you. I am sick of hearing the complaints from the people on the island. You're the manager. You need to deal with them. All right. The other --

CITY MANAGER JONES: And I want to try to do it legally. So that's what I'm trying to do.

CHAIR PRO TEM PARDO: All right. That's fine. Well, something needs to be done because, you know, we're getting a black eye on the Ocean Mall, and it doesn't make any of us look good. And I could tell you that I'm not satisfied with that. All right. The other thing is, I have a question. Do we have fire suppression over at the Riviera Beach Marina? Is there any kind of fire suppression over there?

FIRE CHIEF TROY PERRY: Councilman Pardo, yes, there is protection at the arena -- marina rather. We are continually looking and assessing what's going on at the marina. You're quite aware there's a -- a large amount of construction going on.

CHAIR PRO TEM PARDO: Uh-huh.

FIRE CHIEF TROY PERRY: We're, in fact, now working on some drills to do out there that we'll probably start doing some time next month.

CHAIR PRO TEM PARDO: Okay.

FIRE CHIEF TROY PERRY: We're looking at testing exactly the -- the devices or appliances that are out there now to assure that we can work with them.

CHAIR PRO TEM PARDO: Okay.

FIRE CHIEF TROY PERRY: And we're looking at various strategies of how to aggressively attack fires if necessary.

CHAIR PRO TEM PARDO: Okay. And I'm asking because I went through the Operating Agreement between the Port of Palm Beach and their new cruise ship and I just found it really interesting. There's a section in there under "Fire Protection." And the agreement states, "Cruises acknowledge that district does not provide firefighting equipment or personnel and does not have any firefighting capability." So I read that and it really blew my mind. So if something happens, I guess they're going to rely on -- you know, the port doesn't have anything. They're going to rely on Riviera Beach Fire Rescue and West Palm Beach. But then that made me think about our marina and if, you know -- if we have equipment over there.

FIRE CHIEF TROY PERRY: Correct. No. The marina, it really isn't an issue, despite the construction that's going out there.

CHAIR PRO TEM PARDO: Uh-huh.

FIRE CHIEF TROY PERRY: We're working with them now to make sure we always have protection in place. We have a standpipe system that operates out there.

CHAIR PRO TEM PARDO: Okay. All right. Thank you. And then my other question is what's going on with the outsourcing of the marina? Are we still looking at that or are we gonna --

CITY MANAGER JONES: The third party management --

CHAIR PRO TEM PARDO: Yes.

CITY MANAGER JONES: -- has been developed. It is my understanding from -- that --

COUNCILPERSON GUYTON: What's -- the RFP.

CITY MANAGER JONES: -- the RFP --

CHAIR PRO TEM PARDO: Uh-huh.

CITY MANAGER JONES: -- to go out on the street for the consideration of third party management. We're looking at the template from Purchasing. And I had a meeting with Mr. Guy just today to see where all of the projects were and so if we can get the final review -- I believe he's meeting with legal again shortly --

CHAIR PRO TEM PARDO: All right.

CITY MANAGER JONES: -- on that document in order to have it on the street.

CHAIR PRO TEM PARDO: Okay. So we should see that on the street within 45 days or so?

CITY MANAGER JONES: Hopefully --

CHAIR PRO TEM PARDO: Hopefully?

CITY MANAGER JONES: -- before then.

CHAIR PRO TEM PARDO: Okay. And then the last thing, I just want to mention to everyone our former Councilperson and I took his seat in 2008 --

CHAIRPERSON JUDY DAVIS: Jim Jackson.

CHAIR PRO TEM PARDO: -- our former Councilperson Jim Jackson passed away recently. So for the residents that were not aware, I'm making you aware and may Mr. Jackson rest in peace. That's all I have, Madam Chair.

CHAIRPERSON JUDY DAVIS: Okay. Thank you, ma'am. And lastly, I have a copy of the document that Mr. Lozman referred to. Nowhere on this document that -- does it say that I refused service. It simply says that eight attempts were made here at City Hall of which I was not here.

And last thing is the movie, "Selma," opens on Friday and it chronicles Dr. King's campaign to secure equal voting rights via the march on Selma to Montgomery back in 1965. And I will be taking seniors who are 55 and older and they will need to provide me, or my assistant, with proof of age and proof of address because this will only be for Riviera Beach residents. And it will -- we will be traveling to Muvico. We'll be in our -- our own private theater and they will be --

CITY ATTORNEY RYAN: Oh.

CHAIRPERSON JUDY DAVIS: -- given popcorn and a -- a drink. So please call my assistant, Deborah Hall. The number is 845-3464 between the hours of 10 and 4. She will be at lunch from 1 to 2 and the cut-off time is on Friday at noon. Not 12:05, but at noon. So don't call if it is after noon. We will be departing from City Hall at 2 p.m. All right. Thank you.

ADJOURNMENT

CHAIRPERSON JUDY DAVIS: Is there a motion for adjournment?

COUNCILPERSON GUYTON: So moved.

CITY ATTORNEY RYAN: I was going to ask, can seniors bring their grandkids?

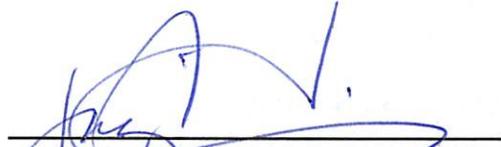
CHAIRPERSON JUDY DAVIS: No.

(END OF MEETING)

APPROVED:



**THOMAS A. MASTERS
MAYOR**



**JUDY L. DAVIS
CHAIRPERSON**

ATTEST:



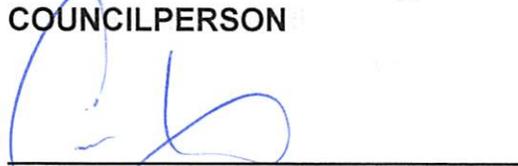
**CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
INTERIM CITY CLERK**



**DAWN S. PARDO
VICE CHAIRPERSON**



**BRUCE A. GUYTON
COUNCILPERSON**



**CEDRICK A. THOMAS
COUNCILPERSON**



**TERENCE D. DAVIS
COUNCILPERSON**

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: 02/18/15