

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 5, 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: Chairperson Shelby L. Lowe, Chair pro tem Lynne L. Hubbard, Councilperson Norma Duncombe, Councilperson Cedrick Thomas; and Councilperson James "Jim" Jackson. Also present were Assistant City Manager Gloria Shuttlesworth, City Clerk Carrie E. Ward, MMC, and City Attorney Pamala H. Ryan.

Mayor Master was absent; due to outside business, City Manager Wilkins was tardy.

Invocation & Pledge of Allegiance

Everyone stood for a Moment of Silence and The Pledge of Allegiance led by Chairperson Lowe.

I. AGENDA APPROVAL

1) Additions, Deletions, Substitutions

City Clerk Ward presented the additions, deletions, substitutions, and stated there was a corrected Resolution for item No. 14.

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

NONE

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.*

Fane Lozman, Riviera Beach Marina, addressed the Mayor and City Council in regards to his legal intention against the City of Riviera Beach. He encouraged the Mayor and City Council to fulfill their duties and see that the squandering of tax payers dollars cease.

Gerald Ward, 31 W 20th Street, addressed the Mayor and City Council in regards to the cost of insurance and benefits provided to employees. He made comments regarding the Capital Budget being presented in sufficient time, the proposed FPL Plant, and the proposed car wash.

Rev. Donald Duncombe, 1357 W 28th St., addressed the Mayor and City Council in regards to their decision to pay the attorney fees for Dawn Pardo. He also stated that the current Mayor and City Council was spending more money than they generate.

Richard Wester, 331 W 23 rd St, congratulated City Attorney Ryan on her success in court. He then stated that he would yield the remainder of his comments due to the absence of Mayor Masters and City Manager Wilkins.

Verdina Coleman, 1200 W 26th Street (26th Street Pioneers), addressed the Mayor and City Council in regards to the broken sidewalks on 26th Street between Avenue M and Avenue Q. She also addressed the need of traffic calming in the same area. She extended an invitation to the Mayor and City Council to attend their Watch Group Meetings and address these issues.

Bonnie Larson, W 27th St., addressed the Mayor and City Council in regards to the proposed car wash and advised them that the adjacent neighbors had not been notified of the special exception.

She congratulated the current Mayor and City Council on their accomplishments and questioned the status of the installation of the parking lot lights.

Zar Yassine, 2124 Broadway, addressed the Mayor and City Council in regards to what he believed to be harassment by his next door business neighbors.

V. CONSENT AGENDA:

ALL MATTERSUSTED UNDER THIS ITEM,ARE CONSIDERED TO BE ROUTINE AND AcnON WILL BE TAKEN BY ONE MOTION. THERE WITL 8E 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.1
MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
AUGUST 15, 2007.

ITEM NO.2
MINUTES OF AGENDA REVIEW HELD JULY 30, 2007.

RESOLUTIONS:

ITEM NO.3
RESOLUTION NO. 116-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ENGINEERING FIRM OF JORDAN JONES & GOULDING TO PREPARE THE SURVEY, DESIGN AND CONTRACT DOCUMENTS FOR CITYWIDE SIDEWALKS IN AN AMOUNT NOT TO EXCEED \$36,400; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENTS; 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 No. 116-07.

City Manager Wilkins gave a brief presentation outlining the role in which the engineering firm would play in the construction of the new side walks.

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

MOTION APPROVED

ITEM NO.4

RESOLUTION NO. 117-07 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 PALM BEACH COUNTY FOR RECEIVING DISCRETIONARY FUNDS IN THE AMOUNT OF \$94,000 FOR INSTALLATION OF DECORATIVE STREET LIGHTS ON WEST 32ND STREET, BETWEEN AVENUE "H" EAST AND WEST 31ST STREET; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.5

RESOLUTION NO. 118-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ENGINEERING FIRM OF JORDAN, JONES & GOULDING TO PREPARE THE SURVEY, DESIGN AND CONTRACT DOCUMENTS FOR RECONSTRUCTION OF WEST 33RD STREET BETWEEN AVENUE "R" AND AVENUE "O" IN AN AMOUNT NOT TO EXCEED \$37,600; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 301-0716-5414-3106; 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 No. 118-07.

MOTION

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

MOTION APPROVED

ITEM NO.6

RESOLUTION NO. 119-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$251,191; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE FUNDS AND SET UP A BUDGET.

ITEM NO.7

RESOLUTION NO. 120-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE BROOKS SUBDIVISION REPLAT LOCATED AT 2511 AVENUE "R"; AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO SIGN THE SAID REPLAT; AND PROVIDING AN EFFECTIVE DATE.

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by Councilperson Jackson and seconded by Chair pro tern Hubbard to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

VI. PUBLIC HEARINGS:

NONE

1) ORDINANCES ON FIRST READING:

ITEM NO.8

ORDINANCE NO. 3030 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AMENDING THE RIVIERA BEACH MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, CHAPTER 14, SECTION ~~14-48~~, OF THE CODE OF ORDINANCES, ENTITLED "RETIREMENT MONTHLY INCOME" BY AMENDING SECTION 14-51, ENTITLED "REFUNDS OF CONTRIBUTIONS" BY CHANGING ITS TITLE "TO RETURN OF CONTRIBUTIONS AND DIRECT TRANSFERS OF ELIGIBLE ROLLOVER CONTRIBUTIONS" AND AMENDING THE LANGUAGE THEREIN; BY REPEALING SECTION 14-56 ENTITLED "LIMITATION ON BENEFITS" AND CREATING A NEW SECTION 14-56 ENTITLED "MAXIMUM PENSION"; AND BY ADDING A NEW SECTION 14-60, ENTITLED "MILITARY SERVICE", ALL OF WHICH ARE DESIGNED TO COMPLY WITH CHANGES TO THE INTERNAL REVENUE CODE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by Chair pro tem Hubbard and seconded by Councilperson Jackson to approve Ordinance No. 3030.

MOTION

Attorney Thomas Roell, gave a brief overview of the intentions of the proposed ordinance stating that passing this ordinance would bring the current Firemen's Pension Trust Fund in compliance with federal law.

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

MOTION APPROVED

ITEM NO.9

ORDINANCE NO. 3031 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AMENDING THE RIVIERA BEACH MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, CHAPTER 14 OF THE CODE OF ORDINANCES BY AMENDING SECTION 14-47 ENTITLED "BOARD OF TRUSTEES; CREATED, POWERS, DUTIES" BY ALLOWING EQUITY INVESTMENTS OF THE FIREFIGHTERS' PENSION PLAN TO REACH A MAXIMUM OF SIXTY PERCENT AT COST OR SEVENTY-FIVE PERCENT AT FAIR MARKET VALUE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; 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 tem Hubbard to approve Ordinance No. 3031.

Jeffrey Williams, Interim Finance Director, gave a brief overview of the current pension plan.

Discussion ensued amongst Council and staff.

Upon a roll call vote by City Clerk Ward, the motion failed with Councilperson Thomas; Chair pro tem Hubbard, and Chairperson Lowe dissenting.

MOTION FAILED

City Manager Wilkins stated that a future workshop would be held to discuss all of the current pension plans and the impact it has on the budget.

Councilperson Thomas requested that in the future items of this magnitude be workshop prior to going on the agenda.

VII. REGULAR:

ITEM NO. 10

RESOLUTION NO. 121-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING COLONIAL INSURANCE TO PROVIDE SUPPLEMENTAL HEALTH INSURANCE TO CITY EMPLOYEES BEGINNING IN THE 2007-2008 POLICY YEAR; AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO FACILITATE ALL EMPLOYEE PAYMENTS THROUGH PAYROLL DEDUCTIONS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward stated that the Resolution being introduced into the record was tabled at a previous City Council meeting and requested Council to untable if it would be on the current agenda.

A motion was made by Councilperson Duncombe and seconded by Councilperson Jackson to un-table Item No. 13 from the July 18, 2007 meeting.

MOTION

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

MOTION APPROVED

A motion was made by Councilperson Duncombe and seconded by Councilperson Jackson to approve Resolution 121-07 to be placed on the current agenda.

MOTION

City Clerk Ward read the aforementioned Resolution into the record; there was no discussion.

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

MOTION APPROVED

ITEM NO. 11

RESOLUTION NO. 122-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING RELIANCE STANDARD TO OFFER SHORT TERM DISABILITY INSURANCE AND LONG TERM DISABILITY INSURANCE TO CITY EMPLOYEES BEGINNING IN THE 2007-2008 POLICY YEAR; AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO FACILITATE ALL EMPLOYEE PAYMENTS THROUGH PAYROLL DEDUCTIONS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward stated that the Resolution being introduced into the record was tabled at a previous City Council meeting and requested Council to untable if it would be on the current agenda.

A motion was made by Councilperson Duncombe, and seconded by Councilperson Jackson to un-table Item No 12 from the July 18, 2007 meeting.

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

MOTION APPROVED

A motion was made by Councilperson Duncombe and seconded by Councilperson Jackson to approve Resolution No. 122-07 to be placed on the current agenda; and approval.

MOTION

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

MOTION APPROVED

ITEM NO. 12

RESOLUTION NO. 123-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA. APPROVING THE ACQUISITION OF A PROPERTY AT 1562 WEST 28TH STREET TO HOUSE THE YOUTH EMPOWERMENT CENTER IN THE AMOUNT OF \$240,000; AND AUTHORIZING THE CITY MANAGER TO PREPARE A CONTRACT AND TO CONSUMMATE THE ACQUISITION; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR PURCHASE; AND FURTHER AUTHORIZING THE INTERIM FINANCE DIRECTOR TO EXPEND FUNDS FROM ACCOUNT NO. 310-0203-519-0-8301 FOR THE PURCHASE AND RENOVATION OF THE PROPERTY; 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 Chair pro tem Hubbard to approve Resolution No. 123-07.

MOTION

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

MOTION APPROVED

John Green, Housing Director, gave a brief presentation of the property and future renovation.

An amended motion was made by Councilperson Thomas and seconded by Councilperson Jackson requiring the seller to satisfy all liens on the property prior to closing.

AMENDED MOTION

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

AMEN OED MOTION APPROVED

ITEM NO. 13

RESOLUTION NO. 124-07 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 BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING IN THE AMOUNT OF \$50,000 FOR BICENTENNIAL PARK AUSTRALIAN PINES REMOVAL PROJECT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO REALLOCATE AND TRANSFER FUNDS FROM BICENTENNIAL PARK IMPROVEMENTS TO THE CASH MATCH FOR BICENTENNIAL PARK AUSTRALIAN PINES REMOVAL PROJECT IN THE CAPITAL ACQUISITION FUND; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME IN THE GRANT FUND (153); 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 No. 124-07.

City Manager Wilkins gave a brief overview of the proposed plan and stated that Palm Beach County was financially assisting with the project.

The following members of the public made comments in regards to Resolution No 124-07:

Bonnie Larson, W 27th Street

Gerald Ward, 31 W 20th Street

David Wright, Intergovernmental Relations Coordinator, gave a brief outline of the grant and its stipulations.

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

MOTION APPROVED

An amended motion was made by Councilperson Jackson and seconded by Chair pro tem Hubbard to ensure that tree removal and replacement coincide.

AMENDED MOTION

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

AMENDED MOTION APPROVED

Upon a roll call vote on the main motion, the motion was approved with Councilperson Duncombe dissenting.

MOTION APPROVED

ITEM NO. 14

RESOLUTION NO. 125-07 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 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FUNDING IN THE AMOUNT OF \$115,000 FOR THE CASH MATCH; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET FOR THE MUNICIPAL BEACH RENOVATIONS PROJECT IN THE AMOUNT OF \$230,000; 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 Chair pro tem Hubbard to approve Resolution No. 125-07.

MOTION

The following members of the public made comments in regards to Resolution No 125-07:

Bonnie Larson, W 27th Street

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

MOTION APPROVED

ITEM NO. 15

RESOLUTION NO. 126-07 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 \$59,050; AUTHORIZING THE PURCHASE OF AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS FROM VERIPLATE, INC. PIGGYBACKING ON GOVERNMENT CONTRACTS AT A COST OF \$40,000; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT TO MOTOROLA CORP. AND VERIPLATE FROM EXPENDITURE ACCOUNT NO.S 151-0202-569-1-6455 AND 151-0202-569-2-6455; AND PROVIDING AN EFFECTIVE DATE.

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 No. 126-07.

MOTION

Danny Jones, Assistant Chief of Police, gave a brief overview of the equipment and the benefits of the system.

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

MOTION APPROVED

1) BOARD APPOINTMENT:

Councilperson Jackson nominated Mr. Gerald Ward to serve on the Charter Review Committee.

2) DISCUSSION BY THE CITY MANAGER:

City Manager Wilkins gave an overview on a project presented by Chairperson Lowe regarding Parks and Recreation establishing a Playful City Committee. He then stated that Councilperson Thomas would be serving as liaison between the City Council and the Police Department and he the Mayor and Councilperson Thomas would be going to Washington, D.C. to explore the Crime Prevention Programs.

VIII. LEGAL DISCUSSION/REQUEST:

NONE

IX. DISCUSSION AND RECOMMENDATIONS:

Councilperson Duncombe inquired about the status of the Boys and Girls Club location.

Councilperson Thomas requested that a meeting be scheduled between the Boys and Girls Club Board of Directors and the Mayor and City Council to finalize the proposed location.

Chair pro tem Hubbard thanked staff for their hard work on finalizing the proposed budget.

X. ADJOURNMENT

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

APPROVED:


THOMAS A. MASTERS
MAYOR

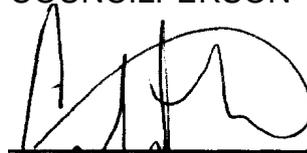

SHELBY L. LOWE
CHAIRPERSON

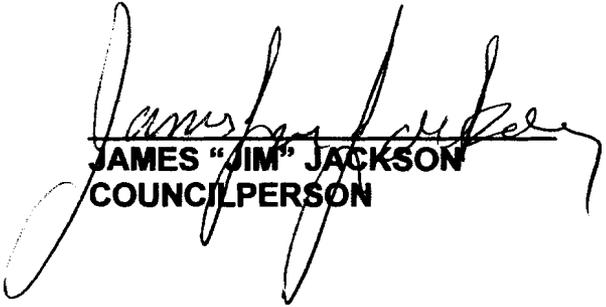
ATTEST.


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: L. Hubbard
SECONDED BY: J. Jackson

S.IOWE aye
I. HUBBARD aye
J. JACKSON aye
N. DUNCOMBE aye
C. THOMAS aye

DATE APPROVED: 09/19/2007