

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JUNE 20, 2007 AT 6:30 P.M.**

I. CITY CLERK CALLS TO ORDER:

Roll Call

Chairperson Lowe was present and presided. Upon roll call by Deputy City Clerk Anthony, 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, Deputy City Clerk Claudene Anthony, and City Attorney Pamala H. Ryan.

Invocation & Pledge of Allegiance

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

II. AGENDA APPROVAL

Additions, Deletions, Substitutions

City Manager Wilkins made the following revisions to the agenda: added Item No 2A -- Minutes of the June 4, 2007 Agenda Review Meeting; provided additional backup for Item No. 9 -- Resolution regarding Marina Dockage Agreement; provided additional back up for Item No. 13 -- Resolution regarding PSD, LLC; added Item No. 13A -- Resolution regarding JB Chart Development; additional back up for Item No. 15 -- Jazz Festival Advisory Committee; and additional backup provided for number 2) B -- Resolution regarding setting time for City Council Meetings.. The following items were deleted from the agenda: Item No. 8 -- Ordinance regarding the Police Pension Plan; and Item No. 11 -- Resolution regarding 1562 W 28th Street.

Councilperson Jackson requested that the employment contract for City Attorney Pamala Ryan and the Ocean Mall Lease Agreement be added the agenda.

A motion was made by **Councilperson Jackson** to place the City Attorney's contract on the Agenda for discussion and disposition.

MOTION DIED FOR LACK OF SECOND

A motion was made by **Councilperson Jackson** to place the Ocean Mall Lease Agreement on the Agenda for review and discussion.

MOTION DIED FOR LACK OF SECOND

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Jackson** to discuss the City Attorney's Employment Contract with no official disposition.

MOTION

Upon roll call vote by Deputy City Clerk Anthony, the motion failed with **Councilperson Duncombe, Hubbard, and Lowe** dissenting.

MOTION FAILED

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 Deputy City Clerk Anthony, 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 MAY, 2007.

Doretha Perry, Director of Human Resources, introduced the following new employees for the month of May 2007: Edward Jones (Fire Rescue); Charles Cook (Fire Rescue); and Jose Montez (Fire Rescue).

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

Chaiperson Lowe read the for decorum for Public Comments into the records.

Verdinia Baker, Deputy County Administrator, and Chuck Elder, Film Commissioner of Palm Beach County congratulated the Mayor, City Council, and Staff on the success of BET Spring Bling hosted by the City of Riviera Beach.

Carl Presto, 1281 Plaza Circle, made comments regarding the declining state of development within the City.

Mark Sininky, P.A., made comments regarding the letter sent to City Attorney Pamala Ryan reference the technical and legal ways to develop the Ocean Mall.

Carl Dickey, Chairman of the Libertarian Party of Florida, made comments regarding the proposed Teen Curfew.

Rev. Griffin Davis, 1441 W 30th Street, made comments regarding the issue of Code Enforcement fining residents for having dead grass during severe water restrictions.

Bonnie Larson, W 27th Street, made comments regarding the current state of the Ocean Mall.

Judy Davis, 341 W 22nd Street, made comments regarding the beautification project on 22nd street.

Rev. Donald Duncombe, 1357 W 28th Street, made comments regarding development in other cities. He also encouraged the City Council to proceed with development.

Fane Lozman, Riviera Beach Marina, made comments regarding his legal actions against the City of Riviera Beach. He also made comments regarding personnel matters of the City.

Rev. Lessye Charlow, 1241 W 33 Street, requested that the City assist her in getting rid of dangerous dogs in her neighborhood. She also made comments regarding the Adopt a Block Program.

Anthony Giolitti, Chairman of SICA, made comments regarding current contract management. He also made comments regarding development of the Ocean Mall.

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:

ITEM NO. 2

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 6, 2007.

ITEM NO. 2(A)

MINUTES OF THE AGENDA REVIEW MEETING HELD JUNE 4, 2007.

ITEM ADDED TO AGENDA

RESOLUTIONS:

ITEM NO. 3

RESOLUTION NO. 80-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 15107 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SERVICE CONTRACT WITH POWER PRO-TECH SERVICES OF MAITLAND, FLORIDA TO PROVIDE SCHEDULED MAINTENANCE AND EMERGENCY CALL-OUT SERVICES FOR GENERATORS LOCATED THROUGHOUT THE CITY, IN THE AMOUNT OF \$28,420; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENTS FROM VARIOUS DEPARTMENTAL OPERATING BUDGETS, AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 4

RESOLUTION NO. 81-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR A TERM OF THREE YEARS WITH HEATHER CROFT, LLC FOR TWENTY-THREE HUNDRED SQUARE FT. (2,300 SQ. FT.) OF COMMERCIAL RENTABLE SPACE AT 2051 MARTIN LUTHER KING BOULEVARD ON THE 3RD FLOOR AS OUTLINED IN OPTION 1 OF THE STAFF REPORT ON "OPTIONS FOR ADDITIONAL OFFICE SPACE" FOR A TOTAL OF \$151,800; AUTHORIZING THE CITY MANAGER AND CITY TO EXECUTE SAID LEASE AGREEMENT. AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE AN ADDITIONAL \$70,500 FOR MOVING, EQUIPMENT REPLACEMENT, COMMUNICATION INFRASTRUCTURE, RENOVATION AND RELATED RELOCATION COSTS FROM THE GENERAL FUND, FUND BALANCE ACCOUNT NO. 001-00-39999; ESTABLISHING A BUDGET AND A TEN PERCENT (10%) PROJECT CONTINGENCY; AND PROVIDING AN EFFECTIVE DATE. **ITEM PULLED FOR DISCUSSION**

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

A motion was made by **Councilperson Duncombe** and seconded by **Chair Pro Tem Hubbard** to approve Resolution No. 81-07.

MOTION

The following members of the public made comments:

Bonnie Larson, W 27th Street

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

MOTION APPROVED

ITEM NO. 5

RESOLUTION NO. 82-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING INSTALLATION OF TRAFFIC CONTROL DEVICES ON WEST 22ND STREET AND 22ND COURT BETWEEN AVENUE "H" EAST AND AVENUE "F"; AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER IN THE AMOUNT OF \$21,455; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 6

RESOLUTION NO. 83-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE PALM BEACH EMERGENCY MANAGEMENT FUND REVENUES AND EXPENDITURES IN THE AMOUNT OF \$12,000; AUTHORIZING THE PURCHASE OF A NETCLOCK FROM SPECTRACOM IN THE AMOUNT OF \$12,000; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 7

RESOLUTION NO. 84-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 15207 TO UNITED ELECTRICIANS INC. OF ROYAL PALM BEACH, FLORIDA IN THE AMOUNT OF \$42,595; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE \$52,000 FROM THE CAPITAL IMPACT FEE: PUBLIC BUILDINGS ACCOUNT (303) TO PAY FOR THE INSTALLATION OF ONE EMERGENCY STANDBY POWER SYSTEM AND RELATED COSTS INCLUDING PROFESSIONAL ENGINEERING SERVICES, WEATHER RESISTANT COVER AND LANDSCAPING, ESTABLISHING A BUDGET; AND PROVIDING AN EFFECTIVE DATE.

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by **Councilperson Duncombe** 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:

NONE

1) ORDINANCES ON FIRST READING:

ITEM NO. 8

ORDINANCE NO. ____ A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV, SEC. 14-76(6) ENTITLED RETIREMENT MONTHLY INCOME OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE PENSION PLAN BY PROVIDING FOR A SUPPLIEMENTAL RETIREMENT BENEFIT AT NORMAL RETIREMENT DATE FOR ACTIVE POLICE OFFICERS AND RETIREES WHO ATTAIN TWENTY (20) YEARS OF SERVICE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM DELETED~~

VII. REGULAR:

ITEM NO. 9

RESOLUTION NO. 85-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE NEW MARINA DOCKAGE AGREEMENT WITH EXHIBITS; AUTHORIZING THE CITY MANAGER AND/OR DESIGNEES TO EXECUTE THE AGREEMENT WITH PROSPECTIVE CUSTOMERS, SAID AGREEMENT TO TAKE EFFECT ON AUGUST 1, 2007; 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 Tem Hubbard** to approve Resolution No. 85-07.

MOTION

The following members of the public made comments:

Fane Lozman, 200 E 13th Street

William Doering, 200 E 13th Street

Fred Erickson, 200 E 13th Street

Ernie Waco, 200 E 13th Street

B. G. Sykes, 333 E 24th Street

Gerald Ward, 31 W 20th Street

Chairperson Lowe stated that the following members of the public submitted a public comment card indicating that they agreed and supported this item: Livita James, Will Wheeler, Ray Livingston, and Sue Crane.

An amended motion was made by **Councilperson Jackson** and seconded by **Councilperson Thomas** to change the effective date to August 31, 2007.

AMENDED MOTION

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

MOTION APPROVED

ITEM NO. 10

RESOLUTION NO. 86-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE MARINA DEPARTMENT'S 2006-2007 FISCAL YEAR BUDGET BY DELETING ONE CLASSIFIED ACCOUNTING TECHNICIAN POSITION AND ADDING THE CLASSIFIED POSITION OF ACCOUNTING SPECIALIST; 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 Tem Hubbard** to approve Resolution No. 86-07.

MOTION

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

MOTION APPROVED

ITEM NO. 11

RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$240,000 FOR THE ACQUISITION OF A PROPERTY AT 1562 WEST 28TH STREET TO HOUSE THE YOUTH EMPOWERMENT CENTER; AND AUTHORIZE THE INTERIM FINANCE DIRECTOR TO EXPEND FUNDS FROM ACCOUNT NO. 310-0203-519-0-6351; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM DELETED~~

ITEM NO. 12

RESOLUTION NO. 87-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT WITH PSD SOFTWARE, LLC OF MARIETTA, GEORGIA, FOR INFORMATION TECHNOLOGY MASTER PLAN DEVELOPMENT AND SOFTWARE IMPLEMENTATIONS IN THE AMOUNT OF \$253,270; AUTHORIZING THE CITY MANAGER TO MAKE AND INITIATE CHANGE ORDERS UP TO TEN PERCENT (10%); AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE GENERAL FUND FUND BALANCE IN THE AMOUNT OF \$253,270 AND SET UP BUDGET IN THE INFORMATION SERVICES DIVISION IN THE AMOUNT OF \$253,270; 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 Duncombe** to approve Resolution No. 87-07.

MOTION

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

MOTION APPROVED

ITEM NO. 13

RESOLUTION NO. 88-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING WORK ORDER NUMBER 1 FOR THE COMPLETION PHASE I AND PHASE II OF THE INFORMATION SYSTEMS MASTER PLAN DEVELOPMENT AND IMPLEMENTATIONS AND FURTHER; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT TO PSD LLC FOR THESE PROFESSIONAL SERVICES IN THE AMOUNT OF \$73,700 FROM THE INFORMATION SYSTEMS CAPITAL IMPROVEMENT ACCOUNT NO. 001-0243-513-0-6351; 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. 88-07.

MOTION

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

MOTION APPROVED

ITEM NO. 13(A)

RESOLUTION NO. 89-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FOR JB CHART DEVELOPMENT FOR THE CONSTRUCTION OF 14 MODULAR BUILDINGS CONSISTING OF 28 TOWNHOMES LOCATED AT 3201 AVENUE "J"; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM ADDED TO AGENDA~~

A motion was made by **Councilperson Jackson** and seconded by **Chair Pro Tem Hubbard** to approve Resolution No. 88-07.

MOTION

Judith Thomas, Planning and Zoning Administrator, gave a presentation on the proposed project

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

MOTION APPROVED

Comments were made by Curtis Jewel, Bob Jones, and Attorney Ethel Isaac-Williams, applicants for the proposed project.

ITEM NO. 14

DISCUSSION: ESTABLISHMENT OF A CHARTER REVIEW COMMITTEE.

City Manager Wilkins stated that the Mayor and City Council received a memorandum from the City Clerk in reference to amending the Charter.

Chairperson Lowe stated that all committee meetings would be noticed and open to the public. He stated that a vote would be taken at the next scheduled meeting to appoint a liaison if needed.

City Manager Wilkins stated that this was an advisory board to help revise the Charter as needed.

A motion was made by **Councilperson Thomas** and seconded by **Chair Pro Tem Hubbard** to place approving the establishment of the Charter Review Committee on the agenda for the next Regular City Council Meeting.

MOTION

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

MOTION APPROVED

1) **BOARD APPOINTMENT:**

ITEM NO. 15

JAZZ FESTIVAL ADVISORY COMMITTEE.

City Manager Wilkins read into the record the committee appointment along with their designated title and appointing district:

City Council Appointments

District One -	Larry Hubbard
District Two -	Michael Coleman
District Three -	Timothy Nance
District Four -	Diana DeMeo
District Five -	Barry Sanders
Mayor -	Milton Brown

Special Skills Requirements

Vacant - Festival Event Planning

Casey Steinbacker, Northern Chamber of Commerce - **Fund Raiser/ Corp.**

Sponsorships

Verdina Baker, Deputy County Administrator - **Financial Management**

Randy Graham, - **Food/ Merchandise Vending**

David Burke - **Marketing and Promotions**

Vacant - Tourism

Councilperson Duncombe requested that an update be presented at the next Regular City Council Meeting on the legal actions pending against Class C-I Productions. She inquired about the actions being taken to compensate the City for the losses incurred due to stage failure at the 2007 Jazz & Blues Festival. She also requested that the City Council consider appointing Mr. Donald Wilson, who was responsible for initiating the Jazz Festival.

A motion was made by **Chair Pro Tem Hubbard** and seconded by **Councilperson Jackson** to appoint the aforementioned to the Jazz Festival Committee.

MOTION

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

MOTION APPROVED

2) DISCUSSION BY THE CITY MANAGER:

A. SCHEDULE THE UNSAFE BUILDING/NUISANCE ABATEMENT ORDINANCE WORKSHOP.

There was a consensus of the City Council to schedule a workshop for July 12, 2007 @ 10:00 am.

B. DISCUSSION ON SETTING THE HOURS FOR CITY COUNCIL MEETINGS FOR 6:30-9:30 PM. ~~ITEM DELETED~~

C. DISCUSSION: REQUEST CITY COUNCIL TO SCHEDULE A CLOSED EXECUTIVE SESSION TO DISCUSS ARTICLES FOR NEGOTIATION WITH THE CITY OF RIVIERA BEACH AND PROFESSIONAL FIREFIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC.

There was a consensus of the City Council to schedule a Close Executive Session for July 12, 2007 @ 1:00 pm.

III. LEGAL DISCUSSION/REQUEST:

City Attorney Ryan stated that a copy of the letter sent to her by Mr. Sinisky was distributed to the Mayor and City Council for their information and review.

IX. DISCUSSION AND RECOMMENDATIONS:

Councilperson Thomas commended Mr. Gary Everett of the Parks and Recreation Department for his hard work and dedication to the City of Riviera Beach. He stated that the City Council needed to discuss the employment contract of Pamala Ryan. He then inquired about the two days of consecutive power outages.

Paul White, Assistant City Manager provided information regarding the power outages.

Chairperson Lowe made comments regarding the development of the Ocean Mall..

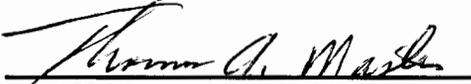
Councilperson Duncombe made comments regarding the future development of the Ocean Mall.

Mayor Masters announced that a building was located for the health care program that would be available to the residents of Riviera Beach.

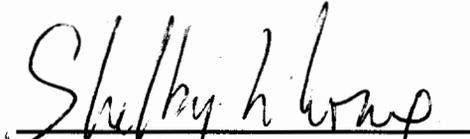
X. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:30 p.m.

APPROVED:



THOMAS A. MASTERS
MAYOR



SHELBY L. LOWE
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



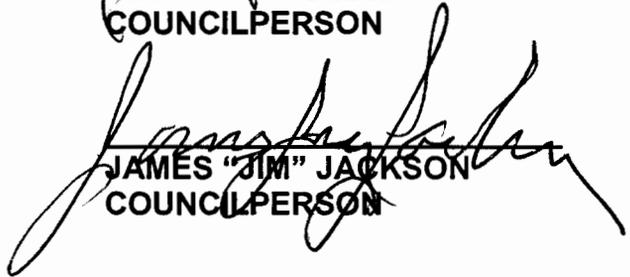
LYNNE L. HUBBARD
CHAIR PRO TEM



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: 07/18/2007