

CITY OF **RIVIERA** BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, APRIL 6, 2005 AT 7:30 P.M.

1. CITY CLERK CALLS TO ORDER:

1. Roll Call

City Clerk Ward was present and presided. Upon a roll call by City Clerk Ward the following were present: Councilperson David G. Schnyer, Councilperson Ann Iles, Councilperson Judy L. Davis, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, MMC, and City Attorney Pamala Hanna Ryan.

Councilperson Wilson was absent.

2. **Invocation/Pledge** of Allegiance

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

City Clerk Ward announced that applications for the city's scholarship program were available and that the deadline for submitting applications would be April 11, 2005 at 5:00 p.m.

2. **CITY CLERK SWEARS IN NEWLY ELECTED MAYOR & COUNCILMEMBERS & PRESENTS OATH OF OFFICE, ELECTION CERTIFICATE. RIVIERA BEACH CODE OF ORDINANCES, CITY CHARTER, GUIDE TO THE SUNSHINE AMENDMENT AND CODE OF ETHICS FOR PUBLIC OFFICERS, & FLORIDA MUNICIPAL OFFICIALS' MANUAL TO:**

1) Mayor

City Clerk Ward administered the Oath of Office to Mayor Michael D. Brown and presented him with his Certificate of Election and a copy of the Riviera Beach Code of Ordinances, the City Charter, the Guide to the Sunshine Amendment and Code of Ethics for Public Officers, and the Florida Municipal Officials' Manual.

2) Council District 1

City Clerk Ward administered the Oath of Office to Vanessa Lee, Councilperson District 1 and presented her with her Certificate of Election and a copy of the Riviera Beach Code of Ordinances, the City Charter, the Guide to the Sunshine

Amendment and Code of Ethics for Public Officers, and the Florida Municipal Officials' Manual.

3) Council District 3

City Clerk Ward administered the Oath of Office to Elizabeth "Liz" Wade, Councilperson District 3 and presented her with her Certificate of Election and a copy of the Riviera Beach Code of Ordinances, the City Charter, the Guide to the Sunshine Amendment and Code of Ethics for Public Officers, and the Florida Municipal Officials' Manual.

4) Council District 5

City Clerk Ward administered the Oath of Office to Ann Iles, Councilperson District 5 and presented her with her Certificate of Election and a copy of the Riviera Beach Code of Ordinances, the City Charter, the Guide to the Sunshine Amendment and Code of Ethics for Public Officers, and the Florida Municipal Officials' Manual.

3. CITY CLERK REQUESTS NOMINATIONS FOR CITY COUNCIL CHAIR

City Clerk Ward opened the floor for City Council Chair nominations.

Councilperson Iles nominated Councilperson Wade as the chairperson.

There being no further nominees, City Clerk Ward closed the floor for chairperson nominations, announced Councilperson Wade as Council Chair for year 2005-2006, and relinquished the gavel to Chairperson Wade.

4. CHAIR REQUESTS NOMINATIONS FOR CHAIR PRO-TEM

Chairperson Wade opened the floor for City Council Chair Pro Tem nominations.

Councilperson Davis nominated Councilperson Iles as the chair pro tem.

There being no further nominees, Chairperson Wade closed the floor for chair pro tem nominations and announced that Councilperson Iles was the chair pro tem.

5. MAYOR AND CITY COUNCIL COMMENTS AND REMARKS

Mayor Brown congratulated the winners of the '05 Municipal Election and stated that he was looking forward to working with the City Council.

Chair Pro Tern **Iles** expressed words of thanks to the citizens, Councilperson Lee and Chairperson Wade. She also introduced her family.

Councilperson Schnyer congratulated the winners of the '05 Municipal Election and thanked the electors.

Councilperson Davis congratulated the winners of the '05 Municipal Election.

Councilperson Lee thanked God for the opportunity and the electors for electing her as their representative. She also thanked the mayor and city council; her late father Mr. Lee, her mother and her children. She then recited their believers' creed along with a participant in her step club.

City Clerk Ward extended a special thank you to the City of Riviera Beach election staff, the Police Department, and her staff for their hard work during both elections.

Chairperson Wade thanked God and the electors of the city and she congratulated the winners of the '05 Municipal Election.

6. AGENDA APPROVAL:

1) Additions, Deletions, Substitutions

City Manager Wilkins made the following revisions to the agenda: deleted the following items 16B – Resolution regarding the Employee Home Purchase Assistance Program; 16C – Resolution regarding amending the Housing Trust Fund; and 16D – Resolution regarding amending the Marsh Harbour agreement. He stated that these items would be discussed at a Special City Council Meeting to be held on Wednesday at 8:00 p.m.

City Attorney Ryan requested that the City Council cancel the Closed Executive Session that was scheduled for the Wednesday at 7:30 p.m.

2) Adoption of Agenda

A motion was made by Councilperson Schnyer and seconded by Chair Pro Tern **Iles** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

7. UNFINISHED BUSINESS

NONE

8. AWARDS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION FROM MAYOR MICHAEL D. BROWN PROCLAIMING APRIL 10-16, 2005 AS "NATIONAL LIBRARY WEEK IN THE CITY OF RIVIERA BEACH.

Mayor Brown presented the proclamation for "National Library Week" and made comments regarding the declination of readership amongst school age children.

B. PRESENTATION OF PROCLAMATION BY MAYOR MICHAEL D. BROWN PROCLAIMING APRIL 17-23, 2005 AS "NATIONAL VOLUNTEER WEEK IN THE CITY OF RIVIERA BEACH.

Mayor Brown presented the proclamation for "National Volunteer Week" and expressed the importance of the need for volunteers to work with children.

Chair Pro Tem **Iles** stated that Ms. Arnette Lawrence has a program that gives incentives to children that encourages them to read. She stated that she would like for Ms. Lawrence to be invited to share her program with the city.

C. PRESENTATION INTRODUCING THE PARTICIPANTS OF THE CITY'S KARATE PROGRAM AND THEIR AWARDS AND ACCOMPLISHMENTS.

Sensei **Ulysses** "Pop" Winn presented his teacher, staff, and students of the city's Karate Program. He then presented to the Mayor, City Council, and the Parks and Recreation staff trophies won at their competition. A demonstration was done by the students of the program.

D. PRESENTATION ON THE ACCOMPLISHMENTS OF THE WILLIAM T. DWYER HIGH SCHOOL BOYS BASKETBALL TEAM.

Alfred Jones, **Asst.** Coach for William T. Dwyer High School Boys Basketball Team, introduced the head coach for the boys' basketball team, Fred Ross and announced that they were the 5A State Champions two years in a row.

Coach Ross introduced the team and staff members present and stated that some of his players started playing basketball in the city's basketball program.

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

Kernaa Iles, 321 W 30th Street, congratulated the winners of the '05 Municipal Election and presented his wife, Chair Pro Tem Iles, Chairperson Wade, and Councilperson Lee with floral arrangements.

Jacynth Woodside, **2641 W 28th** Street, made comments regarding the inspection process for home repairs; and submitted letters of follow-up.

Deborah Mitchell, **400 W 33rd** Street, made comments regarding the negative activity occurring in her neighborhood.

Randy Graham, **1516 W 30th** Street, urged the Mayor and City Council to work together in moving the city forward.

Shelby **Lowe**, **1943 W 16th** Ct #2, congratulated the winners of the '05 Municipal Election and made suggestions on having viewer interactivity for City Council meetings.

Emmanuel Jenkins, **2549** Westchester Dr, congratulated the winners of the '05 Municipal Election and made comments regarding various city departments.

Martha Babson, **156 E 21st** Street, made comments regarding Lake Shore Drive.

Councilperson Davis questioned staff about the access to Avenue A.

Mary **McKinney**, Community Development Director, clarified the Avenue A access and the current road construction.

Bill **Contole**, **1030** Grand Bahama Ln, congratulated the winners of the '05 Municipal Election.

Warrie Leonard, **1901 W 23rd** Street, announced the open enrollment for the swim team.

Steve White, **1668** Essex Lane, made comments regarding the service received from Waste Management in his neighborhood.

Commissioner **Addie** Greene, congratulated the winners of the '05 Municipal Election and made comments regarding the process for residents to request funding for special projects.

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.

10. MINUTES

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON MARCH 16, 2005.

11. RESOLUTIONS:

- A. RESOLUTION NO. 58-05 A RESOLUTION OF THE CITY COUNCIL OF THE **CITY OF RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND **CITY** CLERK TO EXECUTE THE AGREEMENT **WITH** PALM BEACH COUNTY FOR FUNDING AND REIMBURSEMENT OF **COSTS AND FEES ASSOCIATED** WITH THE 2005 GIRLS EASTER HOLIDAY INVITATIONAL BASKETBALL TOURNAMENT IN AN AMOUNT NOT TO EXCEED \$5,500; AND PROVIDING AN EFFECTIVE DATE.
- B. RESOLUTION NO. 59-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO PURCHASE A VOLVO **L50E** FRONT END LOADER BY PIGGYBACKING OFF DSCP CONTRACT IN THE AMOUNT OF \$87,050; AND **AUTHORIZING** THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN THE CAPITAL IMPROVEMENT FUND (FUND 305) IN THE AMOUNT OF \$87,050 AND APPROVING PAYMENT TO FLAGLER CONSTRUCTION EQUIPMENT OF DAVIE, FLORIDA IN THE AMOUNT OF \$87,050; PAYMENT TO BE MADE FROM ACCOUNT **305-1127-5410-6455** IN THE AMOUNT OF \$87,050; AND PROVIDING AN EFFECTIVE DATE. **PULLED BY COUNCILPERSON DAVIS**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Schnyer and seconded by Chair Pro Tern **Iles** to approve Resolution No. 59-05.

MOTION

Councilperson Davis expressed concerns of the safety of a cd player/radio in the front end loader.

Chair Pro Tern **Iles** discussed the need to set a policy reference audio equipment in city vehicles.

Herman **McCray**, 2315 Avenue S, made brief comments regarding audio equipment installed in heavy equipment.

Councilperson Schnyer amended his motion to approve Resolution No. 59-05 contingent upon having the cd player/radio removed from the equipment prior to putting it into service. Seconded by Councilperson Iles.

AMENDED MOTION

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

MOTION APPROVED

- C. RESOLUTION NO. 60-05 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 STATE HIGHWAY LANDSCAPE MAINTENANCE, AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE MAINTENANCE ON STATE ROADS WITHIN THE CITY OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE.
- D. RESOLUTION NO. 61-05 A **RESOLUTION** OF THE **CITY** COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE **REPLAT** ENTITLED "SIERRA BAY **REPLAT**"; AUTHORIZING THE MAYOR, CITY CLERK AND THE CITY ENGINEER TO SIGN THE PLAT; AND PROVIDING AN EFFECTIVE DATE.
- E. RESOLUTION NO. 62-05 A RESOLUTION OF THE **CITY** COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE "**PEPSI-RIVIERA** BEACH PLAT"; AUTHORIZING THE MAYOR, CITY CLERK AND THE CITY ENGINEER TO **SIGN** THE PLAT; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by Councilperson Schnyer and seconded by Chair Pro Tem **Iles** to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

12. PETITIONS AND COMMUNICATIONS FOR FILING

NONE

13. PUBLIC HEARINGS

NONE

14. ORDINANCES ON SECOND READING

NONE

15. ORDINANCES ON FIRST READING

NONE

16. REGULAR

- A. RESOLUTION NO. 63-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA**, APPROVING AND AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO HOST ITS FIRST TRIATHLON SPORTS EVENT IN CONJUNCTION **WITH** MULTIRACE.COM, INC. AND PROVIDE IN-KIND SERVICES TO ASSIST **WITH** THE TRIATHLON; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward 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. 63-05.

MOTION

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

MOTION APPROVED

- B. RESOLUTION NO. _____ A RESOLUTION OF THE **CITY** COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF A CITY OF RIVIERA BEACH EMPLOYEE HOME PURCHASE ASSISTANCE PROGRAM. **SAID** PROGRAM **WILL** PROVIDE **\$5,000** TO QUALIFIED CITY EMPLOYEES FOR HOMES UP TO **\$300,000** UB PURCHASE PRICE AND DIRECTING THE FINANCE DIRECTOR TO AMEND THE HOUSING TRUST FUND BUDGET IN THE AMOUNT OF **\$500,000** FOR THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**
- C. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF **RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE HOUSING TRUST

FUND BUDGET BY AN ADDITIONAL **\$722,650.23** FOR PROPERTY ACQUISITION AND UTILITY LIENS FOR THE **INFILL** HOUSING PROGRAM AND APPROPRIATE **SAID** FUNDS UPON RECEIPT BY THE CITY; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

- D.** RESOLUTION NO. _____ A RESOLUTION OF THE **CITY COUNCIL** OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE MARSH HARBOUR AGREEMENT **WITH** THE CITY OF RIVIERA BEACH; AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**
- E.** RESOLUTION NO. 64-05 A RESOLUTION OF THE **CITY COUNCIL** OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE STAFF TO SUBMIT A PALM BEACH **COUNTY** DEVELOPMENT REGIONS GRANT FOR DAN CALLAGHAN ENTERPRISES, INC DIBIA CALLAGHAN **TIRE** IN THE AMOUNT OF **\$50,000 WITH** A REQUIRED MATCH OF \$25,000; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair Pro Tern **Iles** and seconded by Councilperson Davis to approve Resolution No. 64-05.

MOTION

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

MOTION APPROVED

- F.** RESOLUTION NO. 65-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER **\$5,656** FROM GENERAL FUND CONTINGENCY ACCOUNT NO. **001-0203-519-0-5999** TO THE GENERAL FUND SPECIAL EVENT ACCOUNT NO. **001-0203-519-0-5507** TO COVER ADDITIONAL COSTS RELATED TO THE **NEALIA B. CUNNINGHAM** CELEBRATION; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair Pro Tern **Iles** and seconded by Councilperson Davis to approve Resolution No. 65-05.

MOTION

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

MOTION APPROVED

- G.** RESOLUTION NO. 66-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA

AUTHORIZING ACADEMIC SUMMER CAMP 2004 TO BE HELD JUNE 13 – JULY 22, 2005 ON THE CAMPUS OF JOHN F. KENNEDY MIDDLE MAGNET SCHOOL. THE CAMP **WILL** BE PARTIALLY FUNDED BY A GRANT FROM THE KNIGHT FOUNDATION'S COMMUNITY PARTNERS PROGRAM AND CHILDREN'S SERVICES COUNCIL; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE AMOUNT OF \$225,000; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair Pro Tem **Iles** and seconded by Councilperson Schnyer to approve Resolution No. 66-05.

MOTION

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

MOTION APPROVED

17. LEGAL DISCUSSION/REQUESTS

- A. REQUEST FOR CLOSED EXECUTIVE SESSION IN THE MATTER OF: CALVIN D. HIGHTOWER, ET AL., VS. CITY OF **RIVIERA** BEACH CASE NO. **2003CA004000AN. ITEM DELETED**

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

Mayor Brown extended words of appreciation to the city employees and volunteers for their hard work during the jazz festival. He also requested a workshop to coordinate efforts in preparing for hurricane season.

Councilperson Davis expressed words of appreciation to the city employees and requested that a detailed report be provided in 30 days. She also requested event coordinator position for the upcoming budget. She then stated that there was information regarding tax-free week for the purchase of plywood and generators.

Chair Pro Tem **Iles** stated that an announcement was made on Channel 12 News regarding a hurricane preparedness activity that would be taking place within the city on Saturday.

19. ADJOURNMENT

There being no further business, the meeting was duly adjourned at **9:50** p.m.

APPROVED:

Michael D. Brown

MICHAEL D. BROWN
MAYOR

Elizabeth "Liz" Wade

ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:

Carrie E. Ward

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

Ann Iles

ANN ILES
CHAIR PRO TEM

Vanessa Lee

VANESSA LEE
COUNCILPERSON

ABSENT

D G. SCHNYER
COUNCILPERSON

Judy L. Davis

JUDY L. DAVIS
COUNCILPERSON

MOTIONED BY: J. DAVIS

SECONDED BY: A. ILES

D. SCHNYER ABSENT

A. ILES AYE

V. LEE AYE

J. DAVIS AYE

E. WADE AYE

DATE APPROVED: 04/20/05