

CITY OF **RIVIERA** BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MARCH 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 Deputy City Clerk Robinson, 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, Deputy City Clerk Claudene Robinson, 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

City Manager Wilkins made the following revisions to the agenda: deleted 13E – Resolution regarding work order for engineering analysis; and deferred 5B – Recognition of students from John F. Kennedy – due to the FCAT testing.

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 Deputy City Clerk Robinson, the vote was unanimous.

MOTION APPROVED

4. UNFINISHED BUSINESS

NONE

5. AWARDS AND PRESENTATIONS

- A. PRESENTATION OF RETIREMENT MEMENTO TO BESSIE M. BROWN, BUYER IN THE PURCHASING DEPARTMENT, FOR OVER TWENTY-EIGHT (28) YEARS OF DEDICATED SERVICE TO THE CITIZENS OF THE CITY OF **RIVIERA** BEACH.

Doretha Perry, Human Resources Director, presented Bessie Brown with a plaque and watch in recognition of her retirement.

Ben Guy, Purchasing Director, expressed words of appreciation to Ms. Brown for her contribution to the Purchasing Department.

Bessie Brown, expressed words of thanks acknowledge her tenure with the city of Riviera Beach.

- B. PRESENTATION TO STUDENTS FROM JOHN F. KENNEDY MIDDLE MAGNET SCHOOL WHO PARTICIPATED IN THE FALL 2004 FLORIDA STOCK MARKET SIMULATION (SMS) GAME AND THEIR SPONSOR **RECOGNIZING THEIR OUTSTANDING ACCOMPLISHMENTS. DEFERRED TO NEXT MEETING****

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

Margaret Shepherd, 2003 W 17th Ct #104, made comments regarding statements that were made at the various candidates' forums.

Bishop Thomas Masters, 601 W 36th Street, urged citizens to vote on March 8th.

Norma Duncombe, 3560 Lake Shore Drive, thanked the Mayor and Council for hosting the town meeting at Suncoast School, held Saturday, February 19th and continued to elaborate on other school concerns; and the condition of the streets.

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, FEBRUARY 16, 2005.

8. RESOLUTIONS:

- A. RESOLUTION NO. 40-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE FROM THE LAW ENFORCEMENT TRUST FUND NO. **150-00-399999** TO EXPENDITURE ACCOUNT NO. **150-0817-521-0-4001** TO COVER THE SPONSORSHIP OF A GROUP OF YOUTHS, A CITY BUS DRIVER, CHAPERONES, AND CITY COUNCIL MEMBERS TO ATTEND THE 20TH ANNUAL NATIONAL CONFERENCE ON PREVENTING CRIME IN THE BLACK COMMUNITY; AND PROVIDING AN EFFECTIVE DATE.
- B. RESOLUTION NO. 41-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR, CITY MANAGER, AND POLICE CHIEF TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES AND THE CITY OF RIVIERA BEACH TO FACILITATE OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION; **SAID** AGREEMENT TO REMAIN IN EFFECT UNTIL JANUARY 31, 2009; AND PROVIDING AN EFFECTIVE DATE.
- C. RESOLUTION NO. 42-05 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., CASE NO. CA **02-10993** AJ, IN THE 15TH JUDICIAL CIRCUIT IN AND OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF **\$1,589.35**; AND PROVIDING AN EFFECTIVE DATE.
- D. RESOLUTION NO. 43-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE TRANSFER OF **\$32,200** FROM THE STORMWATER MANAGEMENT UTILITY (SMU) CONTINGENCY ACCOUNT NO. **460-1127-5410-5999** TO THE SMU RENTAL ACCOUNT NO. **460-1127-5410-4403** TO RENT A FRONT END LOADER FROM NEFF EQUIPMENT FOR A PERIOD OF TIME NOT TO **EXCEED SEVEN MONTHS; AND PROVIDING AN EFFECTIVE DATE. ITEM PULLED FOR DISCUSSION**

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

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve Resolution No. 43-05.

MOTION

The motion was amended by Councilperson Wade and seconded by Councilperson Davis directing the public works director to immediately start the process of purchasing a front end loader.

MOTION AMENDED

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

MOTION APPROVED

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 Deputy City Clerk Robinson, 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. **2987** AN ORDINANCE OF THE CITY COUNCIL OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, 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.

Deputy City Clerk Robinson read the aforementioned Ordinance into the record and announced that it was published in the February 20, 2005 edition of the Palm Beach Post.

A motion was made by Councilperson Davis and seconded by Councilperson Wilson to adopt Ordinance No. 2987.

MOTION

City Manager Wilkins gave a summary of the options available referencing the amount of credited services that can be purchased.

Billie Brooks-Nelson, Police Pension Board member, made comments regarding discussions held by the pension board.

An amended motion was made by Councilperson Davis and seconded by Councilperson Wilson to approve the ordinance with the option to purchase up to 5 years of police or military service.

MOTION

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

MOTION APPROVED

12. ORDINANCES ON FIRST READING

- A. ORDINANCE NO. 2988 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE IMPACT FEES ON LAND DEVELOPMENT IN THE CITY OF RIVIERA BEACH FOR POLICE NECESSITATED BY NEW DEVELOPMENT; STATING THE AUTHORITY TO AMEND THE ADOPTED ORDINANCE; PROVIDING FOR THE CONTINUOUS PLACEMENT OF REVENUE COLLECTED FROM SUCH IMPACT FEES INTO THE POLICE IMPACT FEE TRUST FUND ESTABLISHED FOR SUCH PURPOSES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned into the record.

A motion was made by Councilperson Davis and seconded by Chair Pro tem **lles** to approve Ordinance No. 2988 on First Reading.

MOTION

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

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

MOTION APPROVED

- B. ORDINANCE NO. 2989 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA GRANTING THE PETITION OF D.R. HORTON INC., TO AMEND THE

EXISTING "THOUSAND OAKS COMMUNITY DEVELOPMENT DISTRICT" BOUNDARIES FOR REAL PROPERTY CURRENTLY COMPRISING **101.23** ACRES TO INCORPORATE AN ADDITIONAL **15.75** ACRES THUS EXPANDING THE REAL **PROPERTY** OF THOUSAND OAKS COMMUNITY DEVELOPMENT DISTRICT TO BE COMPRISED OF **116.98** ACRES; PROVIDING FOR **SEVERABILITY** AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to approve Ordinance No. 2989 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. 44-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN FUND **308-00-399999** TO SET UP A BUDGET IN CAPITAL MOTOR VEHICLE ACCOUNT NO. **308-0822521-0-6451** IN THE AMOUNT OF **\$810,918**; AND AUTHORIZING THE PURCHASE OF TWENTYSEVEN (**27**) FULLY EQUIPPED VEHICLES FOR THE CITY'S POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Chair Pro **Tem Iles** and seconded by Councilperson Davis to approve Resolution No. 44-05.

MOTION

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

MOTION APPROVED

- B. RESOLUTION NO. 45-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING **FIRE** RESCUE TO PURCHASE ONE (**1**) PIERCE STOCK **75'** ENFORCER LADDER TRUCK IN THE AMOUNT OF **\$487,000** UNDER LAKE COUNTY BID **#99-150** FROM PIERCE MANUFACTURING, INC. IN APPLETON, WISCONSIN; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN THE CAPITAL PROJECTS FUND **2003**

(309) IN THE AMOUNT OF \$487,000; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 309-0920-522-0-6455.

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

A motion was made by Councilperson Davis and seconded by Councilperson Wade to approve Resolution No. 45-05.

MOTION

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

MOTION APPROVED

- C. RESOLUTION NO. **46-05** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO SUBMIT A PALM BEACH COUNTY DEVELOPMENT REGIONS GRANT FOR THE BARON GROUP INC **D/B/A** BARON **SIGN** MANUFACTURING IN THE AMOUNT OF **\$50,000 WITH** LOCAL CASH MATCH OF **\$25,000**; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to approve Resolution No. 46-05.

MOTION

Lynne **Hubbard** requested that staff notify business owners on the availability of grant funds.

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

MOTION APPROVED

- D. DISCUSSION: REQUEST FOR **CITY** COUNCIL TO APPROVE THE RE-APPOINTMENT OF MRS. BILLIE BROOKS-NELSON AND MS. PATTI **DUNBAR** TO SERVE ON THE POLICE PENSION BOARD OR APPROVE THE APPOINTMENT OF TWO NEW BOARD MEMBERS TO SERVE.

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to reappoint Mrs. Nelson and Ms. Dunbar to the Police Pension Board.

MOTION

Upon a roll call vote by Deputy City Clerk Robinson, the motion was approved with Chairperson Schnyer out.

MOTION APPROVED

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROVING A WORK ORDER FOR THE ENGINEERING ANALYSIS OF THE RECONSTRUCTION OPTION FOR THE CITY OF RIVIERA BEACH CODE ENFORCEMENT DIVISION, **CIVIL DRUG COURT, POLICE TRAINING AND RECORDS STORAGE BUILDING EVALUATION AND RECOMMENDING THE COST OF THE EVALUATION NOT TO EXCEED \$11,200 TO BE PAID FROM THE SETTLEMENT PAYMENTS ACCOUNT NO. 602-0539-513-0-4508;** AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**
- F. RESOLUTION NO. 47-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING **AND** ESTABLISHING A POLICY **WITH** PAYMENT TO ADMINISTRATIVE EXEMPT PERSONNEL FOR ADDITIONAL HOURS WORKED BEYOND THE 40 HOURS PER WEEK AS A RESULT OF HURRICANES FRANCES AND JEANNE IN THE AMOUNT OF \$72,377; AUTHORIZE THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN THE GENERAL FUND AND INCREASE VARIOUS DEPARTMENTAL SALARY ACCOUNTS; THAT THE FINANCE DIRECTOR IS AUTHORIZED TO MAKE PAYMENT FROM VARIOUS DEPARTMENTAL SALARY ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve Resolution No. 47-05.

MOTION

Upon a roll call vote by Deputy City Clerk Robinson, the motion was approved with Chairperson Schnyer out.

MOTION APPROVED

City Manager Wilkins stated that the candidate forum scheduled for Thursday was cancelled and that a candidate forum, sponsored by various neighborhood associations, would be held Friday at 6:30 p.m. at the Municipal Complex.

14. LEGAL DISCUSSION/REQUESTS

NONE

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

Chairperson Schnyer expressed words of thanks to Councilperson Wilson for his commitment and dedication to the residents of the community while serving as City Council.

Councilperson Wilson expressed words of gratitude for his tenure.

Councilperson Davis announced that students from Suncoast High School conducted an anti-violence survey and the website address, www.alter8tion.com. She then questioned why customers were not able to pay their utility bill by credit card. She further requested that recognition be given to Dads Club of Lighthouse Elementary who renovated the home of a grandmother that lived in the city.

Councilperson Wade requested that the ~~other unions be offered~~ the opportunity to purchase military service as granted to the police department. She then referenced the slanderous remark printed in the newspaper about her and wanted to know if she should use the city attorney or hire a personal attorney.

Chair Pro Tern **Iles** requested that the streetlights be checked between H Avenue East to F Avenue and on Broadway south of Blue Heron Blvd.

Mayor Brown requested a status of having the picture of the late F. Malcolm Cunningham hung in the Council Chambers.

Roseanne Brown, Chief of Staff, stated that in meeting with Mrs. Isabella Cunningham, it was determined that it was not possible to have the ceremony in February because of the preparation that needed to take place and that it was suggested to have the ceremony in conjunction with the renaming of the municipal complex.

Mayor Brown expressed words of thanks to Councilperson Wilson for his efforts in moving the city forward and the work he has done and still doing with children.

Councilperson Wade expressed words of thanks to Councilperson Wilson.

16. ADJOURNMENT

There being no further business the meeting was duly adjourned at **9:06** p.m.

APPROVED:



MICHAEL D. BROWN
MAYOR

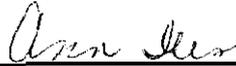


DAVID G. SCHNYER
CHAIRPERSON

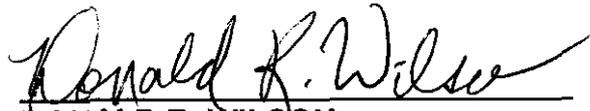
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



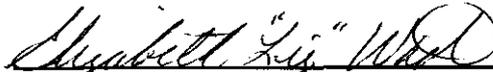
ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: D. Wilson

D. SCHNYER aye

A. ILES aye

D. WILSON aye

J. DAVIS aye

E. WADE aye

DATE APPROVED: 03/16/05