

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, AUGUST 15, 2007 AT 6:30 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 Nonna Duncombe, Councilperson Cedrick Thomas; and Councilperson James "Jim" Jackson. 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 Nonna Duncombe.

II. AGENDA APPROVAL

1) Additions, Deletions, Substitutions

Additional back up provided for items no.:11, 12; Transfer items no. 13 and 11 to the front of the Agenda.

2) Adoption of Agenda

A motion was made by Councilperson Jackson, 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

III. AWARDS AND PRESENTATIONS

ITEM NO.1

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

Deborah Keels, Human Resource Administrator, presented the following new employees for the month of July:

David Elam, Assistant Public Works Director; Matthew Scoot, Dock Attendant; Kelvin Bean, Firefighter; Daryl Cameron, Police Officer; and Bennie Jones, Dock Attendant.

- 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 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. (Please note that due to the high number of cards submitted the Chairperson has reserved the right to limit public comments to two minutes for this meeting.)*

At this time Councilperson Thomas made the following Public Disclosure:

Councilperson Thomas made comments in regards to his relationship with Viking Yacht and the Riviera Beach Maritime Academy. He proceeded to state that the City Attorney legally addressed the issue with the Ethics Commission and requested that she read the official response into the records.

City Attorney Ryan read the official response from the Ethics Commission into the record.

Public Comments

Fane Lozman, Riviera Beach Marina, addressed the Mayor and City Council in regards to his legal intentions against the City of Riviera Beach.

Patti Dunbar, 471 W 37th St., addressed the Mayor and City Council in regards to a resolution deleted from the previous City Council Agenda referenced the deletion and creation of positions within the Legislative Department.

Rev. William Burrs, 1500 W 30th Street, addressed the Mayor and City Council in regards to the renovation of City Hall and the behavior of Fane Lozman.

Richard Wester, 331 W 23rd St., addressed the Mayor and City Council regarding their previous decision to collect money owed to the City and encouraged them to also collect gas allowance that was previously paid to Chair pro tern Hubbard. Lastly, he questioned the Mayor about the longevity of the Chief of Police's career at the City.

Abdel K. Hamed, (Sam's Food Mart), 180 Park Rd. North, Royal Palm Beach, addressed the Mayor and City Council in regards to the City's attempt to close his store. He presented a petition signed by 250 residents of the adjacent neighborhood who were interested in keeping the store open.

Warrie Leonard, 1901 W 23rd Street, addressed the Mayor and City Council in regards to on street parking within National Village/Timber Pines. She also addressed the graffiti on the wall adjacent to Commerce Bank.

Nora Mahoney, 2120 Broadway, addressed the Mayor and City Council in regards to parking within Bicentennial Park's perimeter and also the condition of the park. She also questioned Commissioner Greene about funding for park enhancement.

Don Serrano, Riviera Beach Marina, addressed the Mayor and City Council in regards to the Barter System at the Riviera Beach Marina and outlined the benefits of the system.

Erna Hofer, 19 E 22nd Ct., addressed the Mayor and City Council in regards to the behavior of the boating companies adjacent to her property.

Verdina Coleman, 1200 W 26th St., addressed the Mayor and City Council in regards to the conditions of the sidewalks and the standing water on the 1100 block of 26th Street.

Andrew Foss, Riviera Beach Marina, addressed the Mayor and City Council in regards to the industry standards for marine insurance. He thanked Chair pro tern Hubbard for all of her efforts and requested that the City Council amend the proposed contract to reflect the industry standards.

Isabella Cunningham, 1301 W 31st, addressed the Mayor and City Council thanking the City of Riviera Beach for all of their efforts to beautify Sugar Hill Cemetery.

Rev. Donald Duncombe, 1357 W 28th St., addressed the Mayor and City Council in regards to the inappropriate spending of tax payers' money.

Rev. Lessye W. Charlow, 1241 W 33rd St., addressed the Mayor and City Council in regards to African American Youth and requested that all adults pray for our youth.

Lloyd H. Brown, 1464 W 35th St., addressed the Mayor and City Council in regards to the 4th Amendment and the manner in which the police treat the citizens.

Gerald M. Ward, 31 W 20th, addressed the Mayor and City Council in regards to the wording of the letter the City Attorney read into the record. He also commented on proposed budget cuts.

Jessie Gray Pinkey, 1417 W 23rd St., addressed the Mayor and City Council in regards to the development of 23rd Street.

Bonnie Larson, W 27th St., addressed the Mayor and City Council in regards to the format of the agenda. She also addressed utilizing grant money to put security cameras in high crime areas.

Zar Yassine, 2124 Broadway, addressed the Mayor and City Council in regards to the City of Riviera Beach mediating a resolution between him and Mr. Mahoney.

Mike Mahoney, 2120 Broadway, addressed the Mayor and City Council in regards to the boating companies adjacent to his property parking boats on the street.

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 REGULAR CITY COUNCIL MEETING HELD AUGUST 1, 2007. ITEM PULLED FOR DISCUSSION

A motion was made by Councilperson Jackson, and seconded by Councilperson Thomas to approve the minutes of the Regular City Council Meeting held August 1, 2007 as presented.

MOTION

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Duncombe and Chairperson Lowe out.

MOTION APPROVED

RESOLUTIONS:

ITEM NO.3

RESOLUTION NO. 110-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF VIDEO SURVEILLANCE EQUIPMENT FROM MOTOROLA CORP. AT A COST OF \$33,377; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO MOTOROLA CORP. FROM EXPENDITURE ACCOUNT NO. 142-0817-521-0-6455 IN THE AMOUNT OF **\$33,377; AND PROVIDING AN EFFECTIVE DATE. ITEM PULLED FOR DISCUSSION**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Jackson, and seconded by Councilperson Thomas to approve Resolution 110-07.

MOTION

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Duncombe out.

MOTION APPROVED

ITEM NO.4

RESOLUTION NO. 111-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE CLAIM OF ZAVONTE DAVIS V. THE CITY OF RIVIERA BEACH; AUTHORIZING GALLAGHER BASSETT AND MUNICH RE AMERICA TO MAKE PAYMENT; AND PROVIDING AN EFFECTIVE DATE. **ITEM PULLED FOR DISCUSSION**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Thomas, and seconded by Councilperson Jackson to approve Resolution 111-07.

MOTION

The following members of the public made comments regarding Resolution No 111-07:

Fane Lozman, Riviera Beach Marina.

Chairperson Lowe stated for the record items added to the Consent Agenda were considered housekeeping matters.

Upon a roll call vote by City Clerk Ward. the motion was approved with Councilperson Duncombe out.

MOTION APPROVED

ITEM NO.5

RESOLUTION NO. 112-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING THE BID FOR THE CITY HALL PARKING LOT LIGHTING PROJECT TO ELECTRICAL CONSULTING SERVICES, INC. IN THE AMOUNT OF \$94,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUNDS; MAKE PAYMENT FOR SAME; AND PROVIDING AN EFFECTIVE DATE. ITEM PULLED FOR DISCUSSION

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson **Thomas**, and seconded by Councilperson **Jackson** to approve Resolution 112-07.

MOTION

The following members of the Public made comments in regards to Resolution 112-07:

Fane Lozman, Riviera Beach Marina.

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Duncombe out.

MOTION APPROVED

ITEM NO.6

THIS ITEM HAS BEEN LEFT BLANK INTENTIONALLY

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

VI. PUBLIC HEARINGS:

ITEM NO.7

ORDINANCE NO. 3026 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE V, ENTITLED "PUBLIC NUISANCE ABATEMENT" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND CONFLICT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by Councilperson Jackson, and seconded by Chair pro tern Hubbard to adopt Ordinance No. 3026.

MOTION

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

MOTION APPROVED

ITEM NO.8

ORDINANCE NO. 3027 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2412, SECTION 3-106, EMERGENCY PROCUREMENT BY ADDING SUBSECTION (1) ADDRESSING THE DEFINITION OF EMERGENCY PURCHASES IN THE WAKE OF A LOCALLY DESIGNATED DISASTER TO AUTHORIZE THE CITY MANAGER'S AND PURCHASING DIRECTOR'S CONTRACTUAL AND SPENDING AUTHORITY DURING THE FIRST THIRTY (30) DAYS FOLLOWING A DISASTER WITH REPORTING REQUIREMENTS TO THE CITY COUNCIL AND INCORPORATING THE USE OF THE CITY'S INSURANCE UNDERWRITER AS PART OF THE DUE DILIGENCE PROCESS IN SELECTING VENDORS FOR REPAIR WORK; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by Councilperson Jackson, and seconded by Chair pro tern Hubbard to adopt Ordinance No. 3027.

MOTION

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

MOTION APPROVED

1) ORDINANCES ON FIRST READING:

NONE

VII. REGULAR:

ITEM NO.9

RESOLUTION NO. 113-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SETTLEMENT AGREEMENT RESOLVING A FORECLOSURE ACTION AND TO ISSUE A RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 101 WEST BLUE HERON BOULEVARD, FOR VIOLATIONS THAT ARE NOW IN COMPLIANCE FOR THE AMOUNT OF \$100,000; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair pro tem Hubbard, and seconded by Councilperson Jackson to approve Resolution 113-07.

MOTION

The Following members of the Public made comments regarding Resolution No. 113-07:

Bonnie Larson, W 27th St.

Fane Lozman, Riviera Beach Marina.

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

MOTION APPROVED

ITEM NO. 10

RESOLUTION NO. 114-07 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 INTERLOCAL AGREEMENT WITH THE SHERIFF'S OFFICE OF PALM BEACH COUNTY FOR FUNDING IN THE AMOUNT OF \$17,000 TO PROVIDE ADDITIONAL SECURITY TO REDUCE RISKS FROM NATURAL AND INTENTIONAL DISASTERS AT THE MARINA; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN ACCOUNT NO. 420-00-331222; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Jackson, and seconded by Councilperson Thomas to approve Resolution 114-07.

MOTION

The following members of the Public made comments regarding Resolution No 114-07:

Fane Lozman, Riviera Beach Marina.

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

MOTION APPROVED

ITEM NO. 11

REQUEST FROM PORT OF PALM BEACH TO REVISE A MEDIATED SETTLEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE PORT OF PALM BEACH DATED MARCH 30, 2004 BY ELIMINATING THE REQUIREMENT FOR MITIGATING ACTIVITIES AT THE PALM BEACH COLD FACILITY LOCATED ON THE PORT OF PALM BEACH. **ITEM DISCUSSED OUT OF SEQUENCE**

A motion was made by Councilperson Thomas, and seconded by Chair pro tem Hubbard to approve the request from the Port of Palm Beach as presented.

MOTION

City Manager Wilkins informed the Mayor and City Council that the Port of Palm Beach completed all aspects of the contract and he recommended that the provision of the contract be forgiven.

Lori Baer, Port of Palm Beach Executive Director, reassured the Mayor and City Council that approving the request would be in the best interest of the City. She also stated that the Port would assume the financial responsibility of inspecting the facility every three months with inspectors appointed by the City.

Councilperson Duncombe stated that she was not in favor of approving the request and that the residents deserved better.

City Manger Wilkins stated that the site was safe and met all federal requirements.

The following members of the Public made comments in regards to the request from the Port of Palm Beach:

Gerald Ward, 31 W 20th St .

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

MOTION APPROVED

ITEM NO. 12

RESOLUTION NO. 115-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING THE 2007 CHARTER REVIEW ADVISORY BOARD FOR THE PURPOSE OF REVIEWING THE CURRENT CHARTER; PROVIDING POWERS, DUTIES/RESPONSIBILITIES; MEMBERSHIP; MEETINGS, PROVIDING AN EXPIRATION DATE; AND AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Jackson and seconded by Chair pro tem Hubbard to approve Resolution 115-07.

MOTION

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

MOTION APPROVED

ITEM NO. 13

CONSIDERATION OF REQUEST FROM THE PALM BEACH COUNTY FILM AND TELEVISION COMMISSION FOR THE CITY TO BE THE SITE OF THE BET 2008 SPRING **BLING. ITEM DISCUSSED OUT OF SEQUENCE**

Chuck Elders Film Commissioner, addressed the Mayor and City Council in regards to formally inviting BET back to Riviera Beach to host the 2008 Spring Bling and noted the positive effects of the 2007 Spring Bling for Palm Beach County.

Commissioner Addie Greene, addressed the Mayor and City Council in regards to hosting the 2008 Spring Bling and encouraged the City to incorporate a car show in next year's festivities.

Chairperson Lowe clarified for the record that the request was only an invitation not approval of the actual festivities.

Councilperson Jackson committed to getting a written report from all affected businesses.

Councilperson Thomas questioned a conflict of interest for him to provide transportation for the event and the vote of approval.

Councilperson Duncombe made appreciative comments towards Commissioner Greene and all of her efforts toward success in Riviera Beach.

Chair pro tem Hubbard made comments in regards to public concerns for hosting 2008 Spring Bling; she reassured them that all aspects will be covered.

Mayor Masters made comments in favor of hosting the 2008 Spring Bling.

The Following members of the Public made comments regarding the request from the Palm Beach County Film and Television Commission:

Rev. Donald Duncombe, 1357 W 28th St.

Nora Mahoney, 2120 Broadway.

Fane Lozman, Riviera Beach Marina.

A motion was made by Councilperson Duncombe and seconded by Councilperson Thomas approving Palm Beach County Film Commission's request to formally invite BET to host 2008 Spring Bling in Riviera Beach.

MOTION

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

MOTION APPROVED

1) BOARD APPOINTMENT:

NONE

2) DISCUSSION BY THE CITY MANAGER:

NONE

VIII. LEGAL DISCUSSION/REQUEST:

NONE

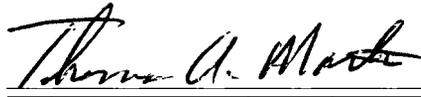
IX. DISCUSSION AND RECOMMENDATIONS:

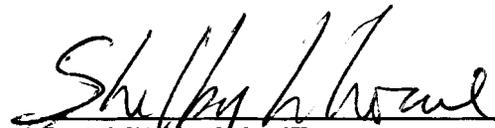
Councilperson Duncombe requested that a report be distributed to the Mayor and City Council regarding the status of the Boys and Girls Club.

X. ADJOURNMENT

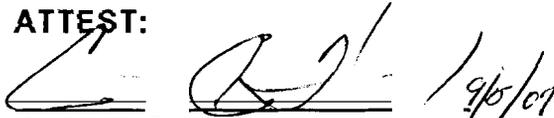
There being no further business, the meeting was duly adjourned at 9:10 p.m.

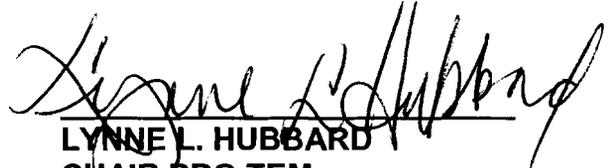
APPROVED:


THOMAS A. MASTERS
MAYOR

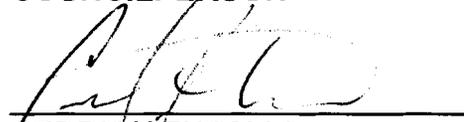

SHELBY L. LOWE
CHAIRPERSON

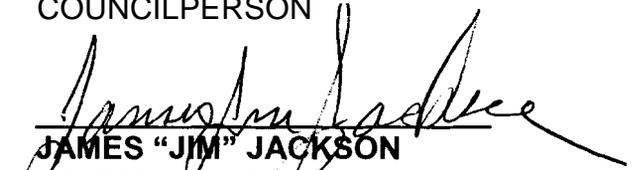
ATTEST:

 9/5/07
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	<u>aye</u>
L. HUBBARD	<u>aye</u>
J. JACKSON	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
C. THOMAS	<u>aye</u>

DATE APPROVED: 09/05/2007