

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR **CITY** COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MAY 4, 2005 AT 7:30 P.M.

1. **CITY CLERK CALLS TO ORDER:**

1. Roll Call

Chairperson Wade was present and presided. Upon roll call by Deputy City Clerk Robinson, the following were present: Chair Pro **Tem Ann Iles**, Councilperson Vanessa Lee, and Councilperson Judy L. Davis. 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: additional backup provided for Item No. 12A – Ordinance regarding abandonment of Avenue E; added 13C – Resolution regarding the academic summer camp; added 13D – confirmation of City Council meeting schedule; and added 14A – discussion of replacement for vacant City Council District 4.

3. **ADOPTION OF THE AGENDA**

A motion was made by Chair Pro **Tem Iles** and seconded by Councilperson Davis 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. ACCEPTANCE OF DONATION FROM THE SINGER ISLAND ROTARY CLUB IN THE AMOUNT OF \$1,000 PER YEAR FOR TEN YEARS COMMENCING MAY, 2005 FOR GENERAL SUPPLIES FOR THE CITY'S COMPUTER LAB.

Bob Rosenberg, President of the Singer Island Rotary Club, presented a \$1,000 check to Chairperson Wade on behalf of the Rotary Club for supplies for the City's computer lab. He also stated that the club would be making this donation for the next ten years.

B. PRESENTATION TO THE **CITY OF RIVIERA** BEACH OF AUTOGRAPHED AND FRAMED JAZZ ON THE BEACH POSTERS FROM ALL **FIVE** JAZZ FESTIVALS.

Don **Jacobovitz**, Public Works Director, presented the City with the autographed and frame posters from the five jazz festivals held in the City.

C. **PRESENTATION FROM MARY MCLEOD BETHUNE ELEMENTARY SCHOOL FOR EARTH DAY. ITEM ADDED TO AGENDA**

A presentation was made by the winners of the Earth Day Poster and Poem Contests held at Mary Mcleod Bethune Elementary School.

Mayor Brown presented the winners of the contest, teachers, and the principal with a token of appreciation for the participation in Earth Day activities.

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

David Schnyer, **2620** Park Avenue, thanked the residents and those who supported him for the opportunity to serve as a Councilperson.

Carol Donohoo, **1190** Sugar Sands Blvd., made comments regarding the telephone call she received regarding the names of persons to fill the vacant seat for City Council District **4**.

Jeff Sabin, Waste Management representative, made comments regarding a guide that would be sent to all residents of the City containing information on recycling and trash/garbage pickup days.

Bill **Contole**, **1030** Grand Bahama Lane, made comments regarding not delaying the process in filling the seat vacated by former Councilperson David Schnyer.

Bishop Thomas Masters, **601 36th** Street, made comments regarding remarks made by the Mayor referencing him and the incident on Peanut Island.

Bennie Drain, Prime Time Palm Beach County, announced that a middle school mixer would be held at John F. Kennedy Middle School on May 14th from 10 am until 4 pm.

Earl Davis, 1001 W 4th Street, requested that the City Council meet with him and the members of the Southside Coalition so that they can show the areas that they have been complaining about. He also made comments regarding standing water in front of his home.

Phyllis Brooks, Salute Our Troops Homecoming Celebration, made comments regarding the parade route and funding for the event.

Jim Jackson, 1250 Sugar Sands Blvd., made comments regarding the proposed ocean mall project.

Jeff Siskind, representing Sara Dozier, made comments regarding his unsuccessful attempts to resolve lot clearing issues on property owned by Ms. Dozier. He requested that the City Council release any liens owed by Ms. Dozier that do not meet Florida statutes.

The matter was referred to the City Manager.

Margaret Shepherd, 2003 W 17th Ct #104, made comments regarding the improvements that were made by the housing authority.

Randy Graham, 1516 W 30th Street, made comments regarding filling the vacant seat for City Council District 4, the community unity rally, and an unsolved murders committee.

Gerald Ward, 31 W 20th Street, made comments regarding flooding on Avenue F, information Waste Management would be providing to the residents, and Light Harbor.

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 APRIL 20, 2005.

8. RESOLUTIONS:

END OF CONSENT AGENDA

A motion was made by Councilperson Davis and seconded by Councilperson Lee to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

9. PETITIONS AND COMMUNICATIONS FOR FILING

NONE

10. PUBLIC HEARINGS

- A. ORDINANCE NO. 2990 AN ORDINANCE OF THE CITY COUNCIL OF THE **CITY OF RIVIERA** BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF **SONOMA** BAY ASSOCIATES, LTD., ESTABLISHING THE "**SONOMA** BAY COMMUNITY DEVELOPMENT DISTRICT" BOUNDARIES FOR REAL PROPERTY COMPRISING OF **18.20** ACRES; NAMING THE **INITIAL** MEMBERS OF THE BOARD OF SUPERVISORS OF THE SBCDD; **DESIGNATING** THE PURPOSE OF THE SBCDD; DESIGNATING THE POWERS OF THE SBCDD; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Davis and seconded by Councilperson Lee to approve Ordinance No. 2990 on First Reading.

MOTION

Mary **McKinney**, Community Development Director, made a presentation regarding the proposed ordinance.

Chair Pro **Tem Iles** made inquiries regarding the time frame in which the board would be turned over to the residents and the possibility of the assessments being increased.

Wayne Richards, representing the applicant, stated that control of the board would be turned over after 250 units were sold or within six years which ever came first.

Richard Ellington, **Sonoma** Bay Associates, stated that the cost of assessments was set according to the cost of the infrastructure and that any other increases would be voted upon by the resident board.

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

MOTION APPROVED

11. ORDINANCES ON SECOND READING

NONE

12. ORDINANCES ON FIRST READING

- A. ORDINANCE NO. 2991 AN ORDINANCE OF THE CITY COUNCIL OF THE **CITY OF RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING THE RIGHT-OF-WAY KNOWN AS AVENUE "E" FROM THE SOUTH RIGHT-OF-WAY LINE OF WEST **10TH** STREET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD **710 (SR 710)** AND HEADING SOUTH FROM THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD **710 (SR 710)** FOR A DISTANCE OF APPROXIMATELY **984** FEET; PROVIDING FOR **SEVERABILITY**; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Councilperson Davis and seconded by Chair Pro Tem **Iles** to approve Ordinance No. 2991 on First Reading.

MOTION

Martin Murphy, **1124** Avenue C, made comments regarding the inability for commercial trucks to enter the City from the south.

Gerald Ward, **31 W 20th** Street, made comments regarding the study that was a part of the backup provided for the ordinance.

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

MOTION APPROVED

13. REGULAR

- A. RESOLUTION NO. 79-05 A RESOLUTION OF THE **CITY** COUNCIL OF THE CITY OF **RIVIERA BEACH**, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF **\$225,000** FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE COMMUNITY CAPACITY DEVELOPMENT OFFICE TO SUPPORT ACTIVITIES IN THE WEED AND SEED TARGET AREA; ALSO AUTHORIZING THE **CITY** MANAGER TO EXECUTE THE GRANT AGREEMENT; AND THE FINANCE DIRECTOR TO SET UP A BUDGET FOR THE SAME.

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. 79-05.

MOTION

Councilperson Davis requested that the minutes and attendance record of board members be provided to the City Council.

Chair Pro Tem **Iles** inquired about the difference between the coordinator and the coordination efforts of the State Attorney's Office.

John Green, stated that the coordinator hired by the City oversees the entire program.

Clarence Williams, Chief of Police, stated that the community prosecutor assists with the prosecutorial efforts of cases within the weed and seed area and the reintegration program.

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

MOTION APPROVED

B. FINANCE DIRECTOR'S SEMI-ANNUAL FINANCIAL REPORT.

Gwen Herbert, Finance Director, gave a brief review of the semi-annual financial report.

Councilperson Davis asked for clarification on the balances for the 308 — capital improvement, the 309 — capital projects 2003, and the renewal and replacement fund.

Gwen Herbert, Finance Director, gave clarification on the balance for 308 — capital improvement, the 309 — capital projects, and the renewal and replacement fund.

A motion was made by Chair Pro Tern **Iles** and seconded by Councilperson Lee to accept the semi-annual financial report as presented.

MOTION

Upon a roll call vote by Deputy City Clerk Robinson, the motion was approve with Councilperson Davis out.

MOTION APPROVED

- C. RESOLUTION NO. 80-05 A RESOLUTION OF THE **CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ACADEMIC SUMMER CAMP 2005 TO BE HELD JUNE 13 - JULY 22, 2005 ON THE CAMPUS OF JOHN F. KENNEDY MIDDLE MAGNET SCHOOL. ITEM ADDED TO AGENDA**

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

A motion was made by Chair Pro Tern **Iles** and seconded by Councilperson Lee to approve Resolution No. 80-05.

MOTION

Sylvia Lee Blue, 300 W **25th** Street, made comments regarding funding for the program.

Mayor Brown asked for clarification regarding the coordinator position and salary in the proposed budget.

Roseanne Brown, Chief of Staff, gave clarification on the coordinator position and salary.

Councilperson Davis expressed her displeasure with the City funding the entire academic summer camp program last year. She also stated that she spoke with Judge Rodgers and her understanding was that he would know definitely whether or not funding was approved by the end of May.

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

MOTION APPROVED

- D. CONFIRMATION OF CITY COUNCIL MEETING SCHEDULE
ITEM ADDED TO AGENDA

City Manager Wilkins stated that the following dates were confirmed: May 17th (Mary Mcleod Bethune Elementary School) and May 19th (Suncoast High School) Town Meetings regarding the Riviera Beach High School and the June 7th (City Council Chambers) Joint Meeting with the Port of Palm Beach.

14. LEGAL DISCUSSION/REQUESTS

A. DISCUSSION OF REPLACEMENT FOR VACANT SEAT FOR CITY COUNCIL DISTRICT 4 – ITEM ADDED TO AGENDA

City Attorney Ryan stated that she provided the City Council with a memorandum at the Agenda Review Meeting which outlined the provisions in the charter and that she provided another memorandum with two proposed resolutions attached for consideration. She stated that the City Council could fill the position at any point.

Ricky Divers, 1131 Coral Way, made comments in support of Dawn Pardo being appointed to fill the vacant City Council seat.

Margaret Shepherd, 2003 W 17th Ct. #104, made comments in support of Dawn Pardo being appointed to fill the vacant City Council seat.

Gerald Ward, 31 W 20th Street, made comments regarding filling the vacant City Council seat.

Chair Pro Tern **Iles** stated that she would like for Edward Rodgers to be asked to fill the vacancy created by former Councilperson David Schnyer.

Councilperson Davis stated that she received a letter of interest from Dawn Pardo however she recommended Edward Rodgers to fill the vacancy created by former Councilperson David Schnyer.

Councilperson Lee stated that she would support Edward Rodgers being appointed to fill the vacancy created by former Councilperson David Schnyer.

Chairperson Wade stated that she would support Edward Rodgers being appointed to fill the vacancy created by former Councilperson David Schnyer.

A motion was made by Chair Pro Tern **Iles** and seconded by Councilperson Lee appointing Edward Rodgers to fill the vacancy for the City Council District 4 seat.

MOTION

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

MOTION APPROVED

City Attorney Ryan stated that if the City Council wanted Mr. Rodgers to be sworn in prior to the next City Council Meeting then a special meeting needed to be scheduled.

A motion was made by Councilperson Davis and seconded by Chair Pro Tern **Iles** to schedule a special meeting for the installation of Edward Rodgers for Friday at 6:00 p.m.

MOTION

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

MOTION APPROVED

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

Chair Pro Tern **Iles** stated that she would provide reports on the following meetings she attended: Palm Beach County League of Cities meeting and Marine Industries Hurricane Preparedness Awareness Workshop. She continued with comments regarding not receiving a financial report from the football program and the decision that was made to bring the football program back in-house.

Chair Pro Tern **Iles** also stated that the report for the Jazz and Blues Festival was past due and that supporting documentation needed to be provided with all reports.

Councilperson Davis stated that in the future if additional time was needed to provide a report, staff must inform the City Council. She also stated that she attended an advisory board workshop hosted by the Florida League of Cities where an overview was given by the Assistant City Manager of Palm Beach Gardens on their board procedures. She stated that she wanted to use Palm Beach Gardens' format for the City's advisory boards. She also requested an update on security for City hall.

Asst. City Manager Gloria Shuttlesworth provided an update on the security measures taken place for City hall.

Councilperson Davis stated that she felt that she should do the summative for the City Manager's evaluation and therefore wanted to revisit the issue.

Chairperson Wade stated that she had started the process but she would turn over the responsibility.

Councilperson Davis requested that each Councilperson re-do their evaluation giving Councilperson Lee the opportunity to have input. She also asked that evaluations be completed by May 13th.

Councilperson Lee stated that she was declining to do an evaluation on the City Manager.

Chairperson Wade stated that she had provided a memorandum regarding some issues that she would be discussing with the Palm Beach Post's Editorial Board referenced articles that have appeared in the newspaper about the City. She stated that if any Councilperson wanted her to discuss any issues not listed to provide them to her. She also stated that Mr. Wilkins and Mr. Johnson would be attending with her.

16. **ADJOURNMENT**

There being no further business, the meeting was duly adjourned at 9:55 p.m.

APPROVED:

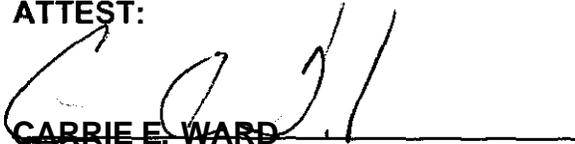


**MICHAEL D. BROWN
MAYOR**

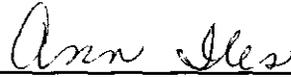


**ELIZABETH "LIZ" WADE
CHAIRPERSON**

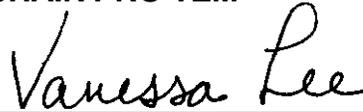
ATTEST:



**CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK**



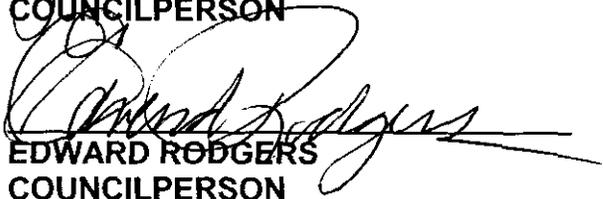
**ANN ILES
CHAIR PRO TEM**



**VANESSA LEE
COUNCILPERSON**



**JUDY L. DAVIS
COUNCILPERSON**



**EDWARD RODGERS
COUNCILPERSON**

MOTIONED BY: J. Davis
SECONDED BY: A. Iles

E. RODGERS aye
A. ILES aye
V. LEE aye
J. DAVIS aye
E. WADE aye

DATE APPROVED: 05/18/05