

CITY OF RIVIERA BEACH
PALM BEACH COUNN, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 2, 2005 AT 7:30 P.M.

1. CITY CLERK CALLS TO ORDER:

1. Roll Call

Chairperson Schnyer was present and presided. Upon a roll call by City Clerk Ward, the following were present: Mayor Michael D. Brown, Chair Pro Tem Ann Iles, Councilperson Donald R. Wilson, Councilperson Judy L. Davis, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, Master Municipal Clerk, and City Attorney Pamala Hanna Ryan.

2. Invocation/Pledge of Allegiance

Everyone stood for a moment of silence and the Pledge of Allegiance.

2. ADDITIONS, DELETIONS AND SUBSTITUTIONS

Chairperson Schnyer stated that the following items were deleted from the agenda: Item No. 8C – Resolution regarding Homeland Security Grant Program; Item 13A – Resolution regarding lease purchase of police cars; Item No. 13I – Resolution regarding hurricane related repairs; and Item No. 13J – Resolution regarding expenditure of impact fees.

City Manager Wilkins stated the following revisions to the agenda: 13L – Resolution regarding evaluation tool for the City Manager; and additional back-up provided for the following items: 12A – Ordinance regarding right-of-way abandonment; 13F – Resolution regarding Rusty's Bar and Grill; and 13G – Resolution regarding the Housing Trust Fund.

3. ADOPTION OF THE AGENDA

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve the agenda as amended.

MOTION

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

MOTION APPROVED

4. UNFINISHED BUSINESS

NONE

5. AWARDS AND PRESENTATIONS

- A. PRESENTATION OF RETIREMENT MEMENTO TO GLORIA C. STEPHENS, POLICE **AIDE** FOR OVER TWENTY-EIGHT (28) YEARS OF DEDICATED SERVICE TO THE CITIZENS OF **RIVIERA BEACH**.

Aaron Fields, Human Resources Administrator, read a synopsis of Ms Stephens' tenure and presented her with a plaque and watch.

David Torres, Police Major, expressed words of gratitude to Ms Stephens.

Gloria Stephens expressed words of thanks.

- B. PRESENTATION OF RETIREMENT MEMENTO TO HARRY R. JOHNSON, SR., POLICE OFFICER FOR OVER TWENTY (**20**) YEARS OF DEDICATED SERVICE TO THE CITIZENS OF **RIVIERA BEACH**.

Aaron Fields, Human Resources Administrator, read a synopsis of Officer Johnson's tenure and presented him with a plaque and watch.

David Harris, **Asst.** Chief of Police, expressed words of gratitude to Officer Johnson.

Clarence Williams, Chief of Police, presented Officer Johnson with his retired police badge and identification.

Harry Johnson, expressed words of thanks.

- C. PRESENTATION TO ESTELLE VARNER FOR HER ACCOMPLISHMENT IN RECEIVING HER LAW DEGREE.

Councilperson Davis presented Ms. Varner with a gift basket and attache as a gift for her accomplishment.

Estelle Varner expressed words of thanks for the support she received.

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

Elizabeth Robinson, **620 W 34th** Street, made comments, on behalf of her mother, regarding the lack of streetlights on **28th** Street.

Jewel Driver, 1363 W 36th Street, made comments regarding the installation of speed bumps on 35th and 36th Street near Goodmark Park.

Barbara **McKnight**, 92 W 30th Street, announced that a motorcycle ride for life and health fair would be held on February 13th at the Barracuda Water Park sponsored by the City of Rivera Beach, the Comprehensive AIDS Program, and other health organizations.

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 JANUARY 19, 2005.

8. RESOLUTIONS:

- A. RESOLUTION NO. 21-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$26,080 TO PAY FOR SPECIAL RESPONSE TEAM TACTICAL BODY ARMOR FROM THE BULLETPROOF VEST PARTNERSHIP GRANT CLOTHING SUPPLIES ACCOUNT NO. 155-0817-521-0-5209; AND PROVIDING AN EFFECTIVE DATE.
- B. RESOLUTION NO. 22-05 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 LEASE AGREEMENT **WITH** UNITED STATES REALTY AND INVESTMENTS COMPANY, INC., A NEW YORK CORPORATION; AND PROVIDING AN EFFECTIVE DATE.
- C. RESOLUTION NO. _____ A RESOLUTION OF THE **CITY** COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT – STATE HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$10,869; AUTHORIZING THE CITY MANAGER TO

EXECUTE THE GRANT; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM~~
~~DELETED~~

- D. RESOLUTION NO. 23-05 A RESOLUTION OF THE **CITY** COUNCIL OF THE **CITY** OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE OF \$10,000 FROM THE LAW ENFORCEMENT TRUST FUND AND \$3,000 OF DONATIONS FROM PALM BEACH PRINCESS CASINO CRUISE **LINE** TO PROVIDE THIRTEEN \$1,000 SCHOLARSHIPS FOR THE 2005-2006 SCHOOL YEAR TO STUDENTS WHO ARE RIVIERA BEACH RESIDENTS; AUTHORIZING THE RIVIERA BEACH EDUCATION ADVISORY BOARD TO ADVERTISE THE AVAILABILITY OF, ACCEPT APPLICATIONS FOR, AND ESTABLISH A REVIEW BOARD TO SELECT THE RECIPIENTS; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE \$10,000 OF FUND BALANCE IN THE LAW ENFORCEMENT TRUST FUND AND DISBURSE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND SCHOLARSHIP ACCOUNT NO. 150-0817-521-0-5521; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE (DONATIONS RECEIVED FROM PALM BEACH PRINCESS) IN THE AMOUNT OF \$3,000 AND DISBURSE FUNDS FROM ACCOUNT NO. 130-0203-519-0-5521; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

9. PETITIONS AND COMMUNICATIONS FOR FILING

NONE

10. PUBLIC HEARINGS

NONE

11. ORDINANCES ON SECOND READING

NONE

12. ORDINANCES ON FIRST READING

- A. ORDINANCE NO. 2986 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING

AND ABANDONING THAT PORTION OF WEST 21ST STREET (A PLATTED ROAD RIGHT-OF-WAY 50 FEET IN WIDTH AND 562.95 FEET IN LENGTH) LYING BETWEEN BLOCK 9 AND BLOCK 8, **REPLAT** OF BLOCKS **6,7,8,9**, AND 10, **NORTHVIEW** PLAT 2 AND BLOCK 4, **NORTHVIEW** PLAT NO. 1; PROVIDING FOR **SEVERABILITY** AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve Ordinance No. 2986 on First Reading.

MOTION

Mary **McKinney**, Community Development Director, provided an overview of the proposed ordinance. She then stated that at the Council's request, the following condition was added 'St. Francis of Assisi or any future owner of the property described in the above legal description from receiving any compensation from the City or Community Redevelopment Agency (CRA) in the future should the taking of the abandoned right of way be necessary.'

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

MOTION APPROVED

13. REGULAR

A. RESOLUTION NO. _____ A RESOLUTION OF THE **CITY** COUNCIL OF THE **CITY** OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE THREE (3) YEAR LEASE PURCHASE THROUGH THE FLORIDA SHERIFF'S BID **#04-12- 0823** FROM DUVAL FORD OF JACKSONVILLE, FLORIDA, FOR TWENTY SEVEN (27) FORD VEHICLES TO BE USED BY THE RIVIERA BEACH POLICE DEPARTMENT'S PATROL DIVISION; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE THREE EQUAL PAYMENTS OF \$295,416 FROM THE CAPITAL MOTOR VEHICLE ACCOUNT NO. **001-822-521-0-6401** TO FORD MOTOR CREDIT COMPANY; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

B. RESOLUTION NO. 24-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE JOB CLASSIFICATION **LIST** BY CREATING THE UNCLASSIFIED POSITION OF UTILITIES ENGINEER UNDER CLASS TITLE ADMINISTRATION AND DELETING THE UNCLASSIFIED POSITION OF ASSISTANT UTILITIES DIRECTOR IN THE AMOUNT OF \$50,480; AND AUTHORIZING THE FINANCE DIRECTOR TO PAY **THIS** AMOUNT FROM

ACCOUNT NO. **413-1417-581-0-0001**; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Davis and seconded by Councilperson Wade to approve Resolution No. 24-05.

MOTION

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

MOTION APPROVED

- C. RESOLUTION NO. 25-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE OF \$61,415 FROM THE CAPITAL IMPACT FEE FUND (303) TO FINANCE IMPROVEMENTS FOR THE **REVITALIZATION OF GOODMARK** COMMUNITY PARK; ESTABLISHING A BUDGET; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve Resolution No. 25-05.

MOTION

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

MOTION APPROVED

- D. RESOLUTION NO. 26-05 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 PROPOSED CONSTRUCTION SERVICES CONTRACT **WITH** WEST CONSTRUCTION INC., OF LANTANA, FLORIDA FOR IMPROVEMENTS TO **GOODMARK** COMMUNITY PARK IN THE AMOUNT OF \$233,097; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to approve Resolution No. 26-05.

MOTION

There was a consensus to approve Resolution No. 26-05.

- E. RESOLUTION NO. 27-05 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** CONTRACT CONNECTION INC. OF HOLLYWOOD FLORIDA, FOR THE PURCHASE OF A RECREATIONAL **SHELTER/PAVILION** TO BE CONSTRUCTED AS PART OF THE REVITALIZATION OF **GOODMARK** COMMUNITY PARK BY PIGGYBACKING FROM PALM BEACH COUNTY BID **#02-053** AT TOTAL COST OF **\$31,246.20**; PAYMENT TO BE MADE FROM CAPITAL IMPROVEMENT FUND ACCOUNT NO. **153-1234-572-0-6351**; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve Resolution No. 27-05.

MOTION

Jackie Harris, **1343 W 36th** Street, made comments regarding street signs, speed bumps, and lights around the park.

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

MOTION APPROVED

- F. RESOLUTION NO. 28-05 A RESOLUTION OF THE CITY COUNCIL OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, APPROVING AN APPLICATION FROM PRISCILLA PICCIOLO, OWNER OF RUSTY'S **OCEANSIDE** GRILL FOR AN EXTENDED HOURS LICENSE TO REMAIN OPEN UNTIL **4:00** AM SEVEN DAYS A WEEK FOR PROPERTY LOCATED AT **2401** BEACH COURT; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record

A motion was made by Councilperson Davis and seconded by Councilperson Wilson to approve Resolution No. 28-05.

MOTION

Mary **McKinney**, Community Development Director, gave a summary of the request and stated that the resolution was amended to include the following: 'On or before August 31, 2005, the City Council shall review the license to determine if an additional six months should be granted.'

Councilperson Wade read into the record a letter she received and distributed from Fairway Trust, The Sands Hotel and Trustees, that was against the request.

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

MOTION APPROVED

G. RESOLUTION NO. 29-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO APPROPRIATE FUND BALANCE IN THE HOUSING TRUST FUND IN THE AMOUNT OF \$230,000; AUTHORIZATION TO TRANSFER FUNDS FROM THE HOUSING TRUST FUND ESCROW ACCOUNT IN THE AMOUNT OF \$525,000; AND DIRECTING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE HOUSING TRUST FUND IN THE AMOUNT OF \$755,000 FOR VARIOUS PROGRAMS IN THAT FUND; 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 Davis to approve Resolution No. 29-05.

MOTION

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

MOTION APPROVED

H. RESOLUTION NO. 30-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING STAFF TO **FILE** AN APPEAL FOR A JUDICIAL REVIEW OF THE ZONING BOARD OF ADJUSTMENT JANUARY 18, 2005 DETERMINATION TO GRANT A 60 FOOT HEIGHT VARIANCE FOR FOUR SILOS TO BE CONSTRUCTED **WITHIN** THE PORT OF PALM BEACH DISTRICT TO THE **CIMENTO TUPI** FLORIDA, LLC; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Davis to approve Resolution No. 30-05.

MOTION **DIED** FOR LACK OF A SECOND

Upon Chairperson Schnyer's return, he revisited Resolution No. 30-05, and requested City Clerk Ward read the Resolution into the record again.

A motion was made by Chair Pro **Tem Iles** to approve Resolution No. 30-05.

MOTION **DIED** FOR LACK OF A SECOND

Councilperson Davis asked if the project would proceed if no action was taken on the resolution.

City Atty. Ryan replied in the affirmative.

A motion was made by Councilperson Davis and seconded by Chair Pro Tem Iles to approve Resolution No. 30-05 for discussion.

MOTION

Mary **McKinney**, Community Development Director, gave an overview on the proposed project. She stated that in order for the project not to proceed, an appeal would have to be filed with the courts.

Nelson Fierrer, representative of Cimento Tupi, made comments in support of the project.

Mason Brown, M B Brown Construction, made comments in support of the project.

Lynne **Hubbard**, 1405 W 23rd Street, made comments referenced the actions of the Zoning Board of Adjustment and staff.

Gerald Ward, 31 W 20th Street, made comments in support of the project.

Elizabeth Robinson, 620 W 34th Street, made comments in support of the project and the action taken by the Zoning Board of Adjustment.

John Lindgren, Agent for Cimento Tupi, made comments regarding the criteria set forth by the Zoning Board of Adjustment which was met.

Ethel Williams, 2655 N Ocean Dr, made comments in support of her client, Cimento Tupi.

Lori Baer, Port of Palm Beach Executive Director, made comments in support of the project.

The Mayor and City Council expressed dissatisfaction with the location of the proposed project and a desire to have it located somewhere else on the port's property. Councilperson Wade stated that she did not feel it was necessary to go to court on the issue.

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

- I. RESOLUTION NO. _____ A RESOLUTION OF THE **CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA,** AUTHORIZING THE CITY MANAGER TO MODIFY PURCHASING PR() FC) HURRICANE R)) AND F) AN EFF) ATE ~~ITEM DELETED~~

J. RESOLUTION NO. _____ A RESOLUTION OF THE **CITY** COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A POLICY FOR THE EXPENDITURE OF IMPACT FEES THAT STATES IMPACT FEES MAY BE EXPENDED **WITHIN** THE APPROPRIATE CATEGORIES AS OUTLINED BY THE IMPACT FEE ORDINANCE **2977** FOR PARKS, PUBLIC BUILDINGS, POLICE, **FIRE** AND LIBRARY CONSISTENT **WITH** ORDINANCE **2412**, THE CITY'S PURCHASING CODE. **ITEM DELETED**

K. BOARD REPORTS: CITY COUNCIL TO APPOINT **TWO** (2) MEMBERS TO THE LIBRARY BOARD; AND THE REAPPOINTMENT OF **FIVE** (5) MEMBERS TO THE LIBRARY BOARD.

A motion was made by Councilperson Wade and seconded by Chair Pro **Tem Iles** to reappoint the five current members and appoint Margaret Shepherd and Janelle Bullard to the Library Board.

MOTION

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

MOTION APPROVED

L. RESOLUTION NO. 31-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING AN **EVALUTION** TOOL FOR THE CITY MANAGER. **ITEM DELETED**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Councilperson Wilson to approve Resolution No. 31-05.

MOTION

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

MOTION APPROVED

14. LEGAL DISCUSSION/REQUESTS

City Atty. Ryan requested that the City Council schedule a Closed Executive Session on the case Kingdom v. City of Riviera Beach for February 9th at 6:30 p.m.

There was a consensus of the City Council to approve staffs request.

City Atty. Ryan stated for the record that in addition to the City Council being present, the following would also be present: her, City Manager William Wilkins, and Special Counsel Don Stephens.

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

Chair Pro Tem Iles stated that she had requested a financial report on the football program by January 19th and had not received it. She also stated that there were additional poignant questions that had not been answered and read into the record an email she received from Mr. DeGeorge.

Councilperson Davis stated that she was confused about the response she received regarding the reimbursement of the \$23,000 from the Riviera Beach Youth Football Program.

City Manager Wilkins stated that the funds raised from the golf tournament were donated to the City on behalf of the football program which went towards the \$23,000.

Councilperson Davis stated that she had not received a response to her questions regarding Our Next Steps and stated that she wanted the information within the next two days.

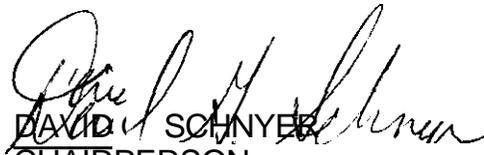
16. ADJOURNMENT

There being no further business the meeting was being duly adjourned at 9:43 p.m.

APPROVED:



MICHAEL D. BROWN
MAYOR



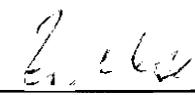
DAVID SCHNYER
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

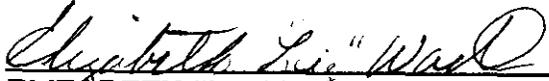
ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. Wilson
SECONDED BY: E. Wade

D. SCHNYER	<u>aye</u>
A. ILES	<u>absent</u>
D. WILSON	<u>aye</u>
J. DAVIS	<u>aye</u>
E. WADE	<u>aye</u>

DATE APPROVED: 02/16/05