

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JUNE 7, 2006 AT 7:30 P.M.

1. CITY CLERK CALLS TO ORDER:

Roll Call

Chairperson lies was present and presided. Upon roll call by Deputy City Clerk Robinson, the following were present: Council Chair Ann lies, Chair Pro Tem Vanessa Lee, Councilperson Norma Duncombe, Councilperson Elizabeth "Liz" Wade, and Councilperson James "Jim" Jackson. Also present were City Manager William E. Wilkins, Deputy City Clerk Claudene Robinson, and City Attorney Parnala Hanna Ryan.

Mayor Brown was absent.

Invocation & Pledge of Allegiance

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

2. ADDITIONS, DELETIONS AND SUBSTITUTIONS

City Manager Wilkins made the following revisions to the agenda: added presentation from the After School Alliance; and deleted Item No. 13G - Resolution regarding Barracuda Bay. Additional backup provided for Item No. 8D - Resolution regarding retaining Bernard Kinsey; and Item No. 131 - discussion on the Jerry Thomas Bridge.

3. ADOPTION OF THE AGENDA

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

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

MOTION

4. UNFINISHED BUSINESS

NONE

5. AWARDS AND PRESENTATIONS

A. PRESENTATION OF THE "PAY TO SPAY" PROGRAM TO ENCOURAGE RESPONSIBLE PET OWNERSHIP AND REDUCE THE NUMBER OF ABANDONED AND STRAY ANIMALS IN THE CITY OF RIVIERA BEACH.

A presentation was made by Frank Valente of the Peggy Adams Animal Rescue League.

B. PRESENTATION BY THE AFTERSCHOOL ALLIANCE

Bennie Drain, AfterSchool Alliance, stated that the presentation made by DeJuan in Washington D.C. was done in front of representatives from 46 states including representatives from Korea. DeJuan Driver, student at Roosevelt Middle School, and a participant in the Afterschool Alliance proceeded with presentation.

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

David Cross, 1030 Sugar Sands Boulevard, made comments regarding the condition of the esthetics of the beach and the quarterly newsletter.

Fane Losman, 200 E. 13th Street, made comments regarding the legality of the May 10th Special City Council and announced that he along with Virginia Merchant filed a lawsuit against the City of Riviera Beach, Mayor Brown, and the members of the City Council.

Bonnie Larson, 25 W 27th Street, made comments regarding the condition of the property located 42 W 27th Street. She also made comments regarding lighting in the parking lot and the availability of the agenda on the website.

Tina White, 808 1st Street, made comments regarding the fees paid by the citizens for Waste Management's Solid Waste Collection.

Gerald Ward, 31 W 20th Street, announced that the Planning & Zoning Board would be meeting on Thursday and one item of discussion would be a proposed revision for the MEAHOP. He made comments regarding the EAR meeting to be held on Wednesday at 3 p.m. for the comprehensive plan. He also announced that the Florida Fish and Wildlife Conservation Commission were holding two days of sessions and that some of the decisions made would be of benefit to the City.

Dennis Widlansky, 1206 Coral Way, made comments regarding the maintenance of the easement on the side of the Martinique Condominiums.

Rodney Roberts, 1581 W 14th Street, made comments regarding actions of the City Council.

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.

7. MINUTES

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON MAY 17, 2006.

8. RESOLUTIONS:

- A. RESOLUTION NO. 63-06 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 LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RECEIVING FUNDS FOR INSTALLATION OF LANDSCAPING AND IRRIGATION ON OLD DIXIE HIGHWAY IN THE AMOUNT OF \$500,000 WITH \$250,000 MATCH FROM THE CITY FOR A TOTAL OF \$750,000; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET; AND PROVIDING AN EFFECTIVE DATE.
- B. RESOLUTION NO. 64-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A REQUEST TO PALM BEACH COUNTY COMMISSIONER ADDIE L. GREENE FOR DISCRETIONARY FUNDS FOR INSTALLING DECORATIVE STREET LIGHTS ON WEST 32ND STREET BETWEEN AVENUE "H" EAST AND WEST 31ST STREET IN THE AMOUNT OF \$94,000; AND PROVIDING AN EFFECTIVE DATE.
- C. RESOLUTION NO. 65-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$50,000 FROM PAVING AND DRAINAGE CONTINGENCY ACCOUNT TO THE PAVING AND

DRAINAGE PROFESSIONAL SERVICES ACCOUNT NO. 301-0716-541-2-3104 TO PAY FOR SURVEY AND DESIGN OF WEST 32ND STREET BETWEEN AVENUE "O" AND AVENUE "R" FOR THE NORTHWEST NEIGHBORHOOD STRATEGY AREA PHASE VIII ROADWAY RECONSTRUCTION PROJECT; AND PROVIDING AN EFFECTIVE DATE.

- D. RESOLUTION NO. 66-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE ENGAGEMENT OF BERNARD KINSEY AS LEAD NEGOTIATOR FOR THE CITY IN THE DEVELOPMENT OF THE CRA MASTER DEVELOPER AND OCEAN MALL DEVELOPMENT AGREEMENTS.

ITEM PULLED FOR DISCUSSION

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

A motion was made by Chair pro tem Lee and seconded by Councilperson Duncombe to approve Resolution No. 66-06.

MOTION

At the request of the City Council, City Manager Wilkins read the revisions made to the agreement: Section 15 of the agreement - Mr. Kinsey requested that the language previously submitted by the city attorney as the standard language be deleted and replaced with the language he provided, and the address for the business was changed to the physical address of the business.

Tina White, 808 1st Street, made comments regarding statements made by the City Council at the Agenda Review regarding the proposed contract.

Bonnie Larson, 25 W 27th Street, made comments against the proposed contract.

Dennis Widlansky, 1206 Coral Way, made comments against the proposed contract.

Margaret Shepherd, 2003 W 17th Court #104, made comments against the proposed contract.

Jesse Pinkney, 1417 W 23rd Street, made comments against the proposed contract.

Gerald Ward, 31 W 20th Street, made comments against the proposed contract.

Judy Davis, 341 W 22nd Street, made comments against the proposed contract.

Commissioner Addie Greene, 1617 Boardman Avenue, made comments regarding development in Palm Beach County especially within Riviera Beach.

Discussion ensued amongst Council regarding the contract.

Chairperson lies requested that there be two separate signature pages for the agreement.

Upon a roll call vote by Deputy City Clerk Robinson, the motion was approved with Councilpersons lies and Wade dissenting.

MOTION APPROVED

END OF CONSENT AGENDA

A motion was made by **Councilperson Wade** and seconded by **Chair pro tern Lee** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

9. PETITIONS AND COMMUNICATIONS FOR FILING

NONE

10. PUBLIC HEARINGS:

NONE

11. ORDINANCES ON SECOND READING

- A. ORDINANCE NO. 3007 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM INDUSTRIAL TO UTILITY DESIGNATION FOR 6.0 ACRES LOCATED AT 100 BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

Deputy City Clerk Robinson read the aforementioned Ordinance into the record and announced that it was published in the May 21, 2006 edition of the Palm Beach Post.

A motion was made by Councilperson Duncombe and seconded by Councilperson Jackson to adopt Ordinance No. 3007.

MOTION

Gerald Ward, 31 W 20th Street, made comments regarding the proposed ordinance as it relates to the comprehensive plan.

Upon a roll call by Deputy City Clerk Robinson, the motion was approved with Chair pro tem Lee out.

MOTION APPROVED

- B. ORDINANCE NO. 3008 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF RIVIERA BEACH FROM TRANSITIONAL LIMITED INDUSTRIAL TO UTILITY CLASSIFICATION FOR 6.0 ACRES LOCATED AT 100 BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned Ordinance into the record and announced that it was published in the May 21, 2006 edition of the Palm Beach Post.

A motion was made by Councilperson Duncombe and seconded by Councilperson Jackson to adopt Ordinance No. 3008.

MOTION

Gerald Ward, 31 W 20th Street, made comments regarding the proposed ordinance.

A presentation was made by representatives from Florida Power & Light.

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

MOTION APPROVED

12. ORDINANCES ON FIRST READING

- A. ORDINANCE NO. 3009 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12 ENTITLED, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH TO CREATE A NEW ARTICLE III, TO BE ENTITLED "SEXUAL OFFENDER RESIDENCY PROHIBITION"; PROVIDING A RESIDENTIAL RESTRICTION OF 2,500 FEET FOR SEXUAL OFFENDERS FOR LIMITED LOCATIONS BY CREATING NEW SECTIONS TO BE ENTITLED, "FINDINGS

AND INTENT"; "DEFINITIONS"; "PROHIBITIONS AND EXCEPTIONS; PENALTIES"; "RENTAL OF REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND PREDATORS PROHIBITED"; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned Ordinance into the record.

A motion was made by Chair pro tem Lee and seconded by Councilperson Duncombe to approve Ordinance No. 3009 on First Reading.

MOTION

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

MOTION APPROVED

13. REGULAR

- A. RESOLUTION NO. 67-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF RIVIERA BEACH PURCHASING DEPARTMENT TO PARTICIPATE IN THE CO-OP OF PALM BEACH COUNTY, SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING CO-OP; AND US COMMUNITIES PURCHASING ALLIANCE FOR THE PURCHASE OF VARIOUS ANNUAL OPERATING SUPPLIES AND EQUIPMENT FOR FISCAL YEARS 2006-2008; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Chair pro tem Lee and seconded by Councilperson Wade to approve Resolution No. 67-06.

MOTION

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

MOTION APPROVED

- B. RESOLUTION NO. 68-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION SUBMITTED BY FLORIDA POWER & LIGHT COMPANY FOR A UTILITY SUBSTATION TO BE LOCATED ON 6.0 ACRES AT 100 BROADWAY; PROVIDING SPECIFIC CONDITIONS AND AN EFFECTIVE DATE.

Deputy City Clerk Robinson, read the aforementioned Resolution into the record.

A motion was made by Chair pro tem Lee and seconded by Councilperson Wade to approve Resolution No. 68-06.

MOTION

Ethel Williams, 2655 N Ocean Drive, stated that the city requested a workshop with FP&L to address service issues within the city and other issues. She stated that FP&L was ready to participate in workshops with the city so that the issues could be addressed.

Floyd Johnson, CRA Executive Director, made comments in favor of the proposed site plan.

Gerald Ward, 31 W 20th Street, made comments regarding the inadequacies of the proposed site plan.

An amended motion was made by Chair pro tern Lee directing staff to meet with the representatives from FP&L to ensure that the city would not loose any of the taxes that it is currently receiving. Seconded by Councilperson Wade.

AMENDED MOTION

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

MOTION APPROVED

- C. RESOLUTION NO. 69-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF \$35,331 FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE FY2006 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; ALSO AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT AND THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Chair pro tern Lee and seconded by Councilperson Duncombe to approve Resolution No. 69-06.

MOTION

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

MOTION APPROVED

- D. RESOLUTION NO. 70-06 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

2 TO THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING FOR THE DAN CALLOWAY RECREATION COMPLEX - PHASE I; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Chair pro tem Lee and seconded by Councilperson Wade to approve Resolution No. 70-06.

MOTION

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

MOTION APPROVED

- E. RESOLUTION NO. 71-06 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 WATER TAXI CAPITAL FACILITIES GRANT AGREEMENT WITH THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO) IN THE AMOUNT OF \$100,000; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER A REQUIRED MATCH OF \$9,515 FROM MARINA FUND BALANCE ACCOUNT TO WATER TAXI GRANT FUND (129); AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Duncombe and seconded by Chair pro tem Lee to approve Resolution No. 71-06.

MOTION

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

MOTION APPROVED

- F. RESOLUTION NO. 72-06 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 WATER TAXI CAPITAL FACILITIES GRANT AGREEMENT WITH THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO) IN THE AMOUNT OF \$96,910; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

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