

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 15, 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.

CITY CLERK CALLS TO ORDER

Roll Call

Chairperson Thomas was present and presided. Upon a roll call by Deputy City Clerk Anthony the following were present: Chairperson Cedrick A. Thomas; Chair pro tem Dawn S. Pardo; Councilperson Judy L. Davis; and Councilperson Lowe. Also present were Asst. City Manager Paul White; Deputy City Clerk Claudene L. Anthony; and City Attorney Pamala H. Ryan.

Councilperson Hubbard was absent.

Mayor Masters was tardy.

Invocation/Pledge of Allegiance

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

AGENDA APPROVAL:

Additions, Deletions, Substitutions

Interim City Manager Shuttlesworth stated that No. 12 - Resolution reference renovations at the Police Department - was moved to the Consent Agenda and the Resolution was corrected to reflect the correct account number. She stated that NO.6 - Resolution reference Kaboom - was corrected to reflect the correct amount of \$10,625; a memorandum was provided to address the concerns raised by the City Council at Agenda Review regarding No. 11-Resolution reference the job coach; and added No. 13 - Resolution reference J.A.Y.'s Outreach Ministries.

Adoption of Agenda

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

MOTION

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

MOTION APPROVED

AWARDS AND PRESENTATIONS

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

Doretha Perry, Human Resources Director, introduced the following new employees for the month of September: Beverly Bostic (Office of the City Clerk); Deleia Mills (Police); John Miller (Police); Nubia Savino (Police); Robinel Eugene (Police); and Precious Washington (Police).

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 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 silence all audio devices to avoid interference with recording equipment. Please govern yourselves accordingly.*

Somaer Shepherd Thomas, Mary Mcleod Bethune Elementary School, expressed words of appreciation for the building of the Riviera Beach Boys and Girls Club.

Margaret Shepherd, 441 W 32nd Street, made comments reference the roundtable held at the Hilton Hotel on Singer Island. She also made comments reference staff's attendance at the Planning and Zoning Board Meetings.

Rosalind Barbosa, 1200 W Blue Heron Blvd #8, made comments reference the various needs of Riviera Beach students who participate in Palm Beach Gardens High School Band.

Kelvin Crockett, National Association of Minority Contractors South Florida Chapter, made comments reference the organization working in conjunction with the city in achieving their goal of having small business entrepreneurs and minority contractors move from excellence to preeminence.

Nora Mahoney, 2120 Broadway, made comments reference revisions to the agenda being made available on the website. She also made comments reference televising Planning and Zoning Board Meetings.

Michael Mahoney, 2120 Broadway, made comments reference the resolution of an incident that involved a sewer leak at his business. He also made comments reference a fence that he pulled a permit and paid to have erected in which city staff later placed a stop construction on and that he wanted to be reimbursed for the balance that the company would not refund.

Mary Brabham, 1564 W 9th Street, made comments reference the roundtable held at the Hilton Hotel. She also encouraged everyone to exercise their right to vote.

Solomon Burgess, 1981 Freeport Drive, commended the city on the banners placed throughout the city announcing early voting. He also made comments reference a responsible wages and benefit policy.

Richard Wester, 331 W 23rd Street, made comments reference the agreement with the Town of Palm Beach Shores that was previously approved by City Council. He also made comments reference an incident that occurred with staff of the City Manager's Office while Interim City Manager Shuttlesworth was absent.

Fane Lozman, Riviera Beach Marina, made comments reference the Trident barge that was sunken on Tuesday at Bicentennial Park. He also made comments reference a hearing scheduled for November 21st regarding the written minutes complaint he filed against the city.

Angela Wynn, W 35th Street, made comments reference the foreclosure seminar that was held and the established account at Commerce Bank. She also made comments reference the salary of the city's police officers and firefighters.

Gerald Ward, 31 W 20th Street, made comments reference a contract administrator for the maintenance of contracts and agreements. He also made comments reference the Florida Department of Transportation workshop scheduled for Wednesday, October 22nd in the Council Chambers regarding improvements to the intersection of Blue Heron Boulevard and Congress Avenue.

At this point Chairperson Thomas requested that City Attorney Ryan provide a brief summary of the various lawsuits filed by Fane Lozman. City Attorney Ryan proceeded with giving a brief summary of the various lawsuits filed by Mr. Lozman.

CONSENT AGENDA:

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

MINUTES:

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 20, 2008.
3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 3, 2008.
4. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 17, 2008.

RESOLUTIONS:

5. RESOLUTION NO. 130-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIVING DISCRETIONARY FUNDS IN THE AMOUNT OF \$120,000 FOR INSTALLATION OF DECORATIVE STREET LIGHTS ON WEST 4TH STREET, BETWEEN AUSTRALIAN AVENUE AND AVENUE "J"; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET; AND PROVIDING AN EFFECTIVE DATE.
6. RESOLUTION NO. 131-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO PAY \$10,625 TO KABOOMI, A NON-PROFIT LOCATED IN WASHINGTON, DC, FOR A COMMUNITY-BUILD PLAYGROUND PROJECT AT WELLS RECREATION CENTER; AND PROVIDING AN EFFECTIVE DATE.

PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

7. ORDINANCE NO. 3054 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, SEC. 14-21(2) ENTITLED, "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES BY PROVIDING FOR A TERMINATION INCENTIVE THROUGH THE PURCHASE OF CONTINUOUS SERVICE FOR PRIOR MILITARY SERVICE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Ordinance.

A motion was made by Chair pro tern Pardo and seconded by Councilperson Lowe to adopt Ordinance No. 3054.

MOTION

Fane Loznan, Riviera Beach Marina, made comments against the proposed ordinance.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

8. ORDINANCE NO. 3055 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT, FOR THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2009 THROUGH 2013 WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned ordinance into the record.

A motion was made by Councilperson Davis and seconded by Chair pro tern Pardo to approve Ordinance No. 3055 on First Reading.

MOTION

Gerald Ward, 31 W 20th Street, made comments reference the city's ability to meet deadlines set forth by state statutes.

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

MOTION APPROVED

REGULAR:

9. RESOLUTION NO. 132-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE JOB CLASSIFICATION LIST BY CREATING THE UNCLASSIFIED POSITIONS OF FACILITIES MANAGER AND PROJECTS ASSISTANT UNDER THE ADMINISTRATIVE JOB CLASSIFICATION; AND BY DELETING ONE (1) UNCLASSIFIED POSITION OF ASSISTANT PUBLIC WORKS DIRECTOR AND ONE (1) CLASSIFIED POSITION OF MAINTENANCE WORKER FROM THE PUBLIC WORKS BUDGET AND BY ADDING THE UNCLASSIFIED POSITIONS OF FACILITIES MANAGER AND PROJECTS ASSISTANT TO THE 2008-2009 PUBLIC WORKS DEPARTMENT BUDGET; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by Councilperson Lowe and seconded by Chair pro tem Pardo to approve Resolution No. 132-08.

MOTION

Margaret Shepherd, 441 W 32nd Street, made comments reference promoting employees when new positions are created.

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

MOTION APPROVED

10. RESOLUTION NO. 133-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE INTERLOCAL AGREEMENT FROM PALM BEACH COUNTY - OFFICE OF CRIMINAL JUSTICE COMMISSION IN THE AMOUNT OF \$100,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by Councilperson Davis and seconded by Chair pro tem Pardo to approve Resolution No. 133-08.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved.

MOTION APPROVED

11. RESOLUTION NO. 134-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONSULTING CONTRACT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COMMUNITY COLLEGE IN THE AMOUNT OF \$55,729 FOR THE

HIRING OF A JOB COACH/DEVELOPER FOR THE DEVELOPMENT OF JOB OPPORTUNITIES FOR THE JUSTICE SERVICE CENTER'S REENTRY PROGRAM AND AUTHORIZE THE MAYOR TO EXECUTE THE CONSULTING CONTRACT AND THE FINANCE DEPARTMENT TO EXPEND FUNDS FROM ACCOUNT NO. 151-0202-569-2-3101 AND PROVIDING AN EFFECTIVE DATE. Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by Councilperson Davis and seconded by Chair pro tern Pardo to approve Resolution No. 134-08.

MOTION

Mary Brabham, 1564 W 9th Street, made comments against the proposed resolution.

Fane Lozman, Riviera Beach Marina.

Due to the disruptive comment made by Mr. Lozman, Chairperson Thomas requested a five minute recess. Chairperson Thomas called the meeting back to order.

A lengthy discussion ensued amongst the Mayor, City Council, and staff.

Upon a roll call vote by Deputy City Clerk Anthony, the motion failed with Councilpersons Pardo and Thomas dissenting.

MOTION FAILED

12. RESOLUTION NO. 135-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE GENERAL FUND, FUND BALANCE ACCOUNT NO. 001-00-399999 IN THE AMOUNT OF \$200,684 FOR THE RENOVATION OF THE 2ND FLOOR OF POLICE HEADQUARTERS AND MOVE OF THE POLICE EVIDENCE SECTION; AND FURTHER AWARDED TO THE LOW RESPONSIVE AND RESPONSIBLE CONTRACT BIDDER, ALL SITE-CONSTRUCTION INC. OF RIVIERA BEACH, FLORIDA, IN THE AMOUNT OF \$122,683.16 FOR THE DEMOLITION AND RENOVATION IN THE POLICE DEPARTMENT EVIDENCE SECTION; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING PAYMENT IN THE AMOUNT OF \$122,683.16 FROM CAPITAL BUILDINGS ACCOUNT NO. 001-0817-521-1-6251; AND PROVIDING AN EFFECTIVE DATE.

ITEM MOVED TO CONSENT AGENDA

13. RESOLUTION NO. 136-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PAYMENT OF \$59,250 TO J.A.Y.'S OUTREACH MINISTRIES FOR USE OF THEIR FACILITIES BY THE CITY'S JUSTICE SERVICE CENTER FROM OCTOBER 2007 THROUGH MARCH 2008, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE YOUTH VIOLENCE PREVENTION

PROJECT GRANT ACCOUNT NUMBER 151-0202-569-2-4402 IN THE AMOUNT OF \$29,625 AND THE REMAINING AMOUNT OF \$29,625 FROM THE GENERAL FUND CONTINGENCY ACCOUNT NUMBER 001-0203-519-0-5999; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by **Chair pro tem Pardo** and seconded by **Councilperson Davis** to approve Resolution No. 136-08.

MOTION

Angela Wynn, W 35th Street, made comments in support of the proposed resolution.

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

MOTION APPROVED

BOARD APPOINTMENT:

NONE

DISCUSSION BY THE CITY MANAGER:

Interim City Manager Shuttlesworth announced that a Closed Executive Session was scheduled for October 16, 2008 at 5:30 p.m. to discuss labor negotiations. She also stated that an attempt would be made to schedule a workshop for the search for a new city manager, the capital budget, and the music festival. Ms. Shuttlesworth stated that she would be submitting to the Mayor and City Council the information requested on the budget for Jazz After Dark. She also stated that Floyd Johnson, CRA Executive Director, had notified her that the Port of Pal Beach director had reported that they received a grant in the amount of \$1.5 million from the Florida Department of Transportation for the replacement of railway and that a request would be submitted to the Metropolitan Planning Organization for matching funds; however, if necessary, a request would be submitted to the city.

LEGAL DISCUSSION/REQUEST:

City Attorney Ryan stated that at Agenda Review when she announced that she had hired an assistant attorney, questions were raised about the operations her department and she was submitting a summary to the Mayor and City Council for their review.

City Attorney Ryan requested that the City Council authorize her to hire Rachel Johnson at 20% above base salary.

A motion was made by Councilperson Davis and seconded by Councilperson Lowe authorizing City Attorney Ryan to hire the assistant city attorney at 20% above the base salary.

MOTION

Bonnie Larson, W 27th Street, made comments against the proposed motion.

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

MOTION APPROVED

DISCUSSION AND RECOMMENDATIONS:

Councilperson Davis made comments reference the supplies that were recently sent to the soldiers in Iraq. She also requested to be provided with a list of employees who were in possession of a city procurement card. Councilperson Davis requested that the marina director provide an update on the incident with the sinking of the barge.

An update was provided by Ed Legue, Marina Director.

Chair pro tern Pardo requested a copy of the maintenance agreement for A1A. She also made comments reference an article that was in the newspaper that reported Palm Beach County, the City of West Palm Beach, and the City of Boynton Beach received funding for housing blight.

Mayor Masters read a letter he received from Tom Mills, Mayor of the Town of Palm Beach Shores. He also expressed words of appreciation to Councilperson Lowe for his efforts in bringing the Kaboom project to the city. He also expressed words of appreciation to City Attorney Ryan for considering Rachel Johnson as the assistant city attorney.

A discussion ensued amongst the City Council regarding the Kaboom project.

Chairperson Thomas expressed words of appreciation to Councilperson Lowe regarding the Kaboom project. He also expressed words of appreciation to Asst. City Manager White and the representatives from PSD Software for their efforts in ensuring the software program, the city would be utilizing for tracking citizen complaints and concerns, was proficient. He also announced that Jazz After Dark would be held October 17th. Chairperson Thomas requested that any residents that still had a blue roof contact the City Council's Office.

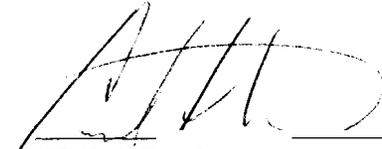
ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:25 p.m.

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

APPROVED:


THOMAS A. MASTERS
MAYOR


CEDRIC A. THOMAS
CHAIRPERSON

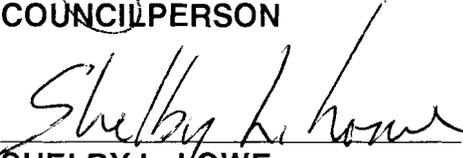
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


DAWN S. PARDO
CHAIR PRO TEM *J*


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: 11/05/08