

CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, DECEMBER 19, 2007 AT 6:30 P.M.

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A 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.

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 City Attorney Pamala H. Ryan.

Invocation & Pledge of Allegiance

Everyone stood for a moment of silence with the Pledge of Allegiance led by City Attorney Ryan.

II. AGENDA APPROVAL

1) Additions, Deletions, Substitutions

City Manager Wilkins made the following revisions to the agenda: added Item No. 4A - presentation to Rosa Booth; added Item No. 9A - amendment to the agreement for CDBG funds; Item No. 24 - preliminary report from the Charter Review Advisory Board Meeting -- backup information provided; and deleted Item No. 12 - Resolution reference agreement with R.G. Group. He stated that it was erroneously stated by the media that the TradeMark Recycling issue would be discussed tonight. The following items were moved from the Regular Agenda to the Consent Agenda: Item No. 13 - Resolution reference radio communication service; Item No. 14 - Resolution reference the Law Enforcement Trust Fund; Item No. 16 - Resolution reference Cox and Associates; Item No. 17 - Resolution reference application to Palm Beach County; Item No. 18 - Resolution reference Jordan Jones and Goulding; Item No. 19 - Resolution reference Godspeed Construction; and Item No. 20 - Resolution reference traffic

calming project. He stated that under his discussion there would be a brief discussion on the marina director's position.

A motion was made by Councilperson Jackson and seconded by Chair pro tern Hubbard approved 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

PRESENTATION BY SHAKE-A-LEG MIAMI TO CITY COUNCIL DESCRIBING BENEFITS SHAKE-A-LEG MIAMI.

Harry Horgan, Shake-A-Leg representative, showed a presentation to the Mayor, City Council, and the audience on the Shake-A-Leg program. He continued with the history of the program and the community benefits it provides.

Gerald Ward, 31 W 20<sup>th</sup> Street, made comments reference possible locations for the program.

Larry Fauci, 1031 Singer Drive, made comments reference the benefits of the Shake-A-Leg program.

Alison Pruitt, made comments in support of the Shake-A-Leg program.

#### ITEM NO.2

PRESENTATION BY RIVIERA BEACH FIRE RESCUE TO HOLD A DRAWING TO GIVE-A-WAY BICYCLES FOR FOURTH AND FIFTH GRADE SCHOOL CHILDREN ATTENDING ELEMENTARY SCHOOLS IN THE CITY OF RIVIERA BEACH THAT PARTICIPATED IN THE HOLIDAY FIRE SAFETY CONTEST.

Troy Perry, Fire Chief, stated a contest was sponsored by Fire Rescue for elementary schools located within the city. He stated that two bicycles would be given to each elementary school and that the bicycles would be delivered to the winners of the drawing. The winners were R. J. Hendley Christian School Tarik Walker & Nigel Sweeney; Washington Elementary Evin Jones, Jr. and Marcus Harris; West Riviera Elementary Ainsley Gayle and Anthony Ferguson; Lincoln Elementary Fiando Touissant and Ebony Bowick; Mary Mcleod Bethune Elementary Armani Caldwell and Shanelle Fields; and Noah's Ark Javion Foster and Bennisha Black.

ITEM NO.3

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2007.

Doretha Perry, Human Resources Director, presented the following new employees for the month of October and November: Lloyd Wallace (Public Works); Patrick Pierre-Aime (Utility District); Elgin Mason (Public Works); Brandon Bines (Police); John Vandelin (Police); Brandon Russo (Police); Gwen Meyer (Police); John Hanslip (Police); Andrew Burke (Parks and Recreation); and Marian Dozier (City Manager's Office).

At this time Councilperson Jackson acknowledged former Councilperson David Schnyer.

Chairperson Lowe acknowledged former Councilpersons William Burrs, Sylvia Blue, Judy Davis, and Cinthia Becton.

ITEM NO.4

PRESENTATION BY SIMONE DAVIDSON, CITY CLERK'S OFFICE CONCERNING FLORIDA CITY GOVERNMENT CELEBRATION.

Simone Davidson, Records Management Specialist, gave a presentation of the informational activities provided by herself and members of various city departments to the students of elementary, middle, and high schools located within the city during the week of November 13<sup>th</sup> in recognition of Florida City Government Celebration. A slide show presentation showing the various activities was displayed.

PRESENTATION BY MAYOR MASTERS TO ROSA TYSON BOOTH IN RECOGNITION OF HER 100<sup>TH</sup> BIRTHDAY

**ITEM ADDED TO AGENDA**

Mayor Masters presented Ms. Rosa Tyson Booth with a proclamation and a key to the city in recognition of her 100<sup>th</sup> birthday. Margaret Shepherd and Vivian Havener presented Ms. Booth with a bouquet of flowers.

Ms. Booth expressed words of appreciation.

- 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.*

Mary Brabham, 1564 W 9<sup>th</sup> Street, made comments reference the Town Hall Meeting held on December 14<sup>th</sup>. She also made comments reference a proposed project by the Port of Palm Beach to expand SR 710 to six lanes.

Bonnie Larson, W 27<sup>th</sup> Street, made comments reference changes to the agenda being posted on the website. She also made comments reference businesses along the beach utilizing the municipal parking lot.

David Schnyer, 41 Fennell Street, New York, encouraged the elected officials as well as all citizens of the city to work together in an effort to move the city forward.

Sylvia Blue, 1516 Broadway, encouraged community involvement by all who live within the City of Riviera Beach.

Tony Gigliotti, 1281 N Ocean Drive, presented the work product of the Public Coalition whom he stated supported and worked hard for the newly elected officials.

Margaret Shepherd, 2003 W 17<sup>th</sup> Ct #104, expressed words of appreciation to the elected officials and city staff that made the Library's holiday celebration a success for the children.

Nora Mahoney, 2120 Broadway, made comments reference the lack of holiday decorations throughout the city. She also made comments reference televising the Planning and Zoning Meetings and the length of the agenda.

Mike Mahoney, 2120 Broadway, made comments reference the lack of holiday decorations throughout the city. He made comments reference a few buildings located on the corner of Avenue E and 20<sup>th</sup> Street that needed to be torn down or refurbished.

Gerald Ward, 31 W 20<sup>th</sup> Street, made comments reference actions taken by the Waterfront Advisory Board.

Fane Lozman, Riviera Beach Marina, read an article from the New Times derived from a script from the Closed Executive Session held June 28, 2006.

Angela Wynn, W 35<sup>th</sup> Street, made comments reference a letter provided to the City Council regarding the Down Low Pub. She also made comments reference the lack of Christmas decorations throughout the city.

Pete Mason, 855 W 13<sup>th</sup> Court, made comments reference a conversation he had with the senior vice president of the Marriott Corporation and their interest in the Ocean Mall project.

V. CONSENT AGENDA:

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

1) MINUTES:

ITEM NO.5

MINUTES OF THE AGENDA REVIEW HELD NOVEMBER 5, 2007.

ITEM NO.6

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON NOVEMBER 28, 2007.

RESOLUTIONS:

ITEM NO.7

RESOLUTION NO. **179-07** 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 WITH PALM BEACH COUNTY TO ACCEPT VOUCHERS FROM THE COUNTY'S DROWNING PREVENTION COALITION PROGRAM FOR REDEMPTION FOR PAYMENT OF SWIMMING LESSON PROVIDED BY PARKS AND RECREATION DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.8

RESOLUTION NO. **180-07** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF ONE (1) 2008 ADMINISTRATION CROWN VICTORIA, ONE (1) 2008 FORD EXPLORER 4X2, AND ONE (1) 2008 FORD FOCUS FROM DUVAL FORD OF JACKSONVILLE, FLORIDA; IN THE AMOUNT OF \$50,118, FROM PIGGY-BACKING THE SHERIFFS' ASSOCIATION OF COUNTIES PURCHASING CONTRACT NO. 07-15-0827; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO PAY \$50, 118 TO DUVAL FORD FROM THE FOLLOWING CAPITAL MOTOR VEHICLES

ACCOUNT NUMBERS FOR EACH DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.9

RESOLUTION NO. 181-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN APPLICATION FROM ROBIN CZAJKOWSKI, OWNER OF THE DOWN LOW PUB FOR A SIX (6) MONTHS EXTENDED HOURS LICENSE WITH CONDITIONS FOR PROPERTY LOCATED AT 237 EAST BLUE HERON BOULEVARD; AND PROVIDING AN EFFECTIVE DATE \_ \_ \_

**ADDED FOR DISCUSSION**

City Clerk Ward 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. 181-07.

MOTION

Mary McKinney, Community Development Director, stated the following conditions were put in place for approval of the applicant's request: security must be provided at owner's expense; no vehicle or motorcycle parking at the rear of the property at anytime; all motorcycles leaving establishment after 12:00 a.m. are prohibited from using E 25<sup>th</sup> Street; all parking areas must be clear of any debris resulting from the operation of the business; and after a six month review, the applicant's request would be considered for an additional extension contingent upon approval by the City Council.

City Manager Wilkins stated that correspondence received from Mr. Dingeldein was provided to the Mayor and City Council.

Robert Dingeldein, 186 E Blue Heron Blvd, stated that he was offended that there was no mention of 46 apartments where families lived within 70 feet of the pub. He stated that noise was usually minimal as the night progressed and any rewing of the engine by a motor vehicle or motorcycle would disturb the sleep of the residents. He stated that a request was previously submitted by the Inlet Lounge who later relinquished their extension because of the problems that occurred.

Andrew Foss, 200 E 13<sup>th</sup> Street, stated that the business was moved from the east side of the bridge to obtain a larger establishment to expand business. He stated that the submittal of the request was his idea and that he preferred to close at 2:00 a.m. but he wanted the option to **stay** open until 5:00 a.m. He stated that as a result of the airing of the December 5<sup>th</sup> City Council Meeting, new business was generated.

Bonnie Larson, W 27<sup>th</sup> Street, stated that requests for extension of business hours should be treated the same. She also stated that the city was working against itself by granting businesses to be opened until 5:00 a.m.

Michael Czajkowski, 320 Wilma Circle, stated he sympathized with the residents reference the noise issue because there was an operating marina located behind his residence. He stated that as the business owner along with his wife and Mr. Foss, they did not want to inconvenience anyone and if a noise issue arises he would end the probation period, he just wanted chance.

Councilperson Thomas inquired as to who would be monitoring the compliance of the conditions put in place.

City Manager Wilkins stated that enforcement of rules and regulations was the responsibility of the corresponding department. Compliance would be based upon the number of complaints logged against businesses so that staff could provide proper documentation if there was a need to request revocation of any extended license.

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

MOTION APPROVED

ITEM NO. 9A

RESOLUTION NO. 194-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 001 TO THE AGREEMENT FOR CDBG FUNDS BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR EXTENDING THE COMPLETION DATE FOR WEST 32<sup>ND</sup> STREET PROJECT. **ITEM ADDED TO**

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by Councilperson Thomas 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 motion was approved with Councilperson Jackson dissenting.

MOTION APPROVED

VI. PUBLIC HEARINGS:

1) ORDINANCES ON FIRST READING:

NONE

2) ORDINANCES ON SECOND READING:

ITEM NO. 10

ORDINANCE NO. 3034 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 SUPPLEMENTAL 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.

City Clerk Ward read the aforementioned Ordinance into the record and stated that it was advertised in the December 9, 2007 edition of the Palm Beach Post.

Bessie Brown, 391 W 35<sup>th</sup> Street, read a letter into the record from Patti Dunbar who was unable to attend due to health reasons and stated that a copy was provided to the Mayor and City Council.

A motion was made by Councilperson Thomas and seconded by Councilperson Jackson to adopt Ordinance No. 3034.

MOTION

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

MOTION APPROVED

ITEM NO. 11

ORDINANCE NO. 3035 OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE INLET HARBOR CITY OF RIVIERA BEACH REDEVELOPMENT PLAN MODIFICATION 2001 FINDING THAT THE PLAN CONFORMS TO SECTIONS 163.360, 163.361, 163.362, AND 166.041, FLORIDA STATUTES; DIRECTING THAT THE PLAN BE CARRIED OUT IN ACCORDANCE WITH ITS TERMS; PROVIDING FOR SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record and stated that it was advertised in the December 9, 2007 edition of the Palm Beach Post.

Mary McKinney, Community Development Director, stated that this was to accommodate the proposed development for the Ocean Mall site which consisted of approximately 60,000 square feet of restaurant and retail stores. She stated that the amendment to the plan was approved at the December 5<sup>th</sup> City Council Meeting.

Larry Smith, Esq., representing OMRD, submitted an evidence packet to be included in the record. He proceeded to state the exhibits contained in the evidence packet.

Gerald Ward, 3930 N Ocean Blvd., made comments reference the support information provided for the proposed ordinance.

City Attorney Ryan stated that the evidence packets included Exhibits 1 through 7. She stated that it was noted that Exhibits 8 through 10 were included but they were not included in the packet.

Attorney Smith clarified that that the final exhibits that Ms. Ryan mentioned be incorporated by reference which were staff's file for the CRA and the City along with the transcripts. He stated that a court reporter was present and has been present for the various meetings that started in June of 2007. He continued stating that the transcripts would be part of the record for this hearing should anybody need to review them.

City Attorney Ryan stated that she just wanted to clarify for the record that those items were not included as indicated on the exhibit list.

Tony Gigliotti, 1281 N Ocean Drive, stated that the City was at the end of the journey for this particular part of the Ocean Mall plan. He stated that it was time to finalize the process and learn from the process so that when the city proceeded to the next level of whatever it was going to do, the time frame would be truncated.

City Attorney Ryan recommended that the items presented be received into evidence.

Chairperson Lowe received the items into evidence and called for a motion.

A motion was made by Councilperson Jackson and seconded by Chair pro tem Hubbard to adopt Ordinance No. 3035.

MOTION

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

MOTION APPROVED

Ethel Williams, Esq., representing OMRD, thanked the City Council for their efforts in moving the project forward.

VII. REGULAR:

ITEM NO. 12

RESOLUTION NO. 182-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH R.G. GROUP, INC. d/b/a TIKI WATERFRONT SEA GRILL TO OPERATE A RESTAURANT FROM THE CITY OR RIVIERA BEACH MUNICIPAL MARINA; AND PROVIDING AN EFFECTIVE DATE. - -

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ITEM NO. 13

RESOLUTION NO. 183-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE COUNTYWIDE 800 MHZ SYSTEM - TEMPORARY ACCESS AGREEMENT FOR RADIO COMMUNICATION SERVICE FROM FEBRUARY 21, 2008 TO FEBRUARY 21, 2009, WITH THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, AUTHORIZING PAYMENT IN THE AMOUNT OF \$383,056 TO PALM BEACH COUNTY FOR TEMPORARY RADIO ACCESS; AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN SAID AGREEMENT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO.S 001-0817-521-0-4101 IN THE AMOUNT OF \$69,960 AND 308-00-39999 IN THE AMOUNT OF \$163,096 AND ESTABLISH THE NECESSARY ACCOUNT AND BUDGET SO THAT PAYMENT IS MADE FROM STATE APPROVED \$12.50 FUNDS IN THE AMOUNT OF \$150,000; AND PROVIDING AN EFFECTIVE DATE. **ITEM APPROVED UNDER CONSENT AGENDA**

ITEM NO. 14

RESOLUTION NO. 184-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING EXPENDITURE OF \$154,146 TO PAY FOR NON-BUDGETED ITEMS AS RECOMMENDED FROM THE LAW ENFORCEMENT TRUST FUND ACCOUNT FUND NUMBER 150-00-271-002 IN THE AMOUNT OF \$154,146; AND PROVIDING AN EFFECTIVE DATE. **ITEM APPROVED UNDER CONSENT AGENDA**

**CONSENT AGENDA**

ITEM NO. 15

RESOLUTION NO. 185-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 154-07 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES

CONTRACT WITH THE LOW RESPONSIBLE BIDDER, CARRICK CONTRACTING CORPORATION OF LAKE PARK, FLORIDA FOR IMPROVEMENTS TO GEORGE STREET PARK IN THE AMOUNT OF \$507,500; AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET IN THE AMOUNT OF \$548,100 FROM THE CAPITAL ACQUISITION FUND (310) TO FINANCE DESIRED IMPROVEMENTS AND PROVIDE FOR AN 8% PROJECT CONTINGENCY; 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. 185-07.

MOTION

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

MOTION APPROVED

ITEM NO. 16

RESOLUTION NO. 186-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE PROPOSAL FROM THE ARCHITECTURAL FIRM OF COX & ASSOCIATES OF DELRAY BEACH, FLORIDA TO PROVIDE CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE GEORGE STREET PARK IMPROVEMENT PROJECT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED PROFESSIONAL SERVICES CONTRACT FOR SAME; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO ESTABLISH A BUDGET IN THE AMOUNT OF \$18,700 FROM THE CAPITAL ACQUISITION FUND (310) TO MAKE PAYMENT FOR THE NEEDED SERVICES; AND PROVIDING AN EFFECTIVE DATE. - -

**APPROVED UNDER CONSENT AGENDA**

ITEM NO. 17

RESOLUTION NO. 187-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT, ON BEHALF OF THE CITY OF RIVIERA BEACH, AN APPLICATION TO PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ROADWAY RECONSTRUCTION IN THE AMOUNT OF \$240,000 FOR FISCAL YEAR 2008-09.

**APPROVED UNDER CONSENT AGENDA**

ITEM NO. 18

RESOLUTION NO. 188-07 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 PERFORM PROFESSIONAL CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES RELATED TO RECONSTRUCTION OF WEST 32<sup>ND</sup>

STREET PROJECT IN AN AMOUNT NOT TO EXCEED \$61,200; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE FUNDS; MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 301-0716-5412-3104; AND PROVIDING AN EFFECTIVE DATE. **ITEM APPROVED UNDER**  
**CONSENT AGENDA**

ITEM NO. 19

RESOLUTION NO. 189-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID FOR THE RENOVATIONS AND MODIFICATIONS OF THE JIMERSON BUILDING TO GODSPEED CONSTRUCTION IN THE AMOUNT OF \$42,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE FUNDS; MAKE PAYMENT FOR SAME; AND PROVIDING AN EFFECTIVE DATE. **ITEM APPROVED UNDER**  
**CONSENT AGENDA**

ITEM NO. 20

RESOLUTION NO. 190-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO SECURE BIDS FOR THE IMPLEMENTATION OF PHASE III OF TRAFFIC CALMING PROJECT; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO TRANSFER FUNDS TO THE APPROPRIATE ACCOUNTS RELATED TO THIS PROJECT IN THE CAPITAL ACQUISITION FUND; AND PROVIDING AN EFFECTIVE DATE. **ITEM APPROVED UNDER**  
**CONSENT AGENDA**

ITEM NO. 21

RESOLUTION NO. 191-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO REDUCE THE UTILITY ACCOUNTS RECEIVABLE BALANCE AND THE ALLOWANCE FOR BAD DEBTS BY THE AMOUNT OF \$91,351.56; 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 Chair pro tem Hubbard to approve Resolution No. 191-07.

MOTION

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

MOTION APPROVED

ITEM NO. 22

RESOLUTION NO. 192-07 A RESOLUTION 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 IMPROVEMENT PLAN FOR FISCAL YEAR 2008 THROUGH 2012, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; 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 Chair pro tem Hubbard to approve Resolution No. 192-07.

MOTION

Gerald Ward, 31 W 20<sup>th</sup> Street, made comments reference the backup information provided.

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

MOTION APPROVED

ITEM NO. 23

RESOLUTION NO. 193-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING THE CITY COUNCIL TO APPROVE THE ATTACHED TECHNICAL AMENDMENTS TO THE 2006-2007 BUDGET; 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. 193-07.

MOTION

Fane Lozman, Riviera Beach Marina, made comments reference the backup information provided.

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

MOTION APPROVED

ITEM NO. 24

CITY OF RIVIERA BEACH CHARTER REVIEW ADVISORY BOARD'S PRELIMINARY REPORT.

There was a consensus of the City Council to accept the preliminary report submitted by the Charter Review Advisory Board and schedule a workshop for January 23<sup>rd</sup> at 6:30 p.m.

City Clerk Ward stated that if the workshop was scheduled during the latter part of January, the changes would not be on the ballot for the March Election.

1) BOARD APPOINTMENT:

ITEM NO. 25

REQUEST CITY COUNCIL TO REAPPOINT/APPOINT ONE (1) MEMBER TO SERVE ON THE GENERAL EMPLOYEES PENSION BOARD FOR THREE (3) YEARS THROUGH NOVEMBER, 2010.

City Manager Wilkins stated that Mayor Masters was appointing Kemaa lies to the board and a résumé was provided.

Rev. William Burrs, 1500 W 30<sup>th</sup> Street, made comments reference retiree representation on the board. He also made comments reference a conversation he had with the mayor regarding appointing Bessie Brown to the board.

Councilperson Thomas stated that he agreed that a retiree should be appointed although this was not a City Council appointment.

Chair pro tem Hubbard stated that she agreed that retirees should be represented on the pension board. She also inquired as to how an ordinance could be composed reference the structure of the General Employees Pension Board to designate two representatives as retirees.

Mayor Masters stated that he advised Rev. Burrs that he would take the recommendation of Bessie Brown into consideration. He also stated that Mrs. Perry did not make any comments reference appointments to the board.

Councilperson Duncombe requested that the item be pulled.

Doretha Perry, Human Resources, stated that if the appointment was not ratified then the current sitting member would remain on the board until they were replaced.

Chairperson Lowe stated that the appointment was made by the mayor and that the council should vote to approve, deny, or table the item.

**Mayor Masters** withdrew the appointment of Kemaa lies.

**ITEM NO. 26**

**REQUEST CITY COUNCIL TO APPOINT TWO (2) NEW MEMBERS TO THE PLANNING AND ZONING BOARD.**

A motion was made by **Chair pro tem Hubbard** and seconded by **Councilperson Jackson** to move Artice Cobb from alternate member to regular board member in place of Fernando deSousa.

**MOTION**

**Gerald Ward, 31 W 20<sup>th</sup> Street**, made comments reference the need for younger adults to be appointed to boards as well as the need for geographic diversity.

Councilperson **Thomas** requested that staff research what needs to take place to ensure that each district was represented on the board.

**City Manager Wilkins** stated that the appointments were for three years. The reason for the number of representatives from each district had to do with when the individual was appointed. He stated that districts were included on the list to determine which district individuals lived in and that district at large representation was by a resident living anywhere within the city. He stated that the effort should be focused upon appointing the most qualified individual while keeping geographic diversity in mind.

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

**MOTION APPROVED**

A motion was made by Councilperson **Jackson** and seconded by **Councilperson Thomas** to appoint John Clayton as a regular member to the Planning and Zoning Board.

**MOTION**

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

**MOTION APPROVED**

A motion was made by **Chair pro tem Hubbard** and seconded by Councilperson **Jackson** appointing Pediedra James as first alternate to the Planning and Zoning Board.

**MOTION**

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 appoint Esmerilda Dain as the second alternate to the Planning and Zoning Board.

**MOTION**

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

**MOTION APPROVED**

**ITEM NO. 27**

**REQUEST CITY COUNCIL TO APPOINT ONE (1) NEW MEMBER TO THE ZONING BOARD OF ADJUSTMENT.**

A motion was made by **Councilperson Duncombe** and seconded by **Councilperson Jackson** to reappoint Elizabeth Robinson to the Zoning Board of Adjustment.

**MOTION**

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

**MOTION FAILED**

A motion was made by **Chair pro tern Hubbard** and seconded by **Councilperson Thomas** to move Stuart Cunningham and Donald Lanman to regular appointment on the Zoning Board of Adjustments and appoint two alternates.

**MOTION**

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

**MOTION APPROVED**

**Mary McKinney, Community Development Director**, stated that there was only one regular board member position vacant.

A motion was made by and **Councilperson Thomas** seconded by **Chair pro tern Hubbard** to move Donald Lanman to first alternate on the Zoning Board of Adjustment.

**MOTION**

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

**MOTION APPROVED**

**Chairperson Lowe** nominated Fred Jolowski as the second alternate to the Zoning Board of Adjustment.

A motion was made by Chair pro tem Hubbard and seconded by Councilperson Thomas to appoint Fred Jolowski as the second alternate to the Zoning Board of Adjustment.

MOTION

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

MOTION APPROVED

2) DISCUSSION BY THE CITY MANAGER:

City Manager Wilkins stated that the individual that he selected as the marina director declined. He stated that six individuals were interviewed but the other candidates did not meet the qualifications to his satisfaction. He stated that the position would be advertised again with the process taking approximately 90 days. He also stated that the employment of the interim marina director would be terminated effective January 1, 2008 and that an interim director would be appointed next week.

Fane Lozman, Riviera Beach Marina, made comments reference the selection process for the marina director.

Chair pro tem Hubbard inquired about the workshops for the State Road 710 project.

City Manager Wilkins stated that as a result of some of the preliminary findings by the Treasure Coast being reported to the Metropolitan Planning Organization, the Florida Department of Transportation was directed to cease the early acquisition program for State Road 710 for a period of 90 days. He stated that it was reported to Treasure Coast that the city's position regarding SR 710 had not changed and that a determination had not been made by the City Council to change the plan; it would be subject to additional review and analysis of the data presented by the consultant to the Treasure Coast. He stated that staff was waiting on the preliminary report from Treasure Coast which would include the findings and at that time public workshops and hearings would be scheduled.

City Manager Wilkins stated that staff would review the data as well as have a transportation consultant review the data so that a complete and comprehensive recommendation to make to the City Council.

VIII. LEGAL DISCUSSION/REQUEST:

City Attorney Ryan requested a closed executive session in the matter of Darden vs. City of Riviera Beach. She stated that there was a settlement in which outside counsel wanted to address prior to the final hearing scheduled for January 3<sup>rd</sup>.

There was a consensus of the City Council to schedule a Closed Executive Session for December 27<sup>th</sup> at 11 a.m.

IX. DISCUSSION AND RECOMMENDATIONS:

Councilperson Duncombe stated that there was an advertisement in the newspaper for the hurricane housing program and requested that it be posted on Channel 18.

City Manager Wilkins stated that the information would be posted and that a representative would be present at the January 2<sup>nd</sup> City Council Meeting to make a presentation.

Councilperson Duncombe made comments reference law enforcement presence at the public meeting held December 14<sup>th</sup>. She also made comments reference a letter being sent to the Palm Beach County School Board addressing the issue of an additional high school being placed within the city. She also made comments reference residents addressing her regarding the necessity to have a vote on whether or not she could speak during a past City Council Meeting. She stated that she felt that the chairperson as well as the chair pro tem overstepped their positions in terms of how they operate with members of the board.

A motion was made by Councilperson Duncombe and seconded by Councilperson Jackson to remove Chairperson Lowe and Chair pro tem Hubbard from their position.

MOTION

Councilperson Thomas inquired as to the appropriateness of this action.

City Attorney Ryan stated that a motion could be made at any time, but it should be handled separately since it involved two separate positions.

Councilperson Thomas stated that he felt that these actions were inappropriate and that if it was going to be done it should be placed on the agenda for discussion.

Chair pro tem Hubbard stated that it was the responsibility of the chairperson to maintain order within the meeting and that every effort was made to do so. She stated that she felt that if documentation was gathered, Councilperson Duncombe's claims would be unsubstantiated.

Mayor Masters stated that there were complaints, whether from the public or elected officials about how a meeting was conducted by the chairperson but never was there a call to remove the chairperson and chair pro tem.

There was a consensus of the City Council to take a recess at this time.

Chairperson Lowe reconvened the meeting.

Fane Lozman, Riviera Beach Marina, made comments against the changing the chairperson and chair pro tem.

Mike Mahoney, made comments against changing the chairperson and chair pro tem.

Chairperson Lowe made comments regarding his actions in trying to maintain order within the meetings. He stated that Robert's Rule of Order provides a layout of how meetings should be conducted and the number of times as well as the time limit each board member should be given to speak. He also made comments in defense of his actions at the December 5<sup>th</sup> City Council Meeting in which Councilperson Duncombe spoke out of turn. He stated that he was not coveting the position and that serving as the chairperson was an added responsibility which he accepted as the result of a vote taken at the April 4<sup>th</sup> meeting and that he felt that this action was personal.

The discussion continued amongst the City Council.

Councilperson Jackson withdrew his second of the motion.

MOTION WITHDRAWN

Councilperson Thomas requested that a public meeting be scheduled with the representatives from the Department of Transportation to provide comprehensive information on the SR 710 project. He also stated that although Treasure Coast was hired to work on behalf of the city, he wanted the city engineer to be involved. He also requested that information be disbursed to the residents living in the 1500 to 1700 block of Martin Luther King, Jr. Boulevard so that they could have an understanding of what was going on.

Councilperson Thomas also made comments reference the ability to pay your water bill online.

Mayor Masters announced that a relationship had been arranged with Local 630 as it related to an apprenticeship program for those individuals interested in plumbing, air conditioning, pipe fitting, electrical, and other trades. He also announced that Judy Davis was working in conjunction with the mayor's office as a veteran's coordinator to ensure that veterans returning to Riviera Beach would receive job placement as well as housing and educational benefits. He continued with comments reference the effectiveness of the youth protection ordinance and the petition drive regarding the exposure of undergarments. He also announced that job placement workshops were being held on Thursdays at

12 noon at the Mayor's Access Community Office located on the corner of 17<sup>th</sup> Street and Avenue E.

Chair pro tern Hubbard made comments reference a statement made by a member of the public earlier regarding campaign support by the Public Beach Coalition.

Chairperson Lowe stated that he puts forth every effort to treat everyone with respect and that it was not his intent to humiliate anyone but only to move a meeting along. He stated that the honor of serving the community is compromised when individuals lie on him and try to hold things over his head in an effort to move him in one direction or the other. He read a letter into the record reference the George Snow Scholarship fund available to residents

X. ADJOURNMENT

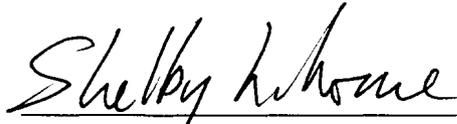
There being no further business, the meeting was duly adjourned at 10:30 p.m.

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

APPROVED:



**THOMAS A. MASTERS**  
MAYOR



**SHELBY L. LOWE**  
CHAIRPERSON

ATTEST:



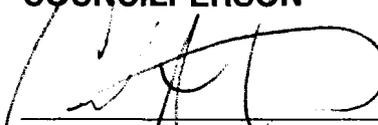
**CARRIE E. WARD**  
MASTER MUNICIPAL CLERK  
CITY CLERK



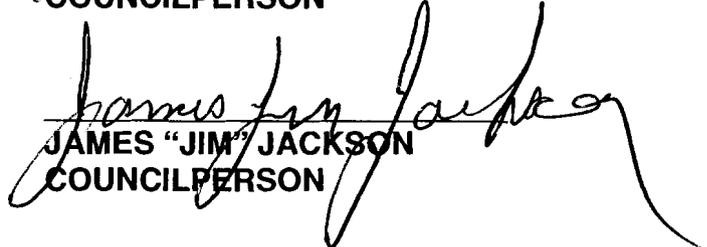
**LYNNE L. HUBBARD**  
CHAIR PRO TEM



**NORMA DUNCOMBE**  
COUNCILPERSON



**CEDRICK THOMAS**  
COUNCILPERSON



**JAMES "JIM" JACKSON**  
COUNCILPERSON

MOTIONED BY: L. Hubbard

SECONDED BY: C. Thomas

S. LOWE aye

L. HUBBARD aye

J. JACKSON aye

N. DUNCOMBE aye

C. THOMAS aye

DATE APPROVED: 02106/08