

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JULY 19, 2006 AT 7:30 P.M.

1. CITY CLERK CALLS TO ORDER:

Roll Call

Chairperson lies was present and presided. Upon roll call by City Clerk Ward, the following were present: Mayor Michael D. Brown, Council Chair Ann lies, Chair Pro Tem Vanessa Lee, Councilperson Norma Duncombe, Councilperson Elizabeth "Liz" Wade, and Councilperson James "Jim" Jackson. Also present were Assistant City Manager Gloria Shuttlesworth, City Clerk Carrie E. Ward, Master Municipal Clerk, and City Attorney Pamala Hanna Ryan.

Invocation & Pledge of Allegiance

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

2. ADDITIQNS. DELETIONS AND SYBSTITUTIONS

Assistant City Manager Shuttlesworth made the following revisions to the agenda: corrected backup provided for Item No. BA - Resolution referenced traffic calming project; corrected backup provided for Item No. 13E - Resolution reference workforce housing units; added Item No. 13G - discussion reference fishing pier on Blue Heron Boulevard; added Item No. 13H - Resolution reference release of Code Enforcement Liens; and deleted Item No. BC - Resolution reference Inlet Harbour, LLC.

3. ADOPTION OF THE AGENDA

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

MOTIQN

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

MOTION APPROVED

4. UNFINISHED BYSINESS

NONE

5. AWARDS AND PRESENTATIONS

A. PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF JUNE, 2006.

Doretha Perry, Human Resources Director, presented the following new employees: Ian Garman (Parks & Recreation); William Crooks (Parks & Recreation); Francisco Aguirre (Police); and Clyde Thirbenny (Community Development).

B. PRESENTATION FROM PALM BEACH COUNTY COALITION TO STOP THE VIOLENCE **ITEM ADDED TO AGENDA**

Bishop Thomas Masters presented Certificates of Appreciation to Teen Task, Mothers Against Murderers, and Workforce Alliance for their sponsorship in hosting job fairs for teenagers of the community. The following businesses were presented with plaques for their participation in hiring teenagers from the community: BrandsMart USA, Kmart, and Wal-Mart.

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

B.G. Sykes, 333 E 24th Street, made comments reference activities on the waterfront.

J. L. Williams, 1191 Morse Blvd., made comments reference the lack of police presence on the waterfront.

Jessie Pinkney, 1417 W 23^d Street, made comments reference pot holes on 23rd Street and Avenue R.

Fane Lozman of 200 East 13th Street, made comments reference actions of the Mayor toward him as a result of the legal actions taken by him against the mayor and the city.

Gerald Ward, 3930 North Ocean Drive, made comments in regards to State Road A.1.A.

Chairperson lies called for a 10 minute break at 8:05 p.m. and called the meeting back to order at 8:19 p.m.

CONSENT AGENDA

**ALL MATTERS
ROUTINE AND A
BE NO SEPA**

**CONSIDERED TO BE
OTION. THERE WILL
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 JULY 19, 2006.

8. RESOLUTIONS:

- A. RESOLUTION NO. 90-06 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 II OF TRAFFIC CALMING PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS TO THE APPROPRIATE ACCOUNTS RELATED TO THIS PROJECT IN THE CAPITAL ACQUISITION FUND; 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 Wade and seconded by Chair pro tern Lee to approve Resolution No. 90-Q6.

MOTION

Gerald Ward, 1150 Coral Way, made comments reference the bidding process and staff notifying the adjacent property owners.

A discussion ensued among the City Council and staff.

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

MOTION APPROVED

- B. RESOLUTION NO. 91-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING AND AWARDED THE BID SUBMITTED BY ELECTRICAL CONSULTING SERVICES, INC. FOR INSTALLATION OF DECORATIVE STREET LIGHTS ON WEST 31ST STREET BETWEEN AVENUE "O" AND AVENUE "R" IN THE AMOUNT OF \$68,865; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE \$24,597 IN THE IMPACT FEE FOR ROADS ACCOUNT;

AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT;
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 Wade and seconded by Chair pro tem Lee to approve Resolution No. 91-06.

MOTION

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

MOTION APPROVED

C. RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAMERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE MAINTENANCE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND INLET HARBOR, LLC., FOR THE BEAUTIFICATION OF THE AREA LOCATED UNDER THE NORTHEAST CORNER OF THE BLUE HERON BRIDGE AND ADJACENT TO THE INLET TOWER 17 UNIT RESIDENTIAL DEVELOPMENT; FOR USE BY THE PUBLIC; PROVIDING THAT THIS MAINTENANCE AGREEMENT BE RECORDED IN THE PALM BEACH COUNTY CLERK AND COMPTROLLERS OFFICE; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

D. RESOLUTION NO. 92-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAMERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING IMPROVEMENTS TO THE PUBLIC BEACH ACCESS ALONG THE NORTH PROPERTY LINE OF MARTINIQUE CONDOMINIUM; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS FROM THE BEACH RENOURISHMENT PROJECT TO PUBLIC BEACH ACCESS PROJECT IN THE CAPITAL ACQUISITION FUND IN THE AMOUNT OF \$138,684; AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO BEGIN DESIGN; AND ADVERTISE FOR BIDS; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

Gerald Ward, 3930 North Ocean Drive, made comments against previously approved Resolution No. 92-06.

9. PETITIONS AND COMMUNICATIONS FOR FILING

NONE

10. PUBLIC HEARINGS:

NONE

11. ORDINANCES ON SECOND READING

- A. ORDINANCE NO. 3010 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 26, ENTITLED, "MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read aforementioned Ordinance into the record.

A motion was made by Chair pro tem Lee and seconded by Councilperson Duncombe to approve Ordinance No. 3010.

MOTION

Mary McKinney, Community Development Director, provided a brief review on the proposed Ordinance.

Gerald Ward of 31 West 20th Street made comments referenced revisions not being made to the Ordinance as requested by the City Council.

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

MOTION APPROVED

12. ORDINANCES ON **FIRST READING**

NONE

13. REGULAR

- A. RESOLUTION NO. ~~93-06~~ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH HECTOR TURF OF 1301 N.W. THIRD STREET, DEERFIELD BEACH, FLORIDA, 33442 FOR THE PURCHASE OF VARIOUS FIELD AND LAWN MAINTENANCE EQUIPMENT BY PIGGYBACKING FROM GSA CONTRACT ~~#GS-06F-0012R~~ AT AN ESTIMATED COST OF \$60,968.91; PAYMENT TO BE MADE FROM THE PARKS AND RECREATION CAPITAL

IMPACT FEES ACCOUNT NO. 303-1234-572-0-6405; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Councilperson Duncombe to approve Res. 93-06.

MOTION

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

MOTION APPROVED

- B. RESOLUTION NO. ~~94-06~~ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RMIERA BEACH, PALM BEACH COUNTY, **FLORIDA**, APPROVING THE SITE PLAN WITH MODIFICATIONS FOR THE RENOVATION OF GEORGE STREET PARK; AUTHORIZING STAFF TO ADVERTISE FOR BIDS; CREATE A 10% CONTINGENCY AND AUTHORIZE THE CITY MANAGER TO EXPAND THE CONTINGENCY FUND; AND AUTHORIZE THE PURCHASE OF PROPERTY LOCATED AT 717 WEST FIFTH STREET, RIVIERA BEACH, FLORIDA AKA LOT 287 ADJACENT TO GEORGE STREET PARK IN THE AMOUNT OF \$89,000; PAYMENT TO BE MADE FROM THE PARKS AND RECREATION CAPITAL IMPACT FEES ACCOUNT NO. ~~303-1234-572-0-6405~~; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Duncombe and seconded by Councilperson Wade to approve Res. 94-06.

MOTION

Assistant City Manager White and representatives from O'Campo and Associates made a presentation on the proposed project.

Mr. Andrew Byrd of 764 W 5th Street made comments reference the proposed project and the acquisition and demolition of the house located at 717 W 5th Street.

A lengthy discussion ensued amongst the City Council and the representatives from O'Campo and Associates.

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

MOTION APPROVED

- C. RESOLUTION NO. ~~95-06~~ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RNIERA BEACH, PALM BEACH COUNTY, **FLORIDA**, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN

AGREEMENT WITH JACK McCLEAN OF THE LAW FIRM OF HOLLAND AND KNIGHT, LLP TO PROVIDE SERVICES AS THE CITY'S LABOR ATTORNEY AND TO PROVIDE OTHER LABOR RELATIONS SERVICES; JULY 2006-JULY 2007; PAYMENT TO BE MADE FROM ACCOUNT NO. 001-0512-519-0-3101; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Councilperson Duncombe to approve Res. 95-06.

MOTION

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

MOTION APPROVED

- D. RESOLUTION NO. ~~96-06~~ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS RECREATION ASSISTANCE PROGRAM (RAP) FUNDS IN THE AMOUNT OF \$6,300 FOR COSTS ASSOCIATED WITH THE 2005 ANNUAL BACK-TO-SCHOOL SUPPLY GIVE-A-WAY AND TOY GIVE-A-WAY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Chair pro tern Lee and seconded by Councilperson Wade to approve Res. 96-06.

MOTION

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

MOTION APPROVED

- E. RESOLUTION NO. ~~97-06~~ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SECOND OR THIRD MORTGAGE ON THE 100 WORK FORCE HOUSING UNITS AT THE MARSH HARBOUR DEVELOPMENT REQUIRING USE OF THE PROPERTY AS THE OWNERS PRIMARY RESIDENCE FOR TEN YEARS AND THE FUTURE SALE TO A WORK FORCE HOUSING ELIGIBLE HOUSEHOLD AT NO MORE THAN FOUR AND ONE-HALF TIMES COUNTY MEDIAN INCOME; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Councilperson Wade and seconded by Chair pro tern Lee to approve Res. 97-06.

MOTION

City Attorney Ryan stated that she made changes to the document which needed to be a part of the motion i.e. if property is sold to a non-eligible household, ½ equity goes to the mortgagee which is the city.

A discussion ensued amongst the mayor, city council, and staff.

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

MOTION APPROVED

- F. RESOLUTION NO. 98-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A MAXIMUM MILEAGE RATE OF 9.0 MILLS FOR FISCAL YEAR ~~2006-2007~~; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by Chair pro tem Lee and seconded by Councilperson Wade to approve Res. 98-06.

MonON

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

MONON APPROVED

- G. Open discussion on the Fishing Pier on Blue Heron Bridge (Jerry Thomas Bridge)

George Carter, Marina Director, made a presentation on staffs proposal for a floating fishing pier. He stated that staff needed direction from the City Council.

Gerald Ward, 31 W 20th Street, made comments referenced the plans FOOT has for the Blue Heron Bridge.

A motion was made by Councilperson Wade and seconded by Councilperson Duncombe directing staff to discontinue any proposed improvements to the bridge.

MonON

Asst. City Manager Shuttlesworth stated that the City Council needed to address whether or not parking or fishing would be allowed on the bridge.

A discussion ensued amongst the Mayor, City Council, and staff.

The City Council's motion was reiterated as the final action.

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

MOTION APPROVED

- H. RESOLUTION NO. **99-06** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE LIEN AND TO ISSUE A RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 1311 AVENUE R, FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$3,500; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward 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. 99-06.

MOTION

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

MOTION APPROVED

14. LEGAL DISCUSSION/REQUESTS

City Attorney Ryan stated that she was continuing research on the question City Council posed at Agenda Review reference the FEC.

15. REQUEST TO CITY COUNCIL AND RECOMMENDATIONS OR DISCUSSIONS FROM THE MAYOR & CITY COUNCIL

Mayor Brown made comments regarding actions taken by the Palm Beach County Board of Commissioners against the city. He also stated that the city should reconsider its position in supporting the County's efforts pertaining to the Scripps project.

Councilperson Wade stated that the Scripps Committee meeting would be held on tomorrow and that she would bring back a recommendation at the next City Council Meeting.

Chair pro tem Lee requested that discussion on the Jazz Festival be on the agenda for the next City Council Meeting.

16. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:00 p.m.

APPROVED:



MICHAEL D. BROWN,
MAYOR



ANN ILES,
CHAIRPERSON

ATTEST:



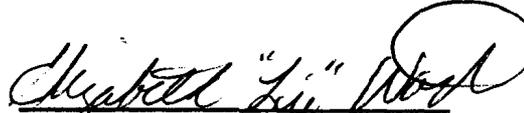
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. WADE
SECONDED BY: V. LEE

A. ILES AYE
V. LEE AYE
N. DUNCOMBE AYE
E. WADE AYE
J. JACKSON ABSENT

DATE APPROVED: SEPTEMBER 6, 2006