

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 16,2005 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, 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.

Chair Pro Tem Iles was absent.

2. **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: deleted 13C – Resolution regarding settlement in the matter of Blase Pfefferkorn vs. City of Riviera Beach; and added the following items 13E – Resolution regarding FDOT construction project on A1A on Singer Island and 13F – Resolution regarding lease agreement for temporary space. He also stated that the Mayor requested that a discussion regarding a proper memorial for the late F. Malcolm Cunningham be added to the agenda.

3. **ADOPTION OF THE AGENDA**

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Davis** 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. PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF JANUARY, **2005**.

Doretha Perry, Human Resources Director, presented the following new employee for the month of January – Delvie Hall (Police).

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

Martha Babson, **156 E 21<sup>st</sup>** Street, announced that a celebration of private property rights would be held on February 21<sup>st</sup> at Bicentennial Park at 12 noon.

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 FEBRUARY 2,2005.

8. RESOLUTIONS:

- A. RESOLUTION NO. 32-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN ADVERTISEMENT TO REQUEST ENGINEERING CONSULTING FIRMS TO PREPARE PROPOSALS TO DEVELOP A **STORMWATER** MASTER PLAN FOR THE CITY OF RIVIERA BEACH; AND **PROVIDING** AN EFFECTIVE DATE.
- B. RESOLUTION NO. 33-05 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 MATERIALS AND SERVICES CONTRACT **WITH MULLINS**

ENGINEERING SERVICES LLC. OF LAKE WORTH, FLORIDA FOR THE PURCHASE AND INSTALLATION OF METAL FENCING AT **GOODMARK** COMMUNITY PARK IN THE AMOUNT OF **\$18,779.50**; AND PROVIDING AN EFFECTIVE DATE.

- C. RESOLUTION NO. 34-05 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 MATERIALS AND SERVICES CONTRACT **WITH** CHRIS WAYNE AND ASSOCIATES OF JUPITER, FLORIDA FOR INSTALLATION OF AN IRRIGATION SYSTEM AND LANDSCAPE MATERIALS AT **GOODMARK** COMMUNITY PARK IN THE AMOUNT OF **\$46,200**; AND PROVIDING AN EFFECTIVE DATE.
- D. RESOLUTION NO. 35-04 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.

END OF CONSENT AGENDA

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

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

- 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 **21<sup>ST</sup>** 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 Davis and seconded by Councilperson Wilson to adopt Ordinance No. 2986.

MOTION

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

MOTION APPROVED

12. ORDINANCES ON FIRST READING

- A. ORDINANCE NO. 2987 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AMENDING CHAPTER 14, ARTICLE **IV** SEC. **14-72(2)** ENTITLED "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF **RIVIERA** BEACH RELATING TO THE POLICE PENSION PLAN BY PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE OR MILITARY SERVICE; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by Councilperson Davis and seconded by Councilperson Wade to approve Ordinance No. 2987 on First Reading.

MOTION

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

MOTION APPROVED

13. REGULAR

- A. RESOLUTION NO. 36-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE **SITE PLAN APPLICATION** FOR 17 PERMANENT RESIDENTIAL UNITS LOCATED AT 386 EAST BLUE HERON BOULEVARD **WITH** SPECIFIC CONDITIONS; AND PROVIDING FOR 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. 36-05.

MOTION

Mary **McKinney**, Community Development Director, gave an overview of the proposed project.

Gerald Ward, 31 W **20<sup>th</sup>** Street, made comments regarding the redevelopment plan.

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

MOTION APPROVED

- B. RESOLUTION NO. 37-05 A RESOLUTION OF THE **CITY COUNCIL** OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, APPROVING THE **SITE PLAN APPLICATION** FROM 84 LUMBER COMPANY, FOR A LUMBERYARD AND BUILDING MATERIALS WHOLESALE FACILITY LOCATED ON THE WEST **SIDE** OF CONGRESS AVENUE SOUTH OF **8<sup>TH</sup>** STREET AND THE SEABOARD COASTLINE RAILROAD **WITH** CONDITIONS; AND PROVIDING FOR 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. 37-05.

MOTION

Mary **McKinney**, Community Development Director, gave a summary of the proposed project.

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

MOTION APPROVED

- C. A RESOLUTION OF THE **CITY COUNCIL** OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF BLASE PFEFFERKORN VS. CITY OF RIVIERA BEACH ET AL., NO. CA 02-10993 AJ, IN THE **15<sup>TH</sup>** JUDICIAL CIRCUIT IN AND OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE **MAYOR** TO EXECUTE A SETTLEMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

- D. DISCUSSION: REQUEST FOR CLOSED EXECUTIVE SESSION **WITH** COUNCIL TO DISCUSS LABOR RELATIONS ISSUES RELATIVE TO THE PROFESSIONAL **FIREFIGHTERS/PARAMEDICS** OF PALM BEACH COUNTY.

City Manager **Wilkins** stated that as a result of the City Council being polled, the date for the Closed Executive Session would be February 23<sup>rd</sup> at 5:30 p.m.

- E. RESOLUTION NO. 38-05 A RESOLUTION OF THE CITY COUNCIL OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF **TRANSPORTATION** (FDOT) DELETE THE SR **A1A** IMPROVEMENT PROJECT FROM THEIR CURRENT

WORK PLAN AND CONSIDER ENTERING INTO A JOINT PARTICIPATION AGREEMENT (JPA) **WITH** THE CITY OF **RIVIERA** BEACH FOR IMPROVEMENTS TO SR **A1A**; 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. 38-05.

MOTION

City Manager Wilkins gave a summary on the improvement project.

Gerald Ward, 31 W **20<sup>th</sup>** Street, 1150 Coral Way, 3930 N Ocean Dr, made comments regarding the options presented to the City Council.

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

MOTION APPROVED

- F. RESOLUTION NO. 39-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR A TERM OF THREE YEARS **WITH** PORT OF PALM BEACH DISTRICT, FOR FIFTEEN THOUSAND, THREE HUNDRED **SIXTY-SEVEN** SQUARE FT. (15,367 SQ. FT.) OF COMMERCIAL RENTABLE SPACE AT 2051 MARTIN LUTHER **KING** BOULEVARD ON THE **1ST** FLOOR OF THE BUILDING, MORE PARTICULARLY DESCRIBED AS: BIG H & SONS SALES & STORAGE FACILITY ALL OF PLAT (LESS **ELY** 80 FT & TRGLR COR CONGRESS AVE R/W) FOR TOTAL COSTS OF \$859,712; AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE **SAID** LEASE; AND AUTHORIZING FINANCE DIRECTOR TO APPROPRIATE AN ADDITIONAL \$101,415 FOR MOVING, EQUIPMENT REPLACEMENT AND RELOCATION COSTS FROM THE GENERAL FUND BALANCE ACCOUNT NUMBER **001-00-39999**; 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. 39-05.

MOTION

City Manager Wilkins gave a summary of the necessity for the lease agreement.

Councilperson Davis amended the motion authorizing the City Manager to enter discussion for the purchase of property with the Port of Palm Beach, to

formulate the best decision and bring the results back to the City Council for approval at a special meeting. Seconded by **Councilperson Wilson**.

**AMENDED MOTION**

Upon a roll call vote by City Clerk Ward, the amended motion was unanimously approved.

**MOTION APPROVED**

**City Manager Wilkins** announced the following: the City Council was scheduled to be at the Homeland Security Office on Thursday, 10 a.m.; that an open house would be held February 18<sup>th</sup>, 10:30 a.m. sponsored by State Representative Priscilla Taylor; on February 19<sup>th</sup>, 9 a.m. a Neighborhood Town Meeting would be held at Suncoast High School sponsored by the Police Department, the Crime Watch Organizations and the Riviera Beach Coalition; and on February 24<sup>th</sup> a candidate forum would be held at 7 p.m. in the City Council Chambers sponsored by the Urban League Young Professionals Organization. He also announced that a Community Round Table would be held February 18<sup>th</sup> at 8 a.m. at the Port of Palm Beach.

**Chairperson Schnyer** announced that a candidate forum would be held on February 22<sup>nd</sup> at 7 p.m. in the City Council Chambers. He also requested that the City Clerk have both forums televised.

**14. LEGAL DISCUSSION/REQUESTS**

**City Atty. Ryan** announced that as a result of the City Council approving the resolution to file an appeal regarding the decision made by the Zoning Board of Adjustment for the Cimento Tupi Florida, LLC project, the applicant withdrew and the appeal was not necessary.

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

**Mayor Brown** stated that he was approached by Mrs. Isabella Cunningham regarding having a picture of her brother-in-law, F. Malcolm Cunningham, the first black elected official in the south, hung in the Council Chambers.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to hang a portrait of the late F. Malcolm Cunningham in the chambers and the library and to have a ceremony for the unveiling during the month of February.

**MOTION**

**Chairperson Schnyer** requested that Mr. & Mrs. Cunningham voice an opinion where the portrait would be hung and that the ceremony be televised.

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

**MOTION APPROVED**

16. **ADJOURNMENT**

There being no further business, the meeting was duly adjourned at 9:04 p.m.

APPROVED:

  
\_\_\_\_\_  
MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_  
DAVID G. 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 AYE  
A. ILES AYE  
D. WILSON AYE  
J. DAVIS AYE  
E. WADE AYE

DATE APPROVED: 03/02/05

CITY OF RIVIERA BEACH, FL  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 16,2005

ADDITIONS. DELETIONS. SUBSTITUTIONS & REVISIONS

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Section

ADDITIONS

**Regular**

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13

Item No. 13-D Resolution No. \_\_\_\_ A  
Resolution Of The City Council  
Of The City Of Riviera Beach,  
Palm Beach County. Florida.  
Requesting The Florida  
Department Of Transportation  
(FDOT) Delete The SR A1A  
Improvement Project From  
Their Current Work Plan And  
Consider Entering Into A Joint  
Participation Agreement (JPA)  
With The City Of Riviera Beach  
For Improvements To SR A1A;  
And Providing An Effective  
Date.

Item No. 13-E Resolution No. \_\_\_\_ A  
Resolution Of The City Council  
Of The City Of Riviera Beach,  
Palm Beach County, Florida,  
Authorizing The City Manager  
To Enter Into A Lease  
Agreement For A Term Of  
Three Years With Port Of Palm  
Beach District, For Fifteen  
Thousand, Three Hundred  
~~Sixty-Seven~~ Square Ft. (15,367  
Ft.) Of Commercial Rentable  
Space At 2051 Martin Luther  
King, Jr. Boulevard On The 1<sup>st</sup>  
Floor Of The Building, More  
Particularly Described As: Big  
H & Sons Sales & Storage  
Facility All Of Plat (Less Ely 80  
Ft. & TRGLR Cor Congress Ave  
R/W) For Total Costs Of  
\$859,712; Authorizing The City  
Manager And City Clerk To  
Execute Said Lease; And  
Authorizing Finance Director  
To Appropriate An Additional  
\$101,415 For Moving,

**CITY OF RIVIERA BEACH, FL  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 16,2005  
PAGE TWO**

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ADDITIONS

Regular (Continued)

<b>4</b>	<b>13</b>	<b>Item No. 13-E</b>	Equipment Replacement And Relocation Costs From The General Fund Balance Account No. 001-00-39999; And Providing An Effective Date.
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DELETIONS

Regular

<b>4</b>	<b>13</b>	<b>Item No. 13-C</b>	This Item Has Been Deleted
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2/14/05 Original  
2/16/05 Revised  
mem