

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MAY 16,2007 AT 7:30 P.M.

I. CITY CLERK CALLS TO ORDER:

Roll Call

Chairperson Lowe was present and presided. Upon roll call by City Clerk Ward, the following were present: Mayor Thomas A. Masters, Chairperson Shelby L. Lowe, Chair pro tem Lynne L. Hubbard, Councilperson Norma Duncombe, Councilperson Cedrick Thomas; and Councilperson James "Jim" Jackson. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, MMC, and Acting City Attorney Glenn Torcivia.

Invocation & Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance.

II. AGENDA APPROVAL

1} Additions, Deletions, Substitutions

City Manager Wilkins made the following revisions to the agenda: added Item No. 3A - presentation by George Carter; Item No. 20 - Resolution addressing refunds for the Jazz Festival; Item No. 21 - discussion reference the TCEA; and Item No. 22 - Resolution reference settlement in the Pardo et al. case; deleted Item No. 3B - presentation from Palm Beach County Deputy County Administrator; and Item No. 11 - Resolution reference purchase of additional equipment.

2} Adoption of Agenda

A motion was made by Councilperson Thomas and seconded by Chair pro tem Hubbard to approve the agenda as amended.

MOTION

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

MOTION APPROVED

II. AWARDS AND PRESENTATIONS

ITEM NO.1

PROCLAMATION DESIGNATING MAY 21-25, 2007 AS EMERGENCY SERVICES WEEK.

Fire Chief Perry read the proclamation into the record honoring Emergency Services Week.

Mayor Masters proclaimed the week of May 21st through May 25th, 2007 as Emergency Services Week.

Tim Alvin, Explorer Program Coordinator, introduced the participants in the Fire Department's Explorer Program.

ITEM NO.2

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF MARCH AND APRIL, 2007.

Doretha Perry, Human Resources Director, introduced the following new employees for the month of March and April 2007: Rogers Sears (Parks & Recreation); Charles Bahruth (Police); Leonard Mitchell (Police); Elizabeth Cambridge (Finance); Karolyn Walker (Civil Drug Court); Janet Foo (Police); Crystal Runner (Parks & Recreation); Neimah Spence (Police); and Nancy Aspenleiter (Police).

ITEM NO.3

PRESENTATION OF THE 2007 SUMMER CAMP PROGRAM

Janet Levin, Assistant Parks and Recreation Director, presented the programs that would be available during the Summer Program starting June 4th.

ITEM NO. 3A

PRESENTATION - RIVIERA BEACH MARITIME ACADEMY UPDATE

ITEM ADDED TO AGENDA

George Carter, President Riviera Beach Maritime Academy, stated that he was still recruiting students for the upcoming school year and extended an invitation to the Mayor and City Council for the school's first graduation hosted by the Port of Palm Beach, to be held May 26th at 1:00 p.m.

ITEM NO. 3B

PRESENTATION OF COMMEMORATIVE WALL HANGING THANKING THE CITY OFFICIALS AND STAFF FOR THE LEADERSHIP AND SUPPORT IN

BRINGING BET SPRING BLING TO PALM BEACH COUNTY BY VERDENIA
BAKER AND CHUCK ELDERD

ITEM DELETED

IV. COMMENTS FROM THE PUBLIC -Non Agenda Item Speakers (Two Minute Limitation)

Fane Lozman, Riviera Beach Marina, made comments in reference to the lawsuits he filed against the City.

Due to inappropriate comments made by Mr. Lozman toward City Clerk Ward, Chairperson Lowe requested a recess at 8:30 p.m.

Chairperson Lowe reconvened the meeting at 8:45 p.m. with Deputy City Clerk Anthony sitting on dais.

Gerald Ward, 3930 N Ocean Drive, made comments in reference to a meeting to be held at 3200 N Ocean Drive regarding the demolition of the old Sheraton Hotel. He also stated that a request would be submitted by the County regarding funding for beach renourishment.

Randy Graham, 1516 W 30th Street, made comments in reference to extending the time limit for public comments. He also made comments regarding responses to public concerns that are properly brought before the City Council.

Ann lies, 321 W 30th Street, announced that the African American Cultural Arts Organization that sponsors the Kwanzaa celebration would be presenting its Pan African Book Fest and Cultural Conference on May 19th at the Hester Community Center in Boynton Beach. She proceeded to make comments reference the City's football program.

David Cross, 1030 Sugar Sands Boulevard, made comments in reference to the trash along the little Blue Heron Bridge. He also inquired about the funds provided by the state for the beautification of US 1 on Singer Island.

Donald Duncombe, 1357 W 28th Street, made comments in reference to the community benefits of the defeated beach redevelopment plans.

Angela Wynn, 400 W 35th Street, inquired about the resolution on the May 2, 2007 City Council Agenda regarding the 169 condo suites at 3200 N Ocean Drive. She also inquired about redevelopment in the City as well as future plans for the City.

Bonnie Larson, W 27th Street, made comments in reference to the availability of amendments to the agenda being accessible the next business day. She also made comments regarding city owned property sold for less than the purchase price.

Bill Contole, 1030 Grand Bahama Lane, made comments in reference to Gang Awareness Week scheduled to take place in June.

Mayor Masters inquired about the deletion of the discussion on Gang Awareness Week.

City Manager Wilkins stated that the funding source for the Gang Awareness Activities was from the Youth Empowerment funds provided by the county. However, the County Criminal Justice Commission contacted the City and stated that they would not approve amending the existing grant to provide for activity funding which resulted in the need to locate a funding source or take it from the City's fund balance or contingency account.

Dawn Pardo, 1251 Singer Drive, made comments in reference to Gang Awareness Week Activities.

Tina White, 808 W 1st Street, made comments in reference to funding for the Gang Awareness Week Activities.

Ira Clement, 5420 N Ocean Drive, made comments in reference to funding for the Gang Awareness Week Activities.

Milton Brown, 625 W 10th Street, congratulated the newly elected officials.

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. 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 COUNCIL CHAIR OR THE LEGISLATIVE ASSISTANT, PRIOR TO THE BEGINNING OF THE MEETING.

1) **MINUTES:**

NONE

RESOLUTIONS:

ITEM NO.4

RESOLUTION NO. 59-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AND SUPPORTING A GRANT APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR DESIGN AND PERMITTING OF A BOARDWALK LOCATED ALONG THE LAKE WORTH LAGOON ON THE WEST SIDE OF STATE ROAD A1A FROM PINE POINT ROAD TO THE BURNT BRIDGE ON SINGER ISLAND, RIVIERA BEACH IN THE AMOUNT OF \$400,000, WHICH REQUIRES THE CITY TO PROVIDE A \$200,000 MATCHING FUND FROM ROAD IMPACT FEES ACCOUNT NO. 303-271-014; PROVIDING AN EFFECTIVE DATE.

ITEM NO.5

RESOLUTION NO. 60-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE GRANT APPLICATION TO KEEP PALM BEACH COUNTY BEAUTIFUL INC., FOR THE STATE ROAD A1A BEAUTIFICATION PROJECT LOCATED ALONG BLUE HERON BOULEVARD AND SR A1A FROM U.S. 1 TO THE MUNICIPAL LIMITS (BURNT BRIDGE) ON SINGER ISLAND, RIVIERA BEACH IN THE AMOUNT OF \$100,000, WHICH REQUIRES THE CITY TO PROVIDE \$50,000 MATCHING FUND FROM THE CAPITAL IMPROVEMENTS TRAFFIC ACCOUNT NO. 310-0717-541-6351; PROVIDING AN EFFECTIVE DATE.

ED FOR DISCUSSION

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 60-07.

MOTION

Comments were made by the following members of the public:

Gerald Ward, 1150 Coral Way

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

MOTION APPROVED

ITEM NO.6

RESOLUTION NO. 61-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING CHANGE ORDER NUMBER 2 TO TRAFFIC CALMING PROJECT IN THE AMOUNT OF \$36,750 FOR INSTALLING SPEED HUMPS AROUND THE CITY PARKS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AUTHORIZING INTERIM FINANCE

DIRECTOR TO TRANSFER FUNDS; MAKE PAYMENT FOR SAME; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM 61~~ ~~RESOLUTION~~

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 61-07.

MOTION

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

MOTION APPROVED

ITEM NO.7

RESOLUTION NO. 62-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE PROPOSAL FROM MUNICIPAL LIGHTING SYSTEMS, INC. FOR PURCHASING POLES, FIXTURES, BRACKETS AND RECEPTACLES FOR CITY HALL PARKING LOT LIGHTING PHASE I PROJECT AT A COST OF \$134,438; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER FUNDS, MAKE PAYMENT FOR SAME; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM 62~~ ~~RESOLUTION~~

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 62-07.

MOTION

Comments were made by the following members of the public:

Bonnie Larson, W 27th Street

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

MOTION APPROVED

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by Councilperson Thomas and seconded by Councilperson Jackson to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

VI. PUBLIC HEARINGS:

ITEM NO.8

ORDINANCE NO. 3025 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING ORDINANCE NO. 3016 WHICH AMENDED ARTICLE XIII, SECTION 3 OF THE CITY CHARTER ENTITLED "RENTAL OF BEACH PROPERTY" BY CHANGING THE NUMBER OF YEARS THAT THE CITY MAY ENTER INTO A LEASE AGREEMENT ON BEACH PROPERTY; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Ordinance into the record and announced that it was advertised in the May 6, 2007 edition of the Palm Beach Post.

A motion was made by Councilperson **Jackson** and seconded by Councilperson **Thomas** to adopt Ordinance No. 3025.

MOTION

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

MOTION APPROVED

1) ORDINANCES ON FIRST READING:

NONE

VII. REGULAR:

ITEM NO.9

RESOLUTION NO. 63-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE RIVIERA BEACH MUNICIPAL MARINA DREDGING PROJECT 2007 AND APPLICATION TO FLORIDA INLAND NAVIGATION DISTRICT; MAKING OTHER CERTIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Jackson** and seconded by **Chair pro tern Hubbard** to approve Resolution No. 63-07.

MOTION

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

MOTION APPROVED

ITEM NO. 10

RESOLUTION NO. 64-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE 2007 BASEBALL-BALL SEASON BE OFFERED AT NO CHARGE AND AUTHORIZE THE REDUCTION OF THE REVENUE BUDGET ACCOUNT NO. 001-00-347220 IN THE AMOUNT OF \$3,000 AND TRANSFER FUNDS FROM GENERAL FUND CONTINGENCY; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 64-07.

MOTION

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

MOTION APPROVED

ITEM NO. 11

RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING \$111,000 FOR THE PURCHASE OF ADDITIONAL FOOTBALL EQUIPMENT AND SUPPLIES AND RENTAL OF TWO BUSES FOR ANTICIPATED GROWTH IN THE CITY'S RECREATIONAL TRAVEL FOOTBALL AND CHEERLEADING LEAGUE; AND PAY THIS AMOUNT FROM THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE.

~~ITEM DELETED~~

ITEM NO. 12

RESOLUTION NO. 65-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE POLICE TRAINING FUND REVENUES & EXPENDITURES IN THE AMOUNT OF \$6,000; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 65-07.

MOTION

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

MOTION APPROVED

ITEM NO. 13

RESOLUTION NO. 66-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION IN THE AMOUNT OF \$39,253 FOR THE CONTINUATION OF THE WEED AND SEED PROGRAM THROUGH SEPTEMBER 30, 2007; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 66-07.

MOTION

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

MOTION APPROVED

ITEM NO. 14

RESOLUTION NO. 67-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE FROM THE LAW ENFORCEMENT TRUST FUND NO. 150-00-399999 TO EXPENDITURE ACCOUNT NO. 150-0817-521-0-4001 TO COVER THE SPONSORSHIP OF TWENTY YOUTHS, A CITY BUS DRIVER, THREE COUNCIL PERSONS, TWO CHIEF ADVISORY BOARD MEMBERS, FIVE CHAPERONES, AND THE MAYOR TO ATTEND THE 22ND ANNUAL NATIONAL CONFERENCE ON PREVENTING CRIME IN THE BLACK COMMUNITY; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 67-07.

MOTION

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

MOTION APPROVED

ITEM NO. 15

RESOLUTION NO. 68-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED THE FIREFIGHTER MEDICAL PHYSICALS CONTRACT TO COMPANY CARE AT COLUMBIA HOSPITAL OF WEST PALM BEACH; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH COMPANY CARE AT COLUMBIA HOSPITAL FOR

SAME; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER \$72,000 FROM THE GENERAL FUND CONTINGENCY ACCOUNT NO. 001-0203-519-0-5999 TO FIRE RESCUE'S PROFESSIONAL SERVICES MEDICAL, DENTAL ACCOUNT NO. 001-0920-522-0-3102; FURTHER AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 001-0920-522-0-3102 IN AN AMOUNT NOT TO EXCEED \$72,000; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 68-07.

MOTION

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

MOTION APPROVED

ITEM NO.16

RESOLUTION NO. 69-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE TERMS AND CONDITIONS OF THE FLORIDA EMERGENCY MEDICAL SERVICES COUNTY GRANT AWARD FOR THE FISCAL YEAR 2006-07, TO EXPAND AND/OR IMPROVE THE CITY'S EMERGENCY MEDICAL SERVICES DELIVERY; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET IN THE STATE EMS GRANT FUND (107) IN THE AMOUNT OF \$47,040 TO PURCHASE FOUR (4) EZ GLIDE STAIR CHAIRS AND FOUR (4) POWER-ASSISTED COTS, INCLUDING BATTERY AND CHARGER FROM ACCOUNT NO. 107-0921-526-0-6455; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 69-07.

MOTION

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

MOTION APPROVED

ITEM NO.17

RESOLUTION NO. 70-07 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 JESUS AND YOU OUTREACH MINISTRIES, INC. FOR FACILITY AND SERVICES FOR THE COMMUNITY JUSTICE SERVICE CENTER UNDER THE YOUTH

VIOLENCE PREVENTION PROJECT; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 70-07.

MOTION

Comments were made by the following members of the public:

Tina White, 808 1st Street

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilperson Jackson and Thomas dissenting.

MOTION APPROVED

ITEM NO. 18

FINANCE DIRECTOR'S SEMI-ANNUAL FINANCIAL REPORT.

City Manager Wilkins stated that a copy of the semi-annual financial report was previously provided to the Mayor and City Council which was required by the City's charter.

Jeffery Williams, Interim Finance Director, gave a brief review of the city's financial history and the possible financial impacts of the proposed property tax reforms.

ITEM NO. 19

DISCUSSION: REQUEST CITY COUNCIL TO CHANGE THE TIME OF THE REGULAR CITY COUNCIL MEETING TO 6:00 PM.

City Manager Wilkins stated that the following discussion item was brought before the City Council at the request of the mayor. He stated that a copy of the survey that was conducted by the mayor was provided as backup information.

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to change the start time of City Council Meetings from 7:30 p.m. to 6:00 p.m.

MOTION

Comments were made by the following members of the public:

Nora Mahoney, 2120 Broadway
Bonnie Larson, W 27th Street
Dawn Pardo, 1251 Singer Dr
Milton Brown, 625 W 10th Street

An amended motion was made by Councilperson Jackson and seconded by Councilperson Thomas to change the start time of City Council Meetings from 7:30 p.m. to 6:30 p.m.

AMENDED MOTION

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilpersons Duncombe and Hubbard dissenting.

MOTION APPROVED

ITEM NO. 20

RESOLUTION NO. 71-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY COUNCIL TO APPROVE FESTIVAL REFUNDS TOTALING \$20,110 AND APPROVE THE CRITERIA APPLIED TO GIVE THE REFUNDS; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO PAY FROM THE JAZZ FESTIVAL REVENUE FUND ACCOUNT NUMBER 135-00-347-402; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Chair pro tem Hubbard and seconded by Councilperson Thomas to approve Resolution No. 71-07.

MOTION

Comments were made by the following members of the public:

Randy Graham, 1516 W 30th Street

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

MOTION APPROVED

ITEM NO. 21

DISCUSSION: THE CITY'S APPEAL OF THE DEPARTMENT OF COMMUNITY AFFAIRS DETERMINATION TO APPROVE PALM BEACH COUNTY'S AMENDMENT TO THE RIVIERA BEACH TCEA

AGENDA

City Manager Wilkins stated that a summary of the TCEA was provided along with a history of the activities. He stated that the administrative hearing was scheduled for June 7, 2007.

Comments were made by the following members of the public:

Gerald Ward, 3930 N Ocean Drive

After a lengthy discussion amongst the Mayor, City Council, and staff.

Acting City Attorney Torcivia suggested that the City Council direct their special counsel to request a postponement of the hearing if the other parties involved agreed and it's granted by the judge.

A motion was made by Councilperson Jackson requesting that the city withdraw the administrative appeal of the TCEA.

MOTION DIED FOR LACK OF SECOND

A motion was made by Councilperson Thomas and seconded by Chair pro tem Hubbard to call for a recess.

MOTION

Chairperson Lowe called for a recess at 11 :35 p.m. and reconvened the meeting at 11:45 pm.

A motion was made by Councilperson Thomas and seconded by Chair pro tem Hubbard to table further discussion on the administrative appeal until each city councilmember had the opportunity to meet with City Attorney Ryan.

MOTION

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

MOTION APPROVED

ITEM NO. 22

RESOLUTION NO. 72-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF CITY OF RIVIERA BEACH V. PARDO, ET AL., CASE NO. 502006CA014100XXXXMBAA; AUTHORIZING THE TRANSFER OF \$45,214.72 FROM CONTINGENCY ACCOUNT NO. 001-0203-519-0-5999 TO LEGAL ACCOUNT NO., 001-0613-514-0-3101; AUTHORIZING PAYMENT TO THE LAW FIRM OF SCOTT, HARRIS, BRYAN, BARRA & JORGENSEN, P.A., IN THE AMOUNT OF \$45,214.72 AS SETTLEMENT OF ALL COUNTERCLAIMS AGAINST THE CITY AND FOR OTHER PURPOSES; AND PROVIDING AN **EFFECTIVE DATE.**

~~ITEM NO. 22 TO AGENDA~~

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

A motion was made by Councilperson Jackson and seconded by Councilperson Thomas to approve Resolution No. 72-07.

MOTION

City Manager Wilkins stated that staff was directed by the City Council at the last Closed Executive Session to resolve the matter of Pardo et al. v. City of Riviera Beach. He stated that the City filed a dismissal of its case as directed and that the resolution was as a result of negotiations amongst the counsel representing the City and the counsel representing Pardo et al.

Comments were made by the following members of the public:

Ira Clement, 5420 N Ocean Drive

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

MOTION APPROVED

1) BOARD APPOINTMENT:

NONE

2) DISCUSSION BY THE CITY MANAGER:

City Manager Wilkins announced that a joint meeting with the Port of Palm Beach Commissioners was scheduled for May 17, 2007 at 4:15 p.m. However, a tour of the facilities was scheduled for 3:30 p.m. and that it was requested that all attendees be present by 3:15 p.m. He also announced that the Goal Setting Meeting set for Friday was postponed. He stated that meetings were held Monday with county, state, and local representatives regarding beach erosion and that a local emergency was declared by the State and FEMA which provided the opportunity for expedited permitting for beach repairs as well as set the stage for possible funding.

City Manager Wilkins stated that at the last City Council Meeting as well as at Agenda Review on Monday, there was discussion on whether or not to schedule a recess. He stated that Councilperson Jackson suggested August 23rd through September 4th and that the City Council should determine whether or not to schedule a recess as requested by Councilperson Jackson.

A motion was made by Councilperson Jackson and seconded by Councilperson Duncombe to schedule a recess for August 23rd through September 4th, 2007.

MOTION

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

MOTION FAILED

VIII. LEGAL DISCUSSION/REQUEST:

Interim City Attorney Torcivia announced that City Attorney Ryan would be returning on Tuesday and that it was a pleasure attending the meetings as well as representing the City during her absence.

IX. DISCUSSION AND RECOMMENDATIONS:

A motion was made by Councilperson Thomas and seconded by Councilperson Jackson to approve the activities and necessary funds for Gang Awareness Week and directing City Manager Wilkins to identify a funding source.
MOTION

City Manager Wilkins recommended that the funding source be the city's contingency account and stated that an attempt would be made to do fundraising.

The following members of the public made comments:

Randy Graham, 1516 W 30th Street

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

Mayor Masters inquired of the acting city attorney, whether or not there was a requirement to rebroadcast the meeting.

Acting City Attorney Torcivia stated that there was no requirement to rebroadcast the meeting.

Mayor Masters stated that he would be declaring the month of June as Gang Awareness Month. He also announced the death of Yolanda King and that he would be attending the service to represent the city at his own expense.

X. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 12:15 a.m.

APPROVED:


THOMAS A. MASTERS
MAYOR

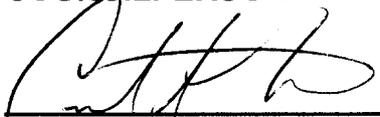

SHELBY L. LOWE
CHAIRPERSON

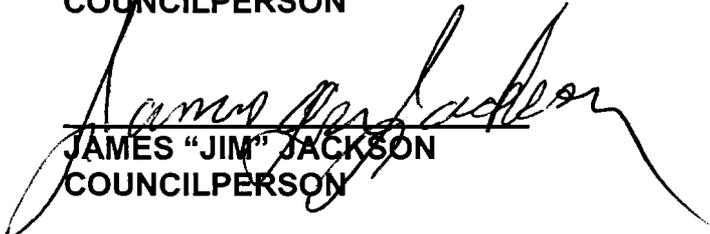
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


LYNNE L. HUBBARD
CHAIR PRO TEM


NORMA DUNCOMBE
COUNCILPERSON


CEDRICK THOMAS
COUNCILPERSON


JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: J. Jackson
SECONDED BY: L. Hubbard

S. LOWE aye
L. HUBBARD aye
J. JACKSON aye
N. DUNCOMBE aye
C. THOMAS aye

DATE APPROVED: 06/06/2007