

CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, MAY 21, 2008 AT 6:30 P.M.

**ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE LEGISLATIVE ASSISTANT PRIOR TO THE BEGINNING OF THE MEETING. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.**

I. CITY CLERK CALLS TO ORDER

Roll Call

Chairperson Thomas was present and presided. Upon a roll call by City Clerk Ward the following were present: Mayor Thomas A. Masters; Chairperson Cedrick A. Thomas; Chair pro tern Dawn S. Pardo; Councilperson Lynne L. Hubbard; Councilperson Judy L. Davis; and Councilperson Shelby L. Lowe. Also present were City Manager William E. Wilkins; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

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

II. AGENDA APPROVAL:

1) Additions, Deletions, Substitutions

City Manager Wilkins stated that Item No. 11 -- city manager's employment contract was the only addition to the agenda, per Chair Thomas. He also stated that there was a need to schedule some of the workshops discussed during Agenda Review.

2) Adoption of Agenda

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

MOTION

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

MOTION APPROVED

III. AWARDS AND PRESENTATIONS

ITEM NO.1

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF APRIL, 2008.

Doretha Perry, Human Resources Director, presented the following new employees for the month of April: Tiffanie Whitfield (Police); Raykell Haywood (Police); Rosanna Lens (Police); Latasha Kingdom (Police); Onzanikkaa Edwards (Police); Celia Thompson (Police); and Nathaniel Ellington (Marina).

IV. COMMENTS FROM THE PUBLIC -Non Agenda or Consent Item Speakers (Three Minute Limitation) *Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings," which has been posted at the entrance of the council chambers. In an effort to preseNe 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 silence all audio devices to avoid interference with recording equipment. Please govern yourselves accordingly.*

Talia Sehayik, Suncoast High School, made comments reference the importance of recycling.

Joel Abbott, Suncoast High School, made comments reference the importance of recycling programs in schools.

Michael Mahoney, 2120 Broadway, made comments reference enforcement of the saggy pants ordinance and utilizing local vendors for events held in the city.

Bonnie Larson, W 27<sup>th</sup> Street, made comments reference public easements.

Nora Mahoney, 2120 Broadway, made comments reference US Highway 1. She also made comments reference Bicentennial Park.

Fane Lozman, Riviera Beach Marina, read a portion of an article entitled "Riviera Beach Sweetheart" from the Broward Palm Beach New Times.

Margaret Shepherd, 441 W 32<sup>nd</sup> Street, made comments reference the cyber mobile that was being researched by the library.

Mary Brabham, 1564 W 9<sup>th</sup> Street, expressed words of gratitude to the Metropolitan Planning Organization and city staff members for listening to the residents reference the proposed project for State Road 710.

Monty Greene, 390 W 36<sup>th</sup> Street, made comments reference the services provided by the library.

Michael Goelz, 2650 S Military Trail, made comments reference his intentions of opening a bumper boat business within the city wherein 25% of the proceeds would be donated to the Dan Calloway Youth Fund.

James Jackson, former councilperson, 1250 Sugar Sands Blvd., made comments reference actions taken by the CRA board at its last meeting.

V. 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.*

1) MINUTES:

ITEM NO.2

MINUTES OF THE AGENDA REVIEW HELD MAY 5, 2008 FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD MAY 7, 2008.

ITEM NO.3

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 7, 2008.

RESOLUTIONS:

ITEM NO.4

RESOLUTION NO. 58-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$1,500 FROM THE NFL YOUTH FOOTBALL FUND FOR THE PARKS AND RECREATION FOOTBALL PROGRAM; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.5

RESOLUTION NO. 59-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING TOTAL SETTLEMENT OF THE MATIERS OF DONALD J. POOLE V. CITY OF RIVIERA BEACH AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$61,500 AS COMPLETE AND FINAL SETTLEMENT OF THE WORKERS' COMPENSATION CLAIMS, INCLUSIVE OF ATTORNEY'S FEES AND COSTS; AUTHORIZING THE CITY'S

INSURANCE ADMINISTRATOR, GALLAGHER BASSETT SERVICES, TO MAKE PAYMENT FROM THE CITY'S WORKERS' COMPENSATION SETTLEMENT ACCOUNT NO. 602-0539-513-0-1405; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.6

RESOLUTION NO. 60-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, TO ACCEPT FUNDS FROM THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY FOR THE YOUTH VIOLENCE PREVENTION PROJECT IN AN AMOUNT NOT TO EXCEED \$9,000 TO PURCHASE EQUIPMENT AND INCREASE THE BUDGET FROM \$456,118 TO \$465,118; AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE BUDGET; AND PROVIDING AN EFFECTIVE DATE.

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by Councilperson Davis and seconded by Chair pro tem Pardo to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

VI. PUBLIC HEARINGS:

NONE

1) ORDINANCES ON SECOND READING:

NONE

2) ORDINANCES ON FIRST READING:

ITEM NO.7

ORDINANCE NO. 3042 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING A ZONING IN PROGRESS FOR A PERIOD OF SIX (6) MONTHS FOR THE

CITY TO DEVELOP REGULATIONS FOR SCRAP METAL PROCESSING FACILITIES AND RECYCLING FACILITIES IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Davis** and seconded by **Chair pro tem Pardo** to approve Ordinance No. 3042 on First Reading.

**MOTION**

**Mary McKinney, Community Development Director**, gave an overview on the purpose for the proposed ordinance.

**Margaret Shepherd, 441 W 32<sup>nd</sup> Street**, made comments against permitting such facilities within the city.

**Mary Brabham** made comments suggesting setting strict criteria for businesses seeking to move into the city.

**Gerald Ward** made comments reference the wording of the Agenda Item Summary Sheet and the proposed Ordinance.

**Fane Lozman, Riviera Beach Marina**, made comments reference the wording of the proposed ordinance.

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

**MOTION APPROVED**

**VII. REGULAR:**

**1) RESOLUTIONS**

**NONE**

**ITEM NO.8**

**DISCUSSION: TO EMPLOY THE UTILITIES ENGINEER IN THE UTILITY DISTRICT AT A RATE HIGHER THAN THE MINIMUM OF THE PAY GRADE.**

A motion was made by Councilperson **Hubbard** and seconded by Councilperson **Davis** to approve staffs recommendation.

**MOTION**

**Fane Lozman, Riviera Beach Marina**, made comments in support of staffs recommendation.

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

**MOTION APPROVED**

ITEM NO.9

FINANCE DIRECTOR'S SEMI-ANNUAL FINANCIAL REPORT.

Jeff Williams, Finance Director, gave a presentation on the financial status of the city.

A motion was made by Councilperson Hubbard and seconded by Councilperson Davis to accept the semi-annual financial report as presented by the finance director.

MOTION

Jeff Williams, Finance Director, gave a presentation on the city's participation in the State Revenue Sharing Program.

Fane Lozman, Riviera Beach Marina, made comments reference the backup information provided on the Music Festival.

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

MOTION APPROVED

ITEM NO. 10

DISCUSSION: CONCERNING REQUEST FOR PROPOSAL FOR CITY HALL FOOD VENDOR.

Councilperson Lowe stated that he felt that it was a good idea to have a food vendor located at city hall. He stated that this could possibly assist employees in stretching their funds as well as provide a service to anyone who comes to city hall to conduct business.

A motion was made by Councilperson Lowe and seconded by Councilperson Hubbard directing staff to advertise an RFP for food vendor for city hall.

MOTION

Margaret Shepherd, 441 W 32<sup>nd</sup> Street, made comments reference the need for the Friends of the Library to make money, perhaps in the same manner.

Fane Lozman, Riviera Beach Marina, made comments in support of the idea of having a food vendor for city hall.

Lengthy discussion ensued amongst the council.

Upon a roll call vote by City Clerk Ward, the vote was 2-3, with Councilpersons Davis, Pardo, and Thomas dissenting.

MOTION FAILED

**DISCUSSION: CITY MANAGER'S EMPLOYMENT CONTRACT**

**City Manager Wilkins** stated that the terms set forth in Section 1 of his employment contract should be addressed.

A motion was made by **Chair pro tem Pardo** and seconded by **Councilperson Davis** directing the City Council's chairperson to submit a letter to the second party stating their intention to renegotiate his contract.

**MOTION**

**Councilperson Davis** stated that the contract also called for an evaluation and she was volunteering to **work** with the city manager in devising the evaluation tool.

**Councilperson Thomas** requested that the maker of the motion amend their motion to state same.

Chair pro tem Pardo amended her motion to include Councilperson Davis working with the city manager in devising an evaluation tool Councilperson Davis concurred with the second remaining in place.

**AMENDED MOTION**

At this point Councilperson Lowe called for Point of Order stating that the items should be vote upon separately and proceeded to make a motion.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Hubbard** to vote upon the submittal of a letter and devising an evaluation tool separately.

**MOTION**

**Chairperson Thomas** requested clarification from the city attorney.

**City Attorney Ryan** stated that the motion before the city council currently was the motion made by Councilperson Lowe.

**Councilperson Davis** stated that an amended motion preceded the motion made by Councilperson Lowe.

**City Attorney Ryan** stated that Councilperson Lowe's motion took precedent over the preceding motion.

**Chairperson Thomas** called for the vote.

Upon a roll call vote by City Clerk Ward, the vote was 2-3 with Councilpersons Davis, Pardo, and Thomas dissenting.

MOTION FAILED

Chair pro tem Pardo amended the motion to also include that each councilperson utilizes the evaluation tool in evaluating the second party. Seconded by Councilperson Davis.

AMENDED MOTION

Councilperson Lowe stated that he felt that each item should be dealt with separately.

Bonnie Larson, W 27<sup>th</sup> Street, made comments reference the contents of the city manager's contract.

Mary Brabham, 1564 W 9<sup>th</sup> Street, made comments in support of the city manager.

Fane Lozman, Riviera Beach Marina, made comments reference the actions being taken by the city council.

A lengthy discussion ensued amongst the city council.

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

MOTION APPROVED

2) BOARD APPOINTMENT:

NONE

3) DISCUSSION BY THE CITY MANAGER:

City Manager Wilkins requested that the following workshops be scheduled: Beach erosion workshop (June 10<sup>th</sup> @ 6:30 p.m.); Goal setting follow-up meeting (June 7<sup>th</sup> @ 10:00 a.m. - 1:00 p.m.); Youth Empowerment Youth Council meeting with the City Council (June 4<sup>th</sup> @ 5:30 p.m.); Findings and Recommendations on the Music Festival Workshop (June 5<sup>th</sup> @ 6:30 p.m.); Stormwater Public Policy presenting the master plan for the stormwater program (July 21<sup>st</sup> @ 6:00 p.m.) Nuisance Abatement Board Hearing (July 18<sup>th</sup> @ 2:00 p.m.) Nuisance Abatement orientation (June 11<sup>th</sup> @ 5:30 p.m.); and Minority Participation Workshop (June 9<sup>th</sup> @ 6:30 p.m.).

City Manager Wilkins stated that he provided a memorandum to the City Council regarding extended time off between now and November 30<sup>th</sup>. He also provided the budget workshop schedule along with the CRNMarina District RFP schedule. City Manager Wilkins also announced the Prince Hall Shriner's

Hospitality Night would be held on Thursday at Newcombe Hall and it was requested that the Mayor and City Council be present by 9:00 p.m. He also announced that Dr. Crutchfield, principal for Suncoast High School provided tickets for the Mayor and City Council and staff members who would like to attend graduation ceremonies scheduled for tomorrow at 8:00 a.m. at the Palm Beach County Civic Center.

**III. LEGAL DISCUSSION/REQUEST:**

**NONE**

**IX. DISCUSSION AND RECOMMENDATIONS:**

Councilperson **Lowe** made comments reference funding for the Music Festival. He also expressed words of appreciation to the city council and staff for their support on the trip to Savannah, Georgia.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Hubbard** to have discussion from the round table session held in Savannah, Georgia be added to the agenda for the Goal Setting Follow-up meeting.

**MOTION**

**City Attorney Ryan** stated that a time certain was set for the Goal Setting Follow-up and that additional time should be allotted.

There was a consensus of the City Council to extend the time from 10:00 a.m. until 1:00 p.m.

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

**MOTION APPROVED**

**Councilperson Hubbard** asked for the residents participation in the Minority Participation Workshop scheduled for June 9<sup>th</sup>.

**Chair pro tern Pardo** made comments reference Jazz After Dark. She also made comments reference the construction of the new facilities on the beach.

**Chairperson Thomas** made comments reference the demolition ceremony for the Ocean Mall. He also made comments reference a complaint from a resident on 30<sup>th</sup> Street. Chairperson Thomas recognized Mrs. McKinney at the request of a resident who greatly appreciated the services she provided them regarding their matter.

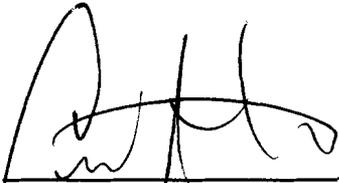
X. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:15 p.m.

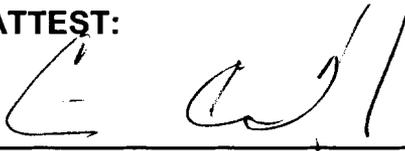
NOTE: A COMPLETE RECORDING AND AGENDA PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK

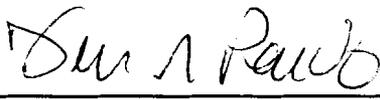
APPROVED:

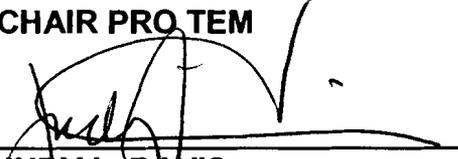
  
THOMAS A. MASTERS  
MAYOR

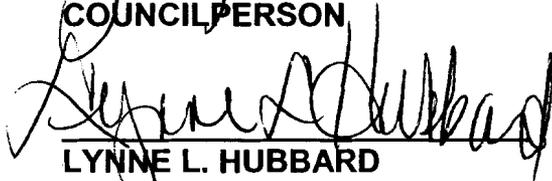
  
CEDRICK A. THOMAS  
CHAIRPERSON

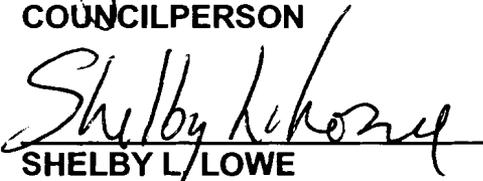
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
DAWN S. PARDO  
CHAIR PRO TEM

  
JUDY L. DAVIS  
COUNCILPERSON

  
LYNNE L. HUBBARD  
COUNCILPERSON

  
SHELBY L. LOWE  
COUNCILPERSON

MOTIONED BY: J. DAVIS  
SECONDED BY: D. PARDO

S. LOWE AYE  
L. HUBBARD AYE  
J. DAVIS AYE  
D. PARDO AYE  
C. THOMAS AYE

DATE APPROVED: 06/04/08