

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 4, 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 Tern Vanessa Lee, Councilperson Norma Duncombe, Councilperson Elizabeth "Liz" Wade; and Councilperson James "Jim" Jackson. Also present were City Manager William E. Wilkins, 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.

II. AGENDA APPROVAL

1) Additions, Deletions, Substitutions

City Manager Wilkins made the following revisions to the agenda: moved Item No. 7 - 2004/2005 Fiscal Year Audit; Item No. 14 - Resolution reference Gallagher Bassett Services; and Item No. 15 - Resolution reference Arthur J. Gallagher - to be discussed after the Consent Agenda. The following items were added to the agenda: Item No. 16 - Summer recess for the City Council; Item No. 17 - Request for Appointment; and Item No. 18 - Request for a Closed Executive Session. The following items were deleted: Item No. 10 - Resolution reference solar water heaters; and Item No(s). 11 through 13.

2) Adoption of 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 City Clerk Ward, the vote was unanimous.

MOTION APPROVED

III. AWARDS AND PRESENTATIONS

NONE

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

Terez Wallace, 1130 W 23rd Street, read a letter of apology to Assistant Police Chief Harris for an incident that happened on August 25, 2006.

Gerald Ward, 31 W 20th Street, made comments reference sand height on the public beach. He also made comments reference storage and staging on Harbor Point Drive, 5310 N Ocean Drive, and 3800 N Ocean Drive.

Fane Lozman, Riviera Beach Marina, made comments reference to comments made by the Mayor and the resignation of the marina director.

Mike Mahoney, 2120 Broadway, made comments reference lighting on Broadway and a trailer secured at the old Hess gas station.

William Contole, 1030 Grand Bahama Lane, made comments reference the residents wanting to vote on the ordinance regarding the beach lease and a conversation he had with the City Clerk.

Bishop Thomas Masters, 748 W 9th Street, made comments reference the meeting to be held with FOOT in regards to placing safety guard railings on the Blue Heron Bridge.

Anna Redgate, 1612 S.E. 18th Avenue, made comments reference meetings to be held with the Secretary for FOOT and the FOOT representative for the district.

Rev. William H. Burrs, 1500 W 30th Street, made comments reference residency requirement for the general employee pension board.

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. 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.

1) MINUTES:

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON SEPTEMBER 20, 2006. ITEM NO.1

RESOLUTIONS:

ITEM NO.2

RESOLUTION NO. 147-06 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 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.3

RESOLUTION NO. 148-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE AND DELIVERY OF A NEW 2006 VOLVO MODEL L70E WHEEL LOADER FROM FLAGLER CONSTRUCTION EQUIPMENT OF DAVIE, FLORIDA, IN THE AMOUNT OF \$148,256.00 BY PIGGY-BACKING FROM THE FLORIDA SHERIFFS ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES BID NO. 06-14-0821; AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.4

RESOLUTION NO. 149-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE AND DELIVERY OF (1) 2007 SCHWARZE MODEL A7000 STREET SWEEPER FROM CONTAINER SYSTEMS & EQUIPMENT CO. INC. OF DAYTONA BEACH, FLORIDA IN THE AMOUNT OF \$141,191 BY PIGGY-BACKING FROM BREVARD COUNTY FLORIDA BID NO. B-4-06-82; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

2) PETITIONS AND COMMUNICATIONS FOR FILING

NONE

END OF CONSENT AGENDA

A motion was made by Chair pro tern Lee and seconded by Councilperson Duncombe to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

VI. PUBLIC HEARINGS:

ITEM NO.5

ORDINANCE NO. 3015 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM CJJS HOLDINGS LLC., WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA CONTAINING 1.41 ACRES, LOCATED AT 3821 FISCAL COURT, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH CHAPTER 171, FLORIDA STATUTES.

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the September 24, 2006 edition of the Palm Beach Post.

A motion was made by Councilperson Wade and seconded by Chair pro tem Lee to adopt Ordinance No. 3015.

MOTION

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

MOTION APPROVED

ITEM NO.6

ORDINANCE NO. 3016 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE XIII, SECTION 3 OF THE CITY CHARTER ENTITLED "RENTAL OF BEACH PROPERTY" BY CHANGING THE NUMBER OF YEARS THAT THE CITY MAY ENTER INTO A LEASE AGREEMENT REGARDING BEACH PROPERTY FROM NO MORE THAN 50 YEARS TO 99 YEARS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the September 24, 2006 edition of the Palm Beach Post.

A motion was made by Councilperson Wade and seconded by Chair pro tem Lee to adopt Ordinance No. 3016.

MOTION

The following spoke in favor of putting the extension of the beach lease to referendum:

Fane Lozman, Riviera Beach Marina

William Contole, 1030 Grand Bahama

Dan Calloway, 3005 Bernardo Lane

Herman McCray, 2315 Avenue S

Bishop Thomas Masters, 748 W 9th Street

Bonnie Larson, W 27th Street

Rev. Leroy Parrish, 1354 W 28th Street

Diana DiMeo, 1030 Powell Drive, opposed by reading a letter into the record.

The following made comments in opposition of the proposed Ordinance:

Marianne Wiegand, 5070 N Ocean Dr #18A

Gerald Ward, 31 W 20th Street

A discussion ensued amongst the Mayor and City Council.

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

MOTION APPROVED

1) ORDINANCES ON FIRST READING:

NONE

VII. REGULAR:

ITEM NO.7
PRESENTATION OF THE 2004-2005 FISCAL YEAR AUDIT FOR THE CITY OF RIVIERA BEACH. **ITEM DISCUSSED OUT OF SEQUENCE**

Ed Holtz, representing Nolan, Holtz, and Minor, gave an overview of the 2004/2005 Fiscal Year audit for the city.

A motion was made by Councilperson Wade and seconded by Councilperson Jackson to accept the 2004-2005 Fiscal Year Audit as presented.

MOTION

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

MOTION APPROVED

ITEM NO.8

RESOLUTION NO. 150-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SECOND AMENDMENT TO THE SOLID WASTE AND RECYCLING COLLECTION AGREEMENT WITH WASTE MANAGEMENT FOR AN ADDITIONAL FIVE (5) YEARS AS PROVIDED IN THE INITIAL AGREEMENT TO EXTEND THE TERM, MODIFY THE ENFORCEMENT PROVISIONS AND INCREASE CERTAIN SERVICES COMMENCING OCTOBER 4, 2006, AND ENDING SEPTEMBER 30, 2010, AT THE CURRENT RATES AS MODIFIED BY THE APPLICABLE CONSUMER PRICE INDEX BEGINNING OCTOBER 4, 2006; 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 Resolution No. 150-06.

MOTION

Fane Lozman, City Marina, made comments reference the location of a dumpster at the entrance of Bicentennial Park.

Gerald Ward, 31 W 20th Street, made comments referenced various terms of the contract.

A discussion ensued amongst the City Council and staff.

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

MOTION APPROVED

ITEM NO.9

RESOLUTION NO. 151-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE GENERAL FUND, FUND BALANCE ACCOUNT NO. 001-00-399999 IN THE AMOUNT OF \$265,257 FOR THE RENOVATION OF THE 2ND FLOOR OF POLICE HEADQUARTERS AND MOVE OF THE POLICE EVIDENCE SECTION, AND FURTHER AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO ABATE THE ENVIRONMENTAL ISSUES AT THE CURRENT EVIDENCE LOCATION; 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 Resolution No. 151-06.

MOTION

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

MOTION APPROVED

ITEM NO. 10

RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE INCLUSION OF SOLAR WATER HEATERS IN THE BROOKS SUBDIVISION SINGLE FAMILY HOUSING DEVELOPMENT SUPPORTING SUSTAINABLE DEVELOPMENT AND AFFORDABLE HOUSING; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

ITEM NO. 11

DELETED

ITEM NO. 12

DELETED

ITEM NO. 13

DELETED

ITEM NO. 14

RESOLUTION NO. 152-06 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 GALLAGHER BASSETT SERVICES AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE INSURANCE LIABILITY FUND ACCOUNT NO. 602-0539-513-0-3101 UP TO THE AMOUNT OF \$79,000 FOR CLAIMS ADMINISTRATION; AND PROVIDING AN EFFECTIVE DATE. **CORRECTED RESOLUTION AND DISCUSSED OUT OF SEQUENCE**

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. 152-06.

MOTION

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

MOTION APPROVED

ITEM NO. 15

RESOLUTION NO. 153-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ARTHUR J. GALLAGHER & COMPANY - MIAMI TO PLACE THE APPROPRIATE COVERAGES, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENTS FROM THE INSURANCE LIABILITY FUND ACCOUNT NO. 602-0539-513-0-3101 UP TO THE AMOUNT OF \$3,690,000 TO ARTHUR J. GALLAGHER & CO. - MIAMI FOR RISK PACKAGE FIXED COSTS; AND PROVIDING AN EFFECTIVE DATE. **ITEM ADDED TO AGENDA AND DISCUSSED OUT OF SEQUENCE**

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 Resolution No. 153-06.

MOTION

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

MOTION APPROVED

ITEM NO. 16

PROPOSED SUMMER RECESS FOR THE CITY COUNCIL

ITEM ADDED TO AGENDA

City Manager Wilkins stated that the discussion was presented at the request of Councilperson Jackson. He stated that various governmental bodies do recess allowing members to plan vacations etc.

There was no action taken by the City Council.

MEMORANDUM REGARDING APPOINTMENT TO THE LIFE SCIENCE COMMITTEE **ITEM ADDED TO AGENDA**

There was a consensus of the City Council to appoint Councilperson Duncombe to the Life Science Committee.

1) BOARD APPOINTMENT:

NONE

VIII. LEGAL DISCUSSION/REQUESTS

REQUEST FOR CLOSED EXECUTIVE SESSION

ITEM ADDED TO AGENDA

City Attorney Ryan requested a Closed Executive Session for Tuesday to discuss the following cases Corie vs. CRB and CRA; Lozman and Merchant vs. CRB et al; Wells, Mahoney, and Reeves vs. CRB and CRA; and Karen Kingdom vs. CRB. She stated that the following would be present: Honorable Mayor and City Council, City Manager Wilkins, City Attorney Ryan, CRA Executive Director Floyd Johnson, and special counsel Don Stephens, Esq.

There was a consensus of the City Council to schedule a closed executive session for Tuesday at 4:00 p.m.

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

Chair pro tem Lee stated that in the future when events are planned Le. groundbreakings that Council's schedules are taken into consideration. She requested that consideration be given to make the residency requirement for the General Employee's Pension Board uniform with the Police and Fire Pension Boards. She also requested a report on the renovation of Wells Gym.

Councilperson Wade stated that she would like a report on the storage and maximum height of sand on the beach. She also requested a report on the staging of equipment in the area.

Councilperson Duncombe made comments reference a letter received from Dr. Gloria Allen and the problem she was having with loitering in front of her home.

Her comments were addressed by the City Manager.

X. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 10:12 p.m.

APPROVED:



MICHAEL D. BROWN
MAYOR



ANN ILES
CHAIRPERSON

C 211

Vanessa Lee

VANESSA LEE
CHAIR PRO TEM

Norma Duncombe

NORMA DUNCOMBE

COUNCILPERSON

Elizabeth "Liz" Wade

ELIZABETH "LIZ" WADE
COUNCILPERSON

James "Jim" Jackson

JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. Wade
SECONDED BY: V. Lee

J. JACKSON aye
A. ILES aye
V. LEE aye
N. DUNCOMBE out
E. WADE aye

DATE APPROVED: 10/18/2006