

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JANUARY 20, 2016 AT 5:30 P.M.**

CALL TO ORDER

[Missing from video]

Roll Call

[Begins mid-roll call]

CHAIRPERSON PARDO: Present.

CITY CLERK ANTHONY: Chair Pro Tem Terence Davis?

CHAIR PRO TEM DAVIS: Here.

CITY CLERK ANTHONY: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Here.

CITY CLERK ANTHONY: Councilperson Bruce Guyton? Councilperson KaShamba Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Present.

CITY CLERK ANTHONY: City Manager Ruth Jones?

CITY MANAGER JONES: Present.

CITY CLERK ANTHONY: City Clerk Claudene Anthony is present. City Attorney Pamela Ryan?

CITY ATTORNEY RYAN: Present.

INVOCATION

PLEDGE OF ALLEGIANCE

CHAIRPERSON PARDO: Okay. We have a quorum. I'd like to invite everyone to stand for a moment of silence followed by the Pledge.

[Moment of silence]

CHAIRPERSON PARDO: I pledge allegiance...

ALL: ...to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

AGENDA Approval: Additions, Deletions, Substitutions

CHAIRPERSON PARDO: Alright. Ms. Jones, do we have any additions, deletions or substitutions to the Agenda?

CITY MANAGER JONES: Madam Chair, we do have, just for information purposes and we forwarded it to you earlier, a revision in the heading of the Resolution that is on the Agenda. And, but it's just information. There are no additions and no deletions.

CHAIRPERSON PARDO: Alright. And that is Resolution No. 5?

CITY MANAGER JONES: Yes, ma'am.

DISCLOSURES BY COUNCIL

CHAIRPERSON PARDO: Okay. Do we have any disclosures by Council or by Staff?

CHAIR PRO TEM DAVIS: No.

ADOPTION OF AGENDA

CHAIRPERSON PARDO: Do we have a motion to adopt the Agenda?

COUNCILPERSON THOMAS: So move.

CHAIR PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Madam Clerk.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON PARDO: Thank you. Please let the record reflect that Councilman Guyton is now on the dais.

CONSENT AGENDA

CHAIRPERSON PARDO: 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.

CHAIRPERSON PARDO: Do we have...

COUNCILPERSON MILLER-ANDERSON: Madam Chair?

CHAIRPERSON PARDO: ...a motion to accept Consent? Yes.

COUNCILPERSON MILLER-ANDERSON: I wanna pull 4, 5 and 6.

CHAIRPERSON PARDO: Okay. Anyone else? [Pause]. Is there a motion to accept the Consent Agenda with 4, 5 and 6 pulled?

COUNCILPERSON THOMAS: So move.

CHAIR PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Madam Clerk.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON PARDO: Thank you. Item 4.

CITY CLERK ANTHONY: 4. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ADVANCED DATA PROCESSING, INC., (ADPI) DBA INTERMEDIUM FOR EMERGENCY MEDICAL TRANSPORTATION BILLING SERVICES, AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM BUDGET ITEM 001-0921-526-0-3105; AND PROVIDING AN EFFECTIVE DATE.

CHAIRPERSON PARDO: Is there a motion?

COUNCILPERSON GUYTON: So move.

CHAIR PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Okay. Ms. Miller, do you have a question?

COUNCILPERSON MILLER-ANDERSON: Yes. Someone can do a, a, a presentation or give some information?

CHAIRPERSON PARDO: Chief?

CITY MANAGER JONES: Yeah. I'll ask the Fire Chief, Reginald Duren, to come up and, if necessary, he can be assisted by Dean Mealy, the Purchasing Director.

FIRE CHIEF DUREN: Reginald Duren, Fire Chief.

CHAIRPERSON PARDO: Good evening.

FIRE CHIEF DUREN: Uh, this Item before you today is really an opportunity for us to take the percentage which our billing agent takes from the revenue we generate through EMS transports and reduce it from a rate of 6.8 to 4.75%. It gives us an opportunity to be committed in this piggyback, um, for, I believe, it's about eighte'..., approximately 18 months to give us a chance, should we decide, to go out and do our

own FR., RFP and go ahead and, uh, position ourselves for another opportunity to go for a longer, extended contract.

COUNCILPERSON MILLER-ANDERSON: Okay. I guess my question., I have a question for., thank you, for City Manager regarding the contract. When was, when did this contract expire or is this purchasing? Who could answer that?

FIRE CHIEF DUREN: We've been on a month-to-month basis for several years now.

COUNCILPERSON MILLER-ANDERSON: Okay. Is that what we typically do after it's gone beyond its time? Have we tried to put it back out?

CITY MANAGER JONES: This Item has been worked on, at least for, I would say, at least as long as Chief Duren has been here. It was one of the things that he recognized on his arrival and we began to explore options. At that time, the county was going out for an RFP and, so we were looking at what they were looking for to see if there was an opportunity to piggyback off of the counties. That one did not totally fit what we needed.

In addition, you will recall, there were individuals that came to, uh, some of you that were in the business of, at least, doing the collection and processing for us, if any of these cases went to court and., but that RFP went on the street. And so, that has slowed down the last period of time. And so in light of that, you always do month-to-month until you actually do a solicitation.

COUNCILPERSON MILLER-ANDERSON: So, for how long have we been doing a month-to-month? Since 2009?

PURCHASING DIRECTOR MEALY: The., Dean Mealy. The contract has actually been expired since 2011.

COUNCILPERSON MILLER-ANDERSON: Mhmm. Okay. So, since 2011 we've been doing a month-to-month?

PURCHASING DIRECTOR MEALY: Correct.

COUNCILPERSON MILLER-ANDERSON: Um, at what point would we put it back out so that we don't have to continue to do a month-to-month or was there a reason why we continued to do the month-to-month with this particular vendor?

CITY MANAGER JONES: We continued to do the month-to-month because we were waiting on the county process that I had mentioned.

COUNCILPERSON MILLER-ANDERSON: Right.

CITY MANAGER JONES: In addition, we went out on the street for a portion of this work.

COUNCILPERSON MILLER-ANDERSON: When was that?

CITY MANAGER JONES: Last summer, early, um.., there were several companies that were out there were.., that were doing the portion once it gets to court.

COUNCILPERSON MILLER-ANDERSON: Mhmm.

CITY MANAGER JONES: And if you can't collect. And so, we did a RFP for that particular portion and I believe there was only one company that responded to that solicitation. And so, we're bringing the piggyback that was completed by Palm Beach Gardens and it gives us an opportunity for a reduction in the percentage that they take.

COUNCILPERSON MILLER-ANDERSON: Did we reach out to other companies that perform this type of work to invite them to bid?

CITY MANAGER JONES: We're.., this is a piggyback.

COUNCILPERSON MILLER-ANDERSON: I know. That's what's...

CITY MANAGER JONES: They di'.., if you, if we.., when we looked at the Palm Beach Gardens process...

COUNCILPERSON MILLER-ANDERSON: Mhmm.

CITY MANAGER JONES: ...yes.

COUNCILPERSON MILLER-ANDERSON: You were gonna say something else?

CITY MANAGER JONES: No.

COUNCILPERSON MILLER-ANDERSON: Oh. Okay. Now, I, I understand that with the piggybacking but the only issue, sometimes, I have with piggybacking is that if that particular agency did not do their due diligence, we're basically taking on, just assuming that things are in line and in order, um, and it kind of puts us in a position sometimes where we're not.., we're just kinda going along with what they did regardless if it was probably the right process, the, the incorrect process. Um, it...

CITY MANAGER JONES: Ma'am, I can assure you that I have the utmost confidence that Mr. Mealy went through Palm Beach Gardens' process...

COUNCILPERSON MILLER-ANDERSON: Uhuh.

CITY MANAGER JONES: ...with a fine-toothed comb and it mirrored what we would've done if we'd'a gone out.

COUNCILPERSON MILLER-ANDERSON: Now, is this in direct, um, violation of anything that came through the OIG? Is this one of the areas that was addressed in doing this typical way?

CITY MANAGER JONES: It was not addressed in...

COUNCILPERSON MILLER-ANDERSON: Okay.

CITY MANAGER JONES: ...the negotiation...

COUNCILPERSON MILLER-ANDERSON: Not for this specific one but just the process that we're, we're going along?

CITY MANAGER JONES: No part of this was a part of the OIG.

COUNCILPERSON MILLER-ANDERSON: Not this particular, um, situation here but just the normal processes that we're following when it comes to Items such as this. Was this identified in the OIG?

CITY MANAGER JONES: They didn't talk about piggybacking at all, in the OIG.

COUNCILPERSON MILLER-ANDERSON: Alright.

PURCHASING DIRECTOR MEALY: If I may make a point.

COUNCILPERSON MILLER-ANDERSON: Yes.

PURCHASING DIRECTOR MEALY: Uh, in reference to looking at what other municipalities from the state have done...

COUNCILPERSON MILLER-ANDERSON: Mhmm.

PURCHASING DIRECTOR MEALY: The last solicitation was done by Longboat Key. Uh, with the exact same vendor, ADPI, uh, and they came back at a rate of almost 5%. And that, that.., and, and when we met with Chief Duren, I met with ADPI about assessing the contract at 4.75 rate, they wanted us, or insisted on us almost taking the Longboat Key rate for almost 5%. And we said, 'No. Our Council people are familiar with Palm Beach Gardens. It's a community right next to us and that's the rate we would like to have for the next 18 months, the 4.75. So, we actually did do our due diligence and went out and see what else was available in the marketplace and what has just recently been, uh, solicited.

COUNCILPERSON MILLER-ANDERSON: And when was that?

PURCHASING DIRECTOR MEALY: Longboat Key, and it came back at almost 5%.

COUNCILPERSON MILLER-ANDERSON: Okay. Okay. Thank you.

CHAIRPERSON PARDO: Anyone else? Madam Clerk.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: No.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: That motion is approved with Councilperson Miller-Anderson dissenting.

CHAIRPERSON PARDO: Thank you. Item 5.

CITY CLERK ANTHONY: 5. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A ONE-YEAR EXTENSION OF THE CONTRACT FOR CONSULTING AND PROFESSIONAL SERVICES FOR INVESTMENT MANAGEMENT WITH PUBLIC TRUST ADVISORS, LLC AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID EXTENSION; AND PROVIDING AN EFFECTIVE DATE.

CHAIRPERSON PARDO: Is there a motion?

COUNCILPERSON GUYTON: So move.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON PARDO: Okay. Who..., Ran'.., Mr. Sherman?

MAYOR MASTERS: Madam Chair, will you recognize that the Mayor is on the dais, please?

UNK: [Inaudible].

CHAIRPERSON PARDO: Mayor, I'm sorry.

FINANCE DIRECTOR SHERMAN: Good evening, Randy Sher'...

CHAIRPERSON PARDO: Wait. Let the...

FINANCE DIRECTOR SHERMAN: Oh, I'm sorry.

CHAIRPERSON PARDO: Yeah. Let the record reflect that the Mayor has been up here.

MAYOR MASTERS: Thank you.

CHAIRPERSON PARDO: Um, for quite a while.

MAYOR MASTERS: That's okay.

CHAIRPERSON PARDO: Thank you. Good evening, sir.

FINANCE DIRECTOR SHERMAN: My apologies. Good evening. Randy Sherman, Director of Finance and Administrative Services. Uh, what this Resolution does is we're offering public trust advisors, our investment manager firm, a 10 month extension. This would fill out their first one-year extension on the contract that the City currently has. Back in 2014, the City did issue an RFP and P'.., PTA, Public Trust Advisors, was selected. Due to the pricing that was offered, the contract was actually executed by the City Manager. It was well within her authority to execute the contract. We are finished that first year. It actually expired December fif'.., December 1st of 2015. Because we were still under the \$25,000 limit, the Manager gave us a 60 day extension to get us to this meeting. So that's why we're asking for just a 10 month extension at this time. And the Investment Manager is required under the City's investment management policy.

COUNCILPERSON MILLER-ANDERSON: I'm just looking at... Thank you. Now I know in here in the Resolution it says approving the extension. Are we gonna put in there that it's a 10 month extension or.., cause on the original it said a 1 year extension but the Resolution, the revised one, just says approving the extension. Now, that's probably not a question for him...

CITY ATTORNEY RYAN: Yeah.

COUNCILPERSON MILLER-ANDERSON: ...is it?

CITY ATTORNEY RYAN: Madam Chair?

CHAIRPERSON PARDO: Yes.

CITY ATTORNEY RYAN: The new agreement is going to say, under Section 1, that it is hereby extended until November 30, 2016. It's just gonna put the date in it.

COUNCILPERSON MILLER-ANDERSON: Is it? Okay.

FINANCE DIRECTOR SHERMAN: Yeah. And that is on the Resolution under Section 1. Correct.

COUNCILPERSON MILLER-ANDERSON: Okay. Okay.

CHAIRPERSON PARDO: Any...

COUNCILPERSON MILLER-ANDERSON: Thank you.

CHAIRPERSON PARDO: Thank you. Anyone else? Madam Clerk.

CHAIR PRO TEM DAVIS: She answered my question.

CITY CLERK ANTHONY: Councilperson Thomas?

CHAIRPERSON PARDO: Did you...

COUNCILPERSON THOMAS: Yes.

CHAIRPERSON PARDO: ...have something, Mr. Davis?

CHAIR PRO TEM DAVIS: No. I was, I was...

CHAIRPERSON PARDO: Oh.

CHAIR PRO TEM DAVIS: ...thinking out loud.

CHAIRPERSON PARDO: Okay.

CHAIR PRO TEM DAVIS: Said you answered my question.

CHAIRPERSON PARDO: Go ahead.

CHAIR PRO TEM DAVIS: [Chuckle].

CHAIRPERSON PARDO: Madam Clerk.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: Unanimous vote.

FINANCE DIRECTOR SHERMAN: Thank you.

CHAIRPERSON PARDO: Thank you. Item 6.

CITY CLERK ANTHONY: 6. RESOLUTION NO. _____ 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 ZTI-LLC TO PERFORM THE RUST TREATMENT, REPAINTING, AND TREAD REPLACEMENT ON THE ACTIVITY POOL AND PLUNGE POOL STRUCTURES LOCATED AT THE BARRACUDA BAY AQUATIC COMPLEX IN THE AMOUNT OF \$225,000.00; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBERS 310-1233-572-0-6301 B/BAY POOL & DECK AND 303-1236-572-0-6251 BARRACUDA BAY MAINTENANCE FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

CHAIRPERSON PARDO: Is there a motion?

CHAIR PRO TEM DAVIS: So move.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON PARDO: Okay. Good evening once again, sir.

PURCHASING DIRECTOR MEALY: Uh, in reference to the project in the market research which is attached to your, your package, this has gone out for solicitation three times and all three times only one bidder sol'., solicited, submitted the proposal, that was ETI. They have agreed to maintain the same pricing that they had submitted on the last bid of \$225,000 for the Phase One.

COUNCILPERSON MILLER-ANDERSON: Okay. Now, I know you said that it went out three times and they are the only... Do we know if they're they only ones that perform this service?

PURCHASING DIRECTOR MEALY: [Clears throat]. In, in my research and I..., we went out and looked at other companies that can do this. There are, are other firms that can do this type of work. However, because the City has gone out for repetitive bids but no awards, a lot of companies don't wanna come back and rebid until they actually see the City actually has a plan to actually issue a PO.

COUNCILPERSON MILLER-ANDERSON: Mhmm.

PURCHASING DIRECTOR MEALY: That's..., part of the problem's building the creditability back up with the vendor community.

COUNCILPERSON MILLER-ANDERSON: Okay.

PURCHASING DIRECTOR MEALY: But...

COUNCILPERSON MILLER-ANDERSON: What...

PURCHASING DIRECTOR MEALY: ...I did, we check with, uh, general contractors to make sure that the price for what was being proposed was in align.

COUNCILPERSON MILLER-ANDERSON: And was it?

PURCHASING DIRECTOR MEALY: Yes, ma'am. It was.

COUNCILPERSON MILLER-ANDERSON: Okay. When you..., are there any particular companies? Did you actually, not you or whoever was there before you, reach out to those companies and that was what they, they said?

PURCHASING DIRECTOR MEALY: In speaking to my predecessor, the interim director, she said yes. They had reached out to different people in the, the business of doing pool resurfacing and...

COUNCILPERSON MILLER-ANDERSON: And that was their...

PURCHASING DIRECTOR MEALY: ...[inaudible].

KIM: ...was their response?

PURCHASING DIRECTOR MEALY: Yes, ma'am.

COUNCILPERSON MILLER-ANDERSON: Okay.

PURCHASING DIRECTOR MEALY: And because of the health issues, I went over and visited the site with Ms. Franks. The site is in need of repair before the summer season starts so that's why we're pushing the Item today.

COUNCILPERSON MILLER-ANDERSON: Right. Okay. Thank you.

CHAIRPERSON PARDO: Alright. Any'...

CHAIR PRO TEM DAVIS: Ma'...

CHAIRPERSON PARDO: ...one else?

CHAIR PRO TEM DAVIS: Madam Chair?

CHAIRPERSON PARDO: Go ahead, sir.

CHAIR PRO TEM DAVIS: How often do we, do we conduct this process...

MAYOR MASTERS: Question.

CHAIR PRO TEM DAVIS: ...of, um.., how often, when was the last time this, this type of work was done at Barracuda Bay, maintenance?

CITY MANAGER JONES: I wanna say this particular, uh, issue that we've been dealing with, this will be the first time.

CHAIR PRO TEM DAVIS: Okay.

CITY MANAGER JONES: And it's gone out three times.

CHAIR PRO TEM DAVIS: Okay.

CITY MANAGER JONES: Yes.

CHAIR PRO TEM DAVIS: [Inaudible] and before you talked about Phase One, how many phases of work are we looking at?

PURCHASING DIRECTOR MEALY: The original scope was three phases.

CHAIR PRO TEM DAVIS: Okay. Did, did you explain the next two?

PURCHASING DIRECTOR MEALY: I'm actually not that versed with them, Councilperson. But I'll get Ms. Franks to elaborate more if she's here.

CHAIR PRO TEM DAVIS: Okay.

MAYOR MASTERS: Madam Chair, I have a question, please.

CHAIRPERSON PARDO: Alright. Hold on a second. So, is Ms. Franks here?

[Inaudible]

UNK: Uh-uh.

COUNCILPERSON GUYTON: She may be in the other room where everybody sits [inaudible].

COUNCILPERSON MILLER-ANDERSON: Yeah.
[Inaudible]

CHAIRPERSON PARDO: Alright. Go ahead, Mayor.

MAYOR MASTERS: Yes. Thank you, Madam Chair. On this, um, pool structure, plunge pool structure, um, do you know whether there had been any complaints about the condition of the pool in the past?

PURCHASING DIRECTOR MEALY: No, sir. All I can read is what, what's told to me by the Parks Department as far as the state come in and make a...

MAYOR MASTERS: Okay.

PURCHASING DIRECTOR MEALY: ...recommendation for the health department about the condition of the surface.

MAYOR MASTERS: I'll, I'll wait and ask Ms. Franks.

PURCHASING DIRECTOR MEALY: Thank you.

MAYOR MASTERS: Thank you.

CHAIRPERSON PARDO: Ms. Jones, I would make this suggestion. You know, in the future, um, if a department has an Item on the Agenda, I think it would be prudent for them to be sitting inside the Council Chambers.

MAYOR MASTERS: [Inaudible].

CHAIRPERSON PARDO: We have some department heads who chose to sit through the entire meeting, you know, here in the Chambers. This is...

CITY MANAGER JONES: And, I agree and I will have to speak with her about this because I did s'...

CHAIRPERSON PARDO: Well, not just her.

CITY MANAGER JONES: I sent an email out to all department heads today.

CHAIRPERSON PARDO: Okay.

CITY MANAGER JONES: Telling them 5:30.

CHAIRPERSON PARDO: Okay.

CITY MANAGER JONES: So. And it went to every department head.

CHAIRPERSON PARDO: And they all should all be sittin' here.

MS. FRANKS: Good evening. I apologize. Council.

CHAIRPERSON PARDO: [Inaudible].

MS. FRANKS: Yes.

CHAIRPERSON PARDO: Okay. So, who had the question...

MAYOR MASTERS: I did.

CHAIRPERSON PARDO: ...first?

MAYOR MASTERS: Ms.'..., Ms...

CHAIRPERSON PARDO: Wait, wait. Mr. Davis.

CHAIR PRO TEM DAVIS: Thank you. Ms. Franks?

MS. FRANKS: Yes?

CHAIR PRO TEM DAVIS: It was stated that we have three phases of work to do on, at this level. Phase., this is Phase One so could you please elaborate just a little bit on Phase Two and Three?

[Pause]

MS. FRANKS: The phase that we're getting done right now is to the activity, pool and the plunge pool.

CHAIR PRO TEM DAVIS: Mhmm.

MS. FRANKS: The plunge pool is...

CITY MANAGER JONES: Phase Two and Three.

MS. FRANKS: ...Phase Two and Three. It's the resurfacing of the pool...

CHAIR PRO TEM DAVIS: Mhmm.

MS. FRANKS: ...deck and...

CHAIR PRO TEM DAVIS: Okay.

MS. FRANKS: ...also refinishing the pool surfaces.

CHAIR PRO TEM DAVIS: Okay.

MS. FRANKS: Uh, the bidder did bid on all three projects but we only have enough funding for the activity and plunge pool.

CHAIR PRO TEM DAVIS: Okay. Thank you.

MS. FRANKS: Sorry. I'm out of breath.

CHAIR PRO TEM DAVIS: No. That's okay.
[Chuckles]

MS. FRANKS: I got on my Nikes.

CHAIR PRO TEM DAVIS: Okay.

[Chuckles]

MAYOR MASTERS: Yes. Good evening.

MS. FRANKS: Good evening.

MAYOR MASTERS: Director Franks, how are you?

MS. FRANKS: I'm fine, Mayor.

MAYOR MASTERS: Lemme...

MS. FRANKS: How are you?

MAYOR MASTERS: Lemme ask you this just quickly. Um, is there kind of regulation that requires the treatment, the rust treatment ever so many years? If you understand my question that this has to be done to the health department say every two years, every three years, every whatever?

MS. FRANKS: Well, every five to seven years because of the chlorine.

MAYOR MASTERS: Mhmm.

MS. FRANKS: It causes the paint to fade and it causes rust. And, the last time that these pieces of equipment were touched on were 2008. So, it's every five to seven years that we're noticing that we need to do touchups.

MAYOR MASTERS: And there..., have there been any complaints that you know of, regarding the condition of the pool?

MS. FRANKS: We get annual inspections and quarterly inspections from the health department. We're trying to prevent that, so, uh, we're anticipating having another inspection, you wanna make sure that we pass inspection.

MAYOR MASTERS: In the, the..., my question is, have there been any complaints from the health department?

MS. FRANKS: No.

MAYOR MASTERS: In regard the pool? There, there have...

MS. FRANKS: At this...

MAYOR MASTERS: ...not been?

MS. FRANKS: No, sir.

MAYOR MASTERS: Okay.

MS. FRANKS: Thank you.

MAYOR MASTERS: That's all I wanted. You're good.

CHAIRPERSON PARDO: Alright. Anyone else? [Pause]. Okay. Thank you. Madam Clerk?

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: Unanimous vote.

MS. FRANKS: Thank you.

CHAIRPERSON PARDO: Okay. Thank you. That's the end of the Consent Agenda.

PETITIONS AND COMMUNICATIONS FOR FILING

CHAIRPERSON PARDO: Petitions and communications for filing?

CITY CLERK ANTHONY: None.

AWARDS AND PRESENTATIONS

CHAIRPERSON PARDO: Alright. Awards and presentations. None.

PUBLIC HEARINGS

CHAIRPERSON PARDO: Public hearings.

ORDINANCES ON FIRST READING

CHAIRPERSON PARDO: Ordinances on first reading. Item 7.

CITY CLERK ANTHONY: 7. ORDINANCE NO: _____ AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RESTATING ARTICLE II ENTITLED "GENERAL EMPLOYEES", CHAPTER 14 ENTITLED "PENSIONS AND RETIREMENT PROGRAMS"; PROVIDING FOR SIMPLIFIED, UPDATED, AND MODERNIZED LANGUAGE; PROVIDING A LIMITATION ON NUMBER OF POST-RETIREMENT BENEFICIARY CHANGES; REMOVING AGE SEVENTY MANDATORY RETIREMENT AGE; CLARIFYING OPTIONAL FORMS OF RETIREMENT; ACKNOWLEDGING TRUSTEES' DUTY TO ATTEND PENSION SCHOOLS AND OTHER EDUCATIONAL FUNCTIONS; REMOVING REQUIREMENT THAT MEMBERS ENTERING DROP MUST ATTEND A CITY-SPONSORED EDUCATION PROGRAM; PROVIDING THAT MEMBERS ENTERING DROP ARE ENCOURAGED TO ATTEND CITY-SPONSORED EDUCATION

PROGRAM; PROVIDING FOR IRS LANGUAGE CONCERNING PREVIOUS EMPLOYEES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

COUNCILPERSON GUYTON: So move.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON PARDO: Okay. Ms. Jones, who's doing the presentation and who is this standing up here?

[Chuckles]

MR. K. HARRISON: My name is Ken Harrison. I'm the...

CHAIRPERSON PARDO: Alright. Hold on, sir.

UNK: Hold on.

CHAIRPERSON PARDO: You haven't been...

MR. K. HARRISON: I'm sorry.

CHAIRPERSON PARDO: ...acknowledged yet.

MR. K. HARRISON: Oh, okay.

[Inaudible]

CITY ATTORNEY RYAN: This meeting is a little off tonight. There is.., I, and I hope the Council read the backup. I almost feel like reading the background summary to make sure that everybody understands what we're doing. This is a restatement of the entire General Employees' Pension Plan. They, the pension, um, the Board worked on this last year and they submitted a document to us in March of 2015, right around the same time that the City was considering passage of the Florida Retirement System ordinances so we put them off because the two.., we wanted to make sure the two would not conflict.

So, as you know, this summer, we passed the ordinances as it related to FRS for elected officials, for general employees and for fire. After that was done, City Staff starting meeting with Mr. Harrison of the General Employees' Pension Plan and, what you have in front of you are some of the.., is an ordinance which has some additions and some deletions. Mr. Harrison is here to go through the major components of it but most of this comes from his discussions with his Board and some changes that were recommended by City Staff.

And we will ..., I'll let him run through the presentation quickly and if you have any questions, we'll both be happy to entertain them.

CHAIRPERSON PARDO: Well, before we start, I have a question for you. So, which part of this are you guys recommending? Is Staff recommending?

CITY ATTORNEY RYAN: Well, Staff met with Mr. Harrison and there's nothing here that is not being recommended by Staff. There were some things that we changed. Um, as I noted in the background summary, one of the things that Staff wants to recommend, is a change in the composition of the General Employee's Pension Plan. Because there are no new members going into the Plan, the number of people who are in the Plan, will start decreasing as people retire. So, the composition which right now you have to have a person from Public Works, you have to have a person from finance. Uh, an individual from..., we have three, I think, individuals from the public. So, there are different departments where people come from and we think that, in the future, we may need to just say, 'Seven members, four across the board from any City department. We won't break down the departments and we may even suggest a change in the composition of the, the, uh, the public that are members of the Board.

But, as he goes through them, there're..., if you want us to point out the different things that City Staff put in here that...

MR. K. HARRISON: Okay.

CITY ATTORNEY RYAN: If that's what you mean. [Inaudible]. I'll let you know when Staff recommended changes versus changes that were recommended by the Pension Plan. If that's what you want us to do.

CHAIRPERSON PARDO: Well, I read the document and I sent you a whole bunch of questions about it. So, I have, I have some serious concerns about this but obviously I'm the only one.

Okay, sir. Go ahead.

MR. K. HARRISON: Alright. My name's Ken Harrison with the law firm of Sugarman & Susskind. We are their Pension, we are the attorneys for the Pension Board. The, the Pension Board had expressed a concern that the Plan document had grown. There was a primary document and then several amendments and they wanted to create a restatement which was nothing more than taking the Plan and putting all the amendments into one document. As this progressed, there was a series of events that interceded the admin of FRS, closing of the Plan and it's a, a statutory change that took place. So there was some changes in addition to the consolidation of the existing Plan and amendments.

And this has been going on for a couple years. We've now reached the point where it's here before you and, as your City Attorney pointed out, we had a meeting with her, Director of Finance, Director of Human Resources and went through this item by item, line by line and there were recommendations that came out of that meeting that the City implemented in this document. So, we have a document that started out being a simple compilation of existing documents that has now grown into some changes.

What I've done here is try to pick up the, the major changes and bring 'em to your attention. There are other changes in the Plan. For instance, we found that the, the term Member and Participate was used inter'.., interchangeable with'.., within the Plan. So, we changed it to be Member only. We did use the word Participant. So every time we saw Participant, we changed it to Member. There were those kinds of changes that went on. What I've tried to do here is the, is the substantial changes that you probably have questions on. We deleted this because we thought it was outdated and not needed anymore because it was a time certain entry. If you have.., if we go through these or, or if these are the questions you have, you know, don't hesitate to question me on 'em at, at that time.

So, this one was just when we reviewed it, we said, 'This really, it's time sensitive. We don't really need it anymore.' So, administratively, we just struck it out of the document. The title is where it is, where it is in the overall Plan. I, I don't know whether you have a copy of the Plan in front of you but those titles are in that provision of the Plan.

Okay. This talks about how somebody could apply to buy prior service. We used to make 'em do it in the first year. The question arose from City Staff about why, why can't they do it at any time? Because the impact here is they have to pay the full actual cost and the closer they get to retirement, the more it cost 'em. So why not let 'em apply whenever they want as long as they're gonna pay the full actual cost. So, we deleted the one year provision. So now, going forward, anybody that wants to buy prior service can do it at any time but they're gonna have to pay the full actual cost. And the longer they wait the more it costs 'em cause the closer you get to retirement, the more your gonna have to put in the Plan to pay for it.

CITY ATTORNEY RYAN: And that's on Page 3 of your documents.

MR. K. HARRISON: [Clears throat].

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON PARDO: What? Go ahead. Mr. Thomas.

COUNCILPERSON THOMAS: I have a question, sir. For this prior service, this is only talking about general. Why are we not offering for police and fire as well?

MR. K. HARRISON: The police plan has it.

COUNCILPERSON THOMAS: Um, is...

MR. K. HARRISON: Prior, prior service for military and prior employment as another city.

COUNCILPERSON THOMAS: No. I, I understand that. I'm saying..., but you still have do it with'..., within the first year. Correct?

MR. K. HARRISON: For the police plan, yes. At this point. I..., they may wanna change that once they see this.

COUNCILPERSON THOMAS: And what about the fire plan?

MR. K. HARRISON: I am not the attorney for the fire plan but I do, they do have the similar provision.

COUNCILPERSON THOMAS: So why won't we be changing them all at one time?

CHAIRPERSON PARDO: It's all about priorities, I guess.

CITY ATTORNEY RYAN: It, it, it's not about priority. It's about the, the General Employees' Pension Plan came to us.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: And so, we met with them. If the fire department wants to do that, the fire pension and the police pension wanna do it, we're happy to meet with them. That's what happened with DROP. One, when one comes, we deal with at, we'll deal with them as they come.

COUNCILPERSON THOMAS: I get it.

CITY ATTORNEY RYAN: It's not about priorities. It's about, this has been a year.

COUNCILPERSON THOMAS: No. I understand. I just was thinking, if we've done all this work and added another, uh, element to these, we probably should've been handling them all at one time versus so we're gonna have to do this again three more times if they choose to want to..., or two more times if they choose to want to do this.

CITY ATTORNEY RYAN: If they, if they choose.

COUNCILPERSON THOMAS: Okay. Alright. No problem. That's all.

CHAIRPERSON PARDO: Go ahead, sir.

MR. K. HARRISON: We're still under definitions. This is earnings. We made some changes here. It, um..., here, the question was bonuses and overtime. The statute that governs this, Chapter 112, changed recently and said you can't, you cannot continue to use accrued leave balances in your pension calculations effective a certain date. The curtain..., the date was in the statute, however, it said if you're under a contract, it'll be the date of your next contract. We were, in fact, in that. There were two employees groups that were negotiating'..., negotiating at the time so they have adopted it effective those dates of the new contract. But they can, any, any accrued leave they, they accumulated before those dates can be used in pension calculations. Anything they earn after that cannot be used. So that's the change we made here.

The other thing was bonuses. This used to say that bonuses were excluded from pension calculations. As a result of a meeting we had, bonuses were put in as, as an inclusion because what, what my understanding is that that does happen on occasion and it is part of the salary. So we took it from an excluded item and made it an included item.

CITY ATTORNEY RYAN: No. That's not...

CHAIRPERSON PARDO: Alright.

CITY ATTORNEY RYAN: ...that's not...

CHAIRPERSON PARDO: Hold on a second.

CITY ATTORNEY RYAN: ...correct. Hold on.

CHAIRPERSON PARDO: So, someone explain this.

CITY ATTORNEY RYAN: That's not correct. Cause you're lookin'...

CHAIRPERSON PARDO: This bonus situation.

MR. K. HARRISON: Alright.

CITY ATTORNEY RYAN: Look at earnings. We deleted... Bonuses was already included at the top. It was moved from the top to the bottom. It just was moved.

MR. K. HARRISON: No. But if you read it, it says, 'Excluding non-regular overtime and bonuses.' So it was specifically excluded originally. We included it. That was a change we made.

CHAIRPERSON PARDO: I thought bonuses were illegal in this state.

CHAIR PRO TEM DAVIS: I thought so too.

MR. K. HARRISON: I...

CITY ATTORNEY RYAN: That's not correct.

MR. K. HARRISON: [Chuckle].

CITY ATTORNEY RYAN: If you [inaudible]...

MR. K. HARRISON: Me., my understanding is that bonuses do occur here. I can't answer that. So. We., that, that brings up a question from the actuary though is, we now have to, uh, find out what accrued balances are in place and what bonuses occur and if any have occurred in the past. The actuary and I talked yesterday about this. The data that goes to the actuary is all inclusive as salary. If there's a bonus, it just is reported to them as a salary. We'll now have to enumerate that outside of that but that's an administrative procedure that'll be worked out with the City.

So Pam, as I... [Chuckle].

CITY ATTORNEY RYAN: Okay.

MR. K. HARRISON: That's, that's where we were with this and that sort of changes...

CITY ATTORNEY RYAN: Okay.

MR. K. HARRISON: ...were made.

CITY ATTORNEY RYAN: I don't remember that.

MR. K. HARRISON: Okay? Next, this is eligibility. Um, this has to do with the FRS implementation here. You closed this Plan so anybody hired after a certain date cannot join this Plan. That's the change here that you see.

CITY ATTORNEY RYAN: I believe Ms. Pardo asked a., she sent me a, a question about the, um, the medical provider. The physicals, we no longer provide for a doctor in one of these sections?

MR. K. HARRISON: That's later on.

CITY ATTORNEY RYAN: Oh, okay. It's not in this one.

MR. K. HARRISON: And that...

CITY ATTORNEY RYAN: Okay.

MR. K. HARRISON: ...that's pretty straight forward. When I get to it, I'll explain that...

CITY ATTORNEY RYAN: Okay. [Inaudible].

MR. K. HARRISON: We actually had a conflict in the Plan and it, it's..., the more efficient way was to delete that paragraph because you already deal with it in the disability provisions on how to handle those.

This is change of de'..., of designated beneficiary. This, uh, this has been an iss'..., interesting issue because, um, we, we've been operating and allowing people to change their beneficiary at certain, when certain events occur, pre'..., preretirement and after retirement. This is an effort to clarify what we have actually been doing. So, what we do here, if you retire and your designated beneficiary predeceases you, you get to change that person two times without any cost to you. After that, you're gonna have to pay for the, any calculations that are required because of the change. When you change your beneficiary, if you, if you change it to a younger person, it will have an impact on your benefit because we are now funding the life of that younger person. So there could be, there will be a cost by the actuary to calcul' that, calculate that but the Board has said, 'We'll, we'll let 'em do it twice and anything after that we're gonna charge 'em.

CHAIRPERSON PARDO: And is that common throughout the State of Florida?

MR. K. HARRISON: As a matter of fact, for police and fire it's in the statute that you can do it up to two times.

CHAIRPERSON PARDO: Okay. But we're not talking police and fire now. Right? We're working on general employees.

MR. K. HARRISON: Well...

CHAIRPERSON PARDO: So is that common throughout the state?

MR. K. HARRISON: It's becoming the trend because of the police and fire provisions. The general plans copy that.

CHAIRPERSON PARDO: So it's...

MR. K. HARRISON: So, yes ma'am...

CHAIRPERSON PARDO: ...becoming...

MR. K. HARRISON: It is, it is becoming more common.

MAYOR MASTERS: But it's not common now though? Correct?

MR. K. HARRISON: I'm sorry. It's...

MAYOR MASTERS: It's not common now. It's becoming common but it's...

MR. K. HARRISON: It's becoming...

MAYOR MASTERS: ...not common..

MR. K. HARRISON: ...common the more...

MAYOR MASTERS: But it's not common now, is it?

MR. K. HARRISON: I would say the majority of general plans have it by now because it's been place for the police for a few years now. So, if you're asking me, "Does everybody have it?" No. But I would think the majority have it now.

MAYOR MASTERS: Okay.

MR. K. HARRISON: But it is a trend that's ongoing. This is also relating to the, uh, joint survivor. Let me back up here a minute. Okay. We als'.., this is now [clears throat]. The normal benefit, we, we put in place, we made some, uh, changes so we better understand what normal benefit means. And, what used to be Option 1, now we've moved that. We've made, we've made the straight life annuity the normal benefit and what used to be Option 1 gets moved to Option 2 because you have options of what type of benefit you can choose. If you don't make a choice, you get the normal which is your life only. But you can opt to have a survivor benefit which impacts your benefit. It'll be lower, depending on the age of the person you're extending it to. And there are several options that you have. Fifty (50%) percent, two-thirds, 75%, 100%. Those are the options you have.

But in order to create a better understanding of the Plan, an optional form of benefit is something other than the normal. So we had to establish what was normal first. Get that in writing and then provide the option. So that's what happened here. We didn't actually change any benefit, we changed the, the title and the enumeration of it within the document. [Clears throat].

And then this shows that Option 2, what used to be Option 1 now becomes Option 2 and it goes on there. We did not change the benefits themselves. We just changed the placement in the document but it looks like a big change cause there's a lot of underlining and strikethroughs there.

Participation of the DROP. This one we realized [chuckle] this was, again, time certain. This was the provision that you had that anybody that already had passed the 30 year cap could go into the DROP and still get the full-time. This is not needed anymore because it was only given for a specific number of, a number of people for a specific time period.

CITY ATTORNEY RYAN: Page 18 of your document.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON PARDO: Yes, Mr. Thomas?

COUNCILPERSON THOMAS: So, why are we taking it out?

MR. K. HARRISON: Cause it's obsolete and it's not needed.

COUNCILPERSON THOMAS: What makes it...

MAYOR MASTERS: [Chuckle].

COUNCILPERSON THOMAS: ...obsolete?

MR. K. HARRISON: Because nobody could, nobody can do this anymore.

CITY ATTORNEY RYAN: You can't work for 30 years now and join DROP. Because the normal retirement is something other than 30..., it's less than 30 years for everybody. And you have to join..., if you're going to join DROP, it has to be done at normal retirement. It has to be done at normal retirement. So, when we initially did the DROP program for general employees, police and fire, we put a, um, we gave an exception for those people who had already gotten passed the beginning of normal retirement. We had people who had already been here for 30 years when we did DROP. So, instead of saying, 'Sorry guys, you can never do DROP,' we added this provision to give them an opportunity to join DROP. And that's what many, I'm, I'm gonna say at least 10 of our employees did that.

MR. K. HARRISON: Your longer term employees who had already exceeded this cap were given this opportunity to go into DROP for the full period.

CITY ATTORNEY RYAN: But those people are no longer here.

MR. K. HARRISON: They're no longer here and that's no longer an option for anybody else. So we deleted it.

COUNCILPERSON THOMAS: Okay. I, I'm, I'm maybe just missing it. It's no longer an option because of...

MR. K. HARRISON: You have a cap on..., you, you have to leave with 30 years of service and your DROP is included, five years of DROP is included in the 30 years. So you work 25, you go into DROP, you work another five. A total of 30, that's it.

COUNCILPERSON THOMAS: Mhmm. And when did you, when do, when do you have to go at 30? We have people here a lot longer than 30.

MR. K. HARRISON: Thirty years of service that is. They have worked here for 30 years. You, you did have a lot of people that worked here longer and they were given the option to go ahead and go into the DROP at that time for the full five years.

COUNCILPERSON THOMAS: Okay. I'm, obviously I'm missing something here. I'm just trying...

MR. K. HARRISON: Okay.

COUNCILPERSON THOMAS: ...to find it.

UNK: [Sigh].

COUNCILPERSON THOMAS: So, we're saying that [pause], are we saying that 30 year..., if you're a 30 year employee, you must enter the DROP at 30 years?

MR. K. HARRISON: No. You must, you must leave employment.

COUNCILPERSON THOMAS: And why are we doing that?

CHAIRPERSON PARDO: [Inaudible].

MR. K. HARRISON: That's, that was what the, the Council passed back when we did this. You capped...

COUNCILPERSON THOMAS: Well, if that was case, how did people work longer than 30 years?

MR. K. HARRISON: They'd already been here and you created this exemption to let them do that but they were only given that exemption because they had already passed the 30 years. Those...

COUNCILPERSON THOMAS: I'm still missing something here.

MR. K. HARRISON: Okay. Let me try it this way. You made a special exception for long-term employees when you implemented the DROP.

COUNCILPERSON THOMAS: I got that.

MR. K. HARRISON: Okay. That exception is no longer applicable because it only applied to people who were already over 30 years at that time. Those people have already been in the DROP and left. Nobody else can take advantage of this option.

COUNCILPERSON THOMAS: They can't take advantage of the DROP but they can continue to work?

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: I just wanna hear it...

CITY ATTORNEY RYAN: Oh, yes.

COUNCILPERSON THOMAS: ...from the attorney.

CITY ATTORNEY RYAN: Absolutely.

COUNCILPERSON THOMAS: I wanna make sure that I'm...

MR. K. HARRISON: They...

COUNCILPERSON THOMAS: ...understanding that.

MR. K. HARRISON: ...they can't go and.., if they've got 30 years of service, they're not gonna be able to go into DROP.

CITY ATTORNEY RYAN: Ever.

COUNCILPERSON THOMAS: Okay. But...

MR. K. HARRISON: Ever. Period.

COUNCILPERSON THOMAS: But why, why are we doing that?

CITY ATTORNEY RYAN: Okay. This is...

MR. K. HARRISON: Cause that's...

CITY ATTORNEY RYAN: ...what it says.

MR. K. HARRISON: ...what the language says.

CITY ATTORNEY RYAN: Right. Um...

CHAIR PRO TEM DAVIS: [Inaudible].

CITY ATTORNEY RYAN: ...if you'll at look at Page 17 of...

COUNCILPERSON THOMAS: But I don't...

CITY ATTORNEY RYAN: ...your document...

COUNCILPERSON THOMAS: ...I don't have that document with me.

CITY ATTORNEY RYAN: Oh, okay. I'll read it. "Eligibility of member to participate in the DROP." And this is not new. This was already here. "All retirement system members are eligible to elect participation in the DROP on or after attaining their normal retirement date." So when you, whenever you get to your normal retirement date, on or after, their normal retirement date, "or age provided that election to participate is made within five years after the member reaches the earliest eligibility for normal retirement based on years of service or age and years of service except as provided for in Paragraphs 2A and 2B below." We're striking 2B.

COUNCILPERSON THOMAS: Okay. What I'm trying to figure out is [pause], what is the benefit of taking this away? That's what I don't get. Why, why are we taking it away?

MR. K. HARRISON: We're deleting it because nobody can obtain it. There's nobody left in the Plan that can do this, can go into the DROP.

CITY ATTORNEY RYAN: You have to have...

UNK: [Inaudible].

COUNCILPERSON THOMAS: Oh.

CITY ATTORNEY RYAN: ...25 years of service.

COUNCILPERSON THOMAS: Oh, okay.

CITY ATTORNEY RYAN: Yeah.

COUNCILPERSON THOMAS: Okay. Alright.

MR. K. HARRISON: Okay?

COUNCILPERSON THOMAS: Alright. I.., because the Plan is closed now.

MR. K. HARRISON: Right.

COUNCILPERSON THOMAS: You're basically saying that you can't do this but, however, suppose you decide that you wanna work 30 years now?

MR. K. HARRISON: [Inaudible]...

COUNCILPERSON THOMAS: And you're already currently in the Plan?

MR. K. HARRISON: You can work 30 years but you can go into DROP at the end of 30 years.

COUNCILPERSON THOMAS: Now that would be my question as to why not? If they're already in the Plan, why can they not work more than 30 years and take advantage of the DROP?

MR. K. HARRISON: Your language that you adopted when you put the DROP in contained that cap of 30 years.

CHAIRPERSON PARDO: We did'..., can I...

COUNCILPERSON THOMAS: I., okay. I, I... Hold on one second, Madam Chair, please.

CHAIRPERSON PARDO: Uhuh. Go ahead. That's fine.

COUNCILPERSON THOMAS: Just so I can get this. So, why are we not fixing it so that the people that are in there can currently use it? Why are we taking it away is what I'm trying to figure out?

MR. K. HARRISON: We're...

CITY ATTORNEY RYAN: So what you're saying is that you don't think a person should have to do DROP when they reach normal retirement.

COUNCILPERSON THOMAS: Right. I mean, there are people that work more than 30 years or more than 25 years and with this particular Plan, it's five or six different ways that you can retire.

MR. K. HARRISON: Yes, it is.

COUNCILPERSON THOMAS: And there's dif'...

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: ...there's five or six different ages and it's a lotta, you know, why would we limit them to being able to... We don't know what a person's financial stability is or their forecasts are, why are we taking it away, is what I'm trying to figure out?

MR. K. HARRISON: My understanding of it, when this was first implemented, you didn't want people working 45 years and then going...

CITY ATTORNEY RYAN: Then doing...

MR. K. HARRISON: ...into the DROP.

CITY ATTORNEY RYAN: ...DROP. The point...

MR. K. HARRISON: Alright? You wanted to...

CITY ATTORNEY RYAN: [Inaudible].

MR. K. HARRISON: ...cap that time. And keep in mind, they also, the other provision is...

UNK: [Inaudible background].

MR. K. HARRISON: ...and it's really critical is, if I work 26 years and go into DROP, I'm only gonna have a four year DROP. I lose a year of DROP.

COUNCILPERSON THOMAS: Why?

MR. K. HARRISON: All of your DROPs say that. Because there was a desire on the part of the administration to encourage people to leave.

COUNCILPERSON THOMAS: I, but I know that there's towns, let's..., or cities, let's use the City of St. Petersburg.

MR. K. HARRISON: Okay.

COUNCILPERSON THOMAS: They have a seven year DROP Plan.

MR. K. HARRISON: Okay.

COUNCILPERSON THOMAS: So, how is it any different from what we're doing? They can wait 'til 30, 'til their 30th year...

MR. K. HARRISON: Oh...

COUNCILPERSON THOMAS: ...and get in the, for seven additional years.

MR. K. HARRISON: The cities around the state have different...

CITY ATTORNEY RYAN: Oh yeah.

MR. K. HARRISON: ...lengths of DROP. Boca Raton has an unlimited DROP. Okay?

COUNCILPERSON THOMAS: Okay. So I'm trying...

MR. K. HARRISON: You...

COUNCILPERSON THOMAS: ...to figure out wh'...

MR. K. HARRISON: Your administration made the decision, when you implemented the DROP, to have this cap. The Pension Board didn't establish the cap.

COUNCILPERSON THOMAS: Okay. I don't like this part of it. Let me just say that.

CITY ATTORNEY RYAN: [Chuckle]. It, it was already, it was done. It was done.

COUNCILPERSON THOMAS: I get it but it, it, I don't know why we're taking it out instead of fixing it so that the members that are currently in it, still have the benefit if they chose to work longer times.

CITY ATTORNEY RYAN: The point is, is that you want them to leave and that's why some...

CHAIRPERSON PARDO: Wait a second.

CITY ATTORNEY RYAN: ...of the people left.

CHAIRPERSON PARDO: Okay. When you guys are done...

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: And, but that's the p'.., that was the point of it. Now, if the Council.., this, these.., all of these ordinances [chuckle] belong to the Council so if you wanna change your position, you can certainly do that. But, taking that little section out, does not affect DROP. You can leave it in here and the, the affect is still the same. People have to leave. You are at normal retirement and you want to j'.., you want to be a part of DROP, then you have a decision to make. 'I can stay here and work for 30 years and not do DROP or,' and we have employees who decided to do that.

UNK: Yeah.

CITY ATTORNEY RYAN: They decided they didn't wanna do DROP. They don't wanna leave and we're not making you leave. You can stay as long as you want. However, if you wanna get this lump sum of money, in DROP, this is our incentive to you, this is something we don't have to give you. The City was behind the curve on this anyway. Everybody had done dropped 15 before the City ever did it. So, if you, so if you do wanna do it, you have to make a normal decision, um, at normal retirement, 'Do I want this money or do I just wanna stay?' But that's the incentive to get our older, wiser employees out and our younger, new, innovative employees in.

MR. K. HARRISON: Uh, keep in mind, read this.

[Chuckles]

MR. K. HARRISON: It says, 'Anybody that had...

CITY ATTORNEY RYAN: I'm in the oldest section.

MR. K. HARRISON: ...anybody that this number on the effective date of the DROP. So, it only, it applied to those people that were affected on that specific date.

COUNCILPERSON THOMAS: I got it.

MR. K. HARRISON: So anybody after that date, it doesn't apply to. This doesn't stop the DROP at all. It just takes a provision...

UNK: [Inaudible].

MR. K. HARRISON: ...that was a, an exception for a certain number of people that no longer are available. It just takes it out of the Plan because nobody else can use it.

COUNCILPERSON THOMAS: It's just on first read and I'll further research it with you a little more.

CITY ATTORNEY RYAN: I'll talk to you about it.

CITY CLERK ANTHONY: Okay.

MR. K. HARRISON: Okay.

COUNCILPERSON GUYTON: Madam...

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: ...Chair? Yeah. Hold on one second. Okay. So, I brought this up to the City Attorney. So, we, you know, talking about DROP and, like she said, you know, when we moved forward with DROP, we thought the senior people would get in DROP and then that would be the end of it. So now we're putting language in here that talks about rehiring so you can go through DROP and then you can come back. The City Manager can hire you back.

MR. K. HARRISON: That...

CHAIRPERSON PARDO: So, does DROP... I don't think DROP now has the intent that we originally thought it had.

[Inaudible background comments]

CHAIRPERSON PARDO: That people would get into DROP, they would DROP and, you know, that would be the end of it. But now, you know, you..., there's gonna be...

MR. K. HARRISON: [Inaudible]...

CHAIRPERSON PARDO: ...language here saying...

MR. K. HARRISON: Well...

CHAIRPERSON PARDO: ...you can DROP and then if the City Manager, you know, or a Council, wants you back, you can come back.

MR. K. HARRISON: Uh, and again, that's language that comes from Staff. But I will tell you this, the rehiring of retirees has created a concern on our part. We've raised...

CHAIRPERSON PARDO: But...

MR. K. HARRISON: ...this with the Council. There's a specific rule in the Internal Revenue Code that [inaudible] rule, which says you can't do that unless you have certain things. If you have provisions in your plan to allow it, you can do it. This City has, in the past, rehired retirees, in some case, right back to the same position they were in. We raised that issue. But, and I understand and, and your City Attorney and I talked about that provision and, and she said that sh'..., in order to address the same desk rule of the Internal Revenue Code, she wanted language in the Plan because the only way the City can continue to do what it's been doing, is to have language in your Plan that allows it.

CHAIRPERSON PARDO: Right.

[Inaudible background comment]

MR. K. HARRISON: That's fair.

CHAIRPERSON PARDO: So I think, alright... And this, this isn't about anyone, this is all about the process. So I think if we are going to allow this to happen and let people DROP and then turn around and let them all come back, we need to take a look at DROP again. Because DROP no longer has the intent that we thought it had. So, that is my opinion. I have made that, I hope, clear to Ms. Ryan. You know? So it, you know, why do it? Give the payout and come on back in and come back for a second time.

CITY ATTORNEY RYAN: For the record...

COUNCILPERSON THOMAS: Madam Chair?

CITY ATTORNEY RYAN: Go ahead.

CHAIRPERSON PARDO: No. Hold on. I...

CITY ATTORNEY RYAN: Oh.

CHAIRPERSON PARDO: ...heard..., Mr. Guyton was next.

COUNCILPERSON THOMAS: He was?

COUNCILPERSON GUYTON: Yeah. I, I, I had spoken up. I defer to Mr. Thomas and then I'll speak.

COUNCILPERSON THOMAS: I just have one question. Are you allowed to DROP out of the same pension and get back in the same pension?

MR. K. HARRISON: No, sir.

CHAIR PRO TEM DAVIS: No. Uh-uh.

COUNCILPERSON GUYTON: No.

COUNCILPERSON THOMAS: Okay. So, that's what I was trying to figure out. If you DROP out of the pension, you, you have to go anyway. There's no place for you to return to in that pension. Correct?

MR. K. HARRISON: Well, what's happened and, and in specific case that I worked through, you had somebody in one of the Plans, one of the other plans, that left that plan but continued to work in a general plan position and entered this Plan...

COUNCILPERSON THOMAS: Mm.

MR. K. HARRISON: ...which is okay because he didn't go back to the same position. He took another position and was drawing pension from his original plan. Those things happen.

COUNCILPERSON THOMAS: Right.

MR. K. HARRISON: But what, what the Internal Revenue Code says is you can't, you can't hire... Let's take an example, head librarian. One of the ones that I get beat up on all the... Head librarian retires, goes into DROP, leaves and a week later gets hired back as head librarian under a contract. Internal Revenue Code says that's a no-no. Unless you have specific provisions in your Plan to allow it. Now, that person can't come back into the Pension Plan, because they were already drawing a benefit. So, when they come back under contract, they're under some other arrangement.

But we raised the question at that time about you better take a look at the Internal Revenue Code because we think you have a problem. The City Attorney and I have had many conversations on that and that's why we have some language in here later on

that addresses that because what the Internal Revenue said, you can't do it unless you have language in your Plan that allows it.

COUNCILPERSON THOMAS: Okay.

MR. K. HARRISON: We didn't have the language that allowed it for..., your Staff has asked to put it in.

COUNCILPERSON THOMAS: Okay.

MR. K. HARRISON: That comes up later.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: And it, it, as I tried to explain to Ms. Pardo as well, it doesn't just apply to DROP participants. It applies to any employee. If a regular employee just leaves...

CHAIR PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: The way it's written right now, and I don't know if it was the, the case with the librarian or not, that person would not be allowed to come back in the same capacity because you would violate the, um, the same desk rule. However, with this new language we have and if you meet certain conditions of the IRS, it's age..., age is one of the conditions. I can't remember if there was something else. Age, age...

MR. K. HARRISON: Like three different conditions you have to meet that basic'...

CITY ATTORNEY RYAN: What's that?

MR. K. HARRISON: I said there were three condition'..., criteria you meet. But, yeah.

CITY ATTORNEY RYAN: Okay.

MR. K. HARRISON: You're right. I mean...

CITY ATTORNEY RYAN: Alright. Then you can bring them back, if you choose. It doesn't say that you have to bring them back but we felt that it would better to have the option available to the City if the City wanted to bring employees back. And so we added provision, I was just gonna tell you where it is so that everybody's on the same page. It is the very last underlined provision on Page 49 of the document that you have. And that's, that's the, the section which...

COUNCILPERSON GUYTON: I don't have it. Left those home.

CITY ATTORNEY RYAN: ...doesn't make a whole lotta sense to me but I defer to my [stammer], our tax pension attorney and to Mr. Harrison on the legitimacy of this language.

COUNCILPERSON GUYTON: Uh...

MR. K. HARRISON: In fairness...

COUNCILPERSON GUYTON: ...Madam Chair?

MR. K. HARRISON: ...I, I defer to the pension attorney cause I am not...

[Chuckle]

MR. K. HARRISON: ...generally in favor of this language, but...

COUNCILPERSON GUYTON: Ma'...

CHAIRPERSON PARDO: Right. But the City, the City wanted it in there.

COUNCILPERSON GUYTON: Um...

CHAIRPERSON PARDO: Okay. Go ahead, sir.

COUNCILPERSON GUYTON: Thank you, Madam Chair. Did someone say that this issue's coming up again later in your presentation or?

MR. K. HARRISON: The, the provision...

CITY ATTORNEY RYAN: But we've...

MR. K. HARRISON: ...that allows...

CITY ATTORNEY RYAN: ...already dealt with...

MR. K. HARRISON: ... for this...

CITY ATTORNEY RYAN: ...it now.

MR. K. HARRISON: ...rehiring is later in the, in the document. Yeah.

COUNCILPERSON GUYTON: Okay. So I won't, I won't beat that horse right now. When that comes up I'll address it. Because I, I, I have a, a slightly different take.

But I have a question about the DROP regarding the, uh, it used to be a required education program.

MR. K. HARRISON: The language is in there, Mr. Guyton.

COUNCILPERSON GUYTON: Yeah. And, and now it's gonna be, I guess, optional that they have an education program going into the DROP. Is, is that how I'm understanding this?

CHAIR PRO TEM DAVIS: Yep.

MR. K. HARRISON: Well, the language is that the employees...

CHAIRPERSON PARDO: [Inaudible].

MR. K. HARRISON: ...will be encouraged to go because...

COUNCILPERSON GUYTON: Encouraged. [Inaudible].

MR. K. HARRISON: You can't, you can't make 'em go.

COUNCILPERSON GUYTON: Okay. Now, and...

MR. K. HARRISON: But we.., and that's what we've been doing. We've been encouraging 'em to do it. I do a couple of those a year.

COUNCILPERSON GUYTON: Now, um, in those sessions, explain to.., this is a question. Do they explain to the potential participants what the DROP is and how it's gonna impact them and all of those other particulars? Is this what this education program is about?

MR. K. HARRISON: Yeah. And I think I do an admirable job.

[Chuckles]

COUNCILPERSON GUYTON: Yeah. And now, you said that we can't make them. Um, I differ from you because if they don't go in it, they can't get into the DROP. My, my concern is, if people don't fully understand the impact of what they're doing and then get in and say that this wasn't' my understanding of this, how does that impact the process? Why.., my position is that, what's wrong with requiring them to get a better understanding of this lifelong impact they're about to make? Or you don't get in the DROP.

[Inaudible background conversation].

MR. K. HARRISON: I guess the question to you is, is, isn't that an administrative thing that the City handles and is it, is it a, is that something that the Pension Board can mandate? Keep in mind, we administer the Plan. We don't...

COUNCILPERSON GUYTON: Understood.

MR. K. HARRISON: Okay? So, I, and I guess the language that was put in there was following that line of thought.

COUNCILPERSON GUYTON: From the Pension Board?

MR. K. HARRISON: Right.

COUNCILPERSON GUYTON: I guess, um...

CITY ATTORNEY RYAN: It's not the City's language [chuckle].

COUNCILPERSON GUYTON: Okay. My question to Staff is, do we have a mandatory education program for those persons who are considering going into the DROP?

CITY ATTORNEY RYAN: From my...

CITY MANAGER JONES: Not...

CITY ATTORNEY RYAN: ...knowledge...

CITY MANAGER JONES: ...not mandatory.

CITY ATTORNEY RYAN: I don't think so, no.

COUNCILPERSON GUYTON: I think it should be mandatory. The funds that go into a DROP involves those funds being invested and staying into the Plan. Am I correct, Mr....

MR. K. HARRISON: Yes.

COUNCILPERSON GUYTON: [Stammer]. And, and let me say something about Mr. Harrison too. I had the privilege of working with Mr. Harrison for four years, two of which I serve as the Chair and I would assume I was a challenge at times because I had a lot of questions and.., but, I discovered that Mr. Harrison is one of the most respected attorneys in this area. The Florida Public Pension Trustee Association, he was.., that educate the pension board members around the state.., they have him as some type of [inaudible] now because you was one of the founding members or you were part of the group?

MR. K. HARRISON: Yes, sir. Yeah.

COUNCILPERSON GUYTON: Yeah. So, we have someone with a lot of knowledge who is very active in this process. This is not something that he does sometimes, um, this is something that, as I know he does, all of the time. And he's always available, accessible. And occasionally I still call him. So, those who don't know about Mr. Harrison's background, he's one of the most respected in this industry. I know in Florida. But, Ken, on the, on the required education program and maybe the pension plan may not be the area that we mandated, if the Board decides to do that, but these have significant financial repercussions and if a person gets in it and don't understand it and it don't turn out to be what they thought it would be, um, that could be a problem. And, I, I., maybe at some other meeting we can discuss about staff, requiring them to go through a program so that they can better understand where the funds are gonna be going. What the interest rate gonna be and all those other things and those particulars dealing with this pool of money here. And we assume that everyone has that knowledge and everyone doesn't. I didn't. And to a large degree, those who serve on pension boards, until they go through those classes and I'm still a certified public pension trustee, which the organization that Ken helps start, that's the organization that certifies...

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: ...the Board members. So I would hope at some point, Staff, we can have this discussion on Staff's side if it's not appropriate to put it in the plan maybe on the City side. Because it's only educating them about their money. And, and if they don't wanna spend time to understand that, maybe this not the program for 'em. But, I think it's a benefit and I think it'll save not just them but the City as well in the future by people saying that they didn't understand what they were getting into.

CITY ATTORNEY RYAN: Ma'...

COUNCILPERSON GUYTON: Thank you, Madam Chair.

CITY ATTORNEY RYAN: Madam Chair.

CHAIRPERSON PARDO: Go ahead.

CITY ATTORNEY RYAN: If we, if you wanna mandate that employee's attend then I will highly suggest we put it in the ordinance because as soon as we say, 'We're not letting you do drop until you attend', and they say, you know, 'Where does it say that?' 'Oh, it's in this policy.' 'Yeah, but it's not in the ordinance. The ordinance doesn't require it.' Then we're gonna get into a big fight.

MR. K. HARRISON: You're gonna address that. It's one of the items that I have here for...

CITY ATTORNEY RYAN: Oh, okay. Cause I was gonna...

MR. K. HARRISON: You're gonna...

COUNCILPERSON GUYTON: Okay.

CITY ATTORNEY RYAN: ...send them to the page.

COUNCILPERSON GUYTON: I, I think it...

MR. K. HARRISON: If you wanna make the change...

COUNCILPERSON GUYTON: ...should be required.

MR. K. HARRISON: ...then clearly you can address that.

COUNCILPERSON GUYTON: It's just an education program.

MR. K. HARRISON: The next one is, this is part of the drop and what this says is, when the drop is distributed, we're gonna follow the sub-section 415. 415 of the Internal Revenue code limits the amount of money that we as a pension plan can pay somebody in retirement benefits. You have had issues with department heads because you created, some years ago, what's called an Access Benefit Plan and you have this plan administered. What the Access Benefit Plan does, it pays the difference between what their entitled to and what we can pay 'em under Internal Revenue Code. And it's funded every year by the City and there are currently two people in that plan right now. And how that works is, every year the Internal Revenue Co', Revenue Code adjust, adjusts the amount that we pay by the CPI. So every year it goes up a little bit so we can pay a little bit more in the City's Access Benefit plays a little less. But we do have that in existence now. And what this is, it, it just reiterates what we do. You're drop distribution is gonna be subject to the 415 limits. And how that works is, you leave, you have a benefit. For a period of time that benefit goes into your drop account. When you terminate, we know what you're monthly benefit is, we take that pool of money that you've earned and the actuary does an amortization table on your expected lifetime and brings it down to a monthly benefit and adds it to your pension benefit. And if that goes over the 415 limits, we can't pay you more. We have to go to Excess Benefit Plan. So this reiterates what we have to do but we didn't have that specifically in the plan. And again, this.., Staff wanted this and it's legitimate. It should be in the plan and it's a good idea to spell that out. And that's what this addresses.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON PARDO: Yes, Mr. Thomas.

COUNCILPERSON THOMAS: I was listening very closely. And you basically saying that you know what you're gonna get monthly and every month that you pretty much work, you put that amount into the drop plan?

MR. K. HARRISON: Right.

COUNCILPERSON THOMAS: And then when you actually exit from employment, you no longer get that entire lump sum?

MR. K. HARRISON: You have options. You have an option to take the lump sum. That has a taxable impact or you can roll it over to another qualified plan on IRA. Or you can take a partial lump sum. And you had a specific period of time to tell the plan to do that. If you don't, you're gonna get a lump sum. That's the way your plan operates. You know, we encourage people not to take a lump sum. We've.., you've had people leave her with a lot of money. Half a million dollars in one case. The tax impact of that is a lump sum is significant. We've encouraged people to roll it over but some people have chosen to take lump sums.

CITY ATTORNEY RYAN: And particularly with your younger retiree's, they don't realize that just because you are retired under the City's plan...

CHAIR PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: You are not eligible for.., you're not.., if you're not 59 ½, you're really not eligible to take this money out without some kind of a tax implication.

MR. K. HARRISON: Yeah. There's an additional...

CITY ATTORNEY RYAN: So they...

MR. K. HARRISON: ...penalty.

CITY ATTORNEY RYAN: ...really need to roll the money over. It's not just, 'I got this drop money, I'm gonna go buy', you know...

COUNCILPERSON THOMAS: And the education part...

COUNCILPERSON GUYTON: And that's part of the...

CITY ATTORNEY RYAN: That's part of the education.

COUNCILPERSON GUYTON: ...education process.

MR. K. HARRISON: And that is part of my lecture that I do. I, I reiterate that.

CITY ATTORNEY RYAN: You just...

MR. K. HARRISON: And there is a difference so you understand. General employees 59 ½, public safety employees age 50.

CHAIRPERSON PARDO: Oh, wow.

MR. K. HARRISON: So. And that usually creates a lot discussion when I do that lecture. Alright.

CHAIRPERSON PARDO: Yeah. It needs to be mandatory. I feel very strongly about that.

MR. K. HARRISON: Well, we're gonna., maybe when you can see the., you'll see the language and you just tell us to...

CHAIRPERSON PARDO: I think we just...

MR. K. HARRISON: ...to change it.

CHAIRPERSON PARDO: ...need to keep the language in. Alright. Go ahead, sir.

MR. K. HARRISON: Okay. This is the., and I., Pam talked about this. This is just restructuring the Board. You... [Chuckle]. You have a Board that specifies., they have to be elected from certain departments. It [stammer], and apparently reor'., there's some departments that don't exist anymore and this, this Staff went through this and have re', rewritten it to better comply with what in existence today. There is an interest in changing to make up the Board in the future. Uh, I been approached by both, trustees on the plan and by Staff to make this Board more reflective like police and fire. Which is five (5) member Boards. Very clean. Two elected, two appointed, the other four pick the fifth one. This is a very large Board and what Staff has done here is, try to massage this to fit your current administrative make-up.

CITY ATTORNEY RYAN: Right. But, we, we., [stammer]. Unless the Council says you're not interested in that at all...

CHAIR PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: Staff feels very strongly that we need to change the make-up of the Board so that more City employees can be involved and you're not de', delineating which department has to have somebody on the Board.

MR. K. HARRISON: Yeah. I think the significant thing, Pam talked about earlier. You're getting less people in this plan. This is a closed plan. So as people leave, you may lose the opportunity to elect an employee from a certain department because they may not be anybody in the plan from that department.

CHAIR PRO TEM DAVIS: Mm.

MR. K. HARRISON: So it makes a lot of sense in looking..., moving forward is to do, at very least, is just to let the employees be elected City wide. That would make a lot of sense.

COUNCILPERSON THOMAS: I think that does make sense.

MR. K. HARRISON: So that..., this, this is what Staff has started to make that configuration.

COUNCILPERSON THOMAS: Now... Madam Chair.

CHAIRPERSON PARDO: Yes.

COUNCILPERSON THOMAS: I'm, I'm okay with making it City wide and..., but I'm not okay with eliminating the public...

MR. K. HARRISON: Okay.

COUNCILPERSON THOMAS: ...seats. And if that's a part of that...

CITY ATTORNEY RYAN: [Laughing].

COUNCILPERSON THOMAS: I'm not, I'm... Yeah, I'm not in favor of eliminating the public seats.

MR. K. HARRISON: No. I don't think that was gonna... What, what does here is just to try to...

COUNCILPERSON THOMAS: That's fine.

MR. K. HARRISON: ...eliminate that you have to come from a department that doesn't exist.

COUNCILPERSON THOMAS: No. That's fine.

MR. K. HARRISON: Is that right, Pam? That's my...

CITY ATTORNEY RYAN: Yes. And we...

MR. K. HARRISON: ...my understanding.

CITY ATTORNEY RYAN: ...we, we did want to..., I think..., I will be frank about this. I'm trying to find the section, uh, the Section 2 talks about the appointed members. And, we thought it would be fair, the Mayor may disagree with us, is says right now that, 'The appointed member shall be appointed by the Mayor with the approval of majority of the City Council.' Because we are..., we wanna re', reduce the Board, we were thinking that

it might be more fair if the Mayor had an appointment and the City Council had an appointment. That was just, you know, we kinda., I'm think., we were thinking about that.

UNK: [Inaudible].

CITY ATTORNEY RYAN: I don't know if the Mayor would like that but we just felt like the Council should have some input into the selection.

COUNCILPERSON THOMAS: But you're saying the Mayor does keep an appointment?

CITY ATTORNEY RYAN: Oh, yes. Right now the Mayor appoints all of the residents. I'm not sure how many there are but...

COUNCILPERSON THOMAS: How many are., do you know Mr....

CITY ATTORNEY RYAN: We wanted to reduce...

MR. K. HARRISON: Three.

CITY ATTORNEY RYAN: Okay. Right now...

COUNCILPERSON THOMAS: Three?

CITY ATTORNEY RYAN: ...there are three. Right. There are three, four members, four member other than general employees to be appointed. So there are four members that are appointed by the Mayor and three that come from the City. So...

MR. K. HARRISON: That are elected, right?

CITY ATTORNEY RYAN: That are., I'm sorry, I apologize. That are elected.

MR. K. HARRISON: Elected employees. Three of them, four people appointed by the Mayor. The way it reads now, he, he appoints 'em but you approve the appointments by a majority.

CITY ATTORNEY RYAN: We were thinking that we would kinda...

COUNCILPERSON GUYTON: Split it.

CITY ATTORNEY RYAN: ...split it up a little bit.

COUNCILPERSON GUYTON: Sounds right [inaudible]...

COUNCILPERSON THOMAS: How do, how do...

COUNCILPERSON GUYTON: ...reasonable.

COUNCILPERSON THOMAS: ...you split three?

CITY ATTORNEY RYAN: No it's four. It's, it's four.

COUNCILPERSON GUYTON: Four.

CITY ATTORNEY RYAN: I apologize.

COUNCILPERSON THOMAS: It's four.

CITY ATTORNEY RYAN: It was four.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: What do you think about that?

COUNCILPERSON GUYTON: Yes.

COUNCILPERSON THOMAS: Um...

COUNCILPERSON GUYTON: I'm in support. Cause they're gonna be representing the City Council and the City as well.

CITY ATTORNEY RYAN: And they would be straight appointments. So instead of the Mayor having to come to you...

COUNCILPERSON GUYTON: Mhmm.

CITY ATTORNEY RYAN: ...for appointments, he would have two straight appointments without approval of Council and Council would have two straight appointments.

CHAIR PRO TEM DAVIS: So how we dic', dictate that?

CITY ATTORNEY RYAN: Well you all have to vote on it. It, it would have to be a vote of the Council.

COUNCILPERSON GUYTON: Or consensus? No?

COUNCILPERSON THOMAS: Why would the Mayor's appointment no longer need Council approval?

CITY ATTORNEY RYAN: Well because you're taking two of his appointments from him. I just thought that was fair. But that's just me. [Chuckles]. We were taking a little bit from...

COUNCILPERSON THOMAS: Where would the...

CITY ATTORNEY RYAN: ...everybody.

COUNCILPERSON THOMAS: ...check and balance be? Where would the check and balance be? And not about this particular...

CITY ATTORNEY RYAN: Right. I understand.

COUNCILPERSON THOMAS: ...man cause...

CITY ATTORNEY RYAN: I understand.

COUNCILPERSON THOMAS: It's.., we're making decisions on the, the...

COUNCILPERSON GUYTON: Process.

COUNCILPERSON THOMAS: ...the process. Not about this Mayor. But, where the check and balance be?

CITY ATTORNEY RYAN: Mr. Harrison, what does the statute say for police and fire as it relates to the appointments?

MR. K. HARRISON: Police and fire, both, both [inaudible]. Two appointed City residents by a majority of the Board.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON GUYTON: Two City Council.

MR. K. HARRISON: Two elected from partic', participants of the plan. And those four select a fifth member who doesn't have to be a City resident. That's how the.., both the police and fire plan operate. That's their make-up of their Board.

COUNCILPERSON THOMAS: So the Mayor doesn't have any appointments in that at all?

COUNCILPERSON GUYTON: Uh-uh.

MR. K. HARRISON: I, you know, I don't know how [stammer]. It doesn't require the Mayor. It says, 'appointed by City Council'. You may administratively do something

internally that winds up there. I don't know how you do that. Uh, the police Board, he makes a recommendation and you approve the last two appointees.

COUNCILPERSON GUYTON: No.

MR. K. HARRISON: No.

COUNCILPERSON GUYTON: I'm sorry about that Ken.

MR. K. HARRISON: No? How does that...

COUNCILPERSON GUYTON: No. We., the police pension, and that's the Board I served on. The recommendations come from the City Council.

MR. K. HARRISON: Okay.

COUNCILPERSON GUYTON: And, um...

MR. K. HARRISON: But it's a majority of the Council.

COUNCILPERSON GUYTON: Yeah. It's a majority of the Council...

MR. K. HARRISON: Yeah.

COUNCILPERSON GUYTON: ...that has to approve it.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON GUYTON: That...

MR. K. HARRISON: You have a...

COUNCILPERSON GUYTON: [Inaudible].

MR. K. HARRISON: You have a process internally where people volunteer or you ask for volunteers and then you select from those people.

COUNCILPERSON THOMAS: Well Mayor, how do you feel about it?

MAYOR MASTERS: Well, I think the...

CHAIRPERSON PARDO: If he...

MAYOR MASTERS: ...the check., the question you ask as in check and balance would be, the Council has two, the Mayor has two, it equates, it's pretty much equal. And I think that would be fair. I, I...

COUNCILPERSON THOMAS: Okay.

MAYOR MASTERS: ...could except, I could except that.

COUNCILPERSON THOMAS: I'm good wit' it.

CITY ATTORNEY RYAN: You don't want these changes made before second reading, do you?

COUNCILPERSON GUYTON: Before what?

CITY ATTORNEY RYAN: Second reading. We're just discussing this?

MAYOR MASTERS: Just discussing.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON THOMAS: I mean, I'm okay with it. If we need to put it in, I'm okay with it.

COUNCILPERSON GUYTON: I'm okay too. Two and two.

CITY ATTORNEY RYAN: And okay. Then we'll.., and I'm going to change, we're gonna change the composition of the City to say 'city wide' starting with the next available.., I just think it's.., we just think it's fair at this point.

CHAIRPERSON PARDO: Does the City Council's still ratify the Mayor's selection? Because right now we ratify his selections.

UNK: [Inaudible].

CHAIRPERSON PARDO: And if you guys recall, he had people on the Board and they were up and we did not ratify them and they were removed from the Board. Several years ago. So, will we still ratify the Mayor or whoever the Mayor wants...

COUNCILPERSON GUYTON: Uh...

CHAIRPERSON PARDO: ...on, that's it?

COUNCILPERSON GUYTON: I, I think ultimately we should. Ultimately, we're gonna be responsible.

CHAIRPERSON PARDO: No one should come before us.

CITY ATTORNEY RYAN: Should we make it a super majority?

COUNCILPERSON GUYTON: No.

CHAIRPERSON PARDO: No. You know, right. With police and fire we ratify. You know, the Mayor doesn't have anything to do with it but still we ratify.

COUNCILPERSON GUYTON: But the City Council...

CHAIRPERSON PARDO: And...

COUNCILPERSON GUYTON: Ultimately, we as elected officials, gonna be responsible...

CHAIRPERSON PARDO: Correct.

COUNCILPERSON GUYTON: ...for who is representing the City on the Boards.

CHAIRPERSON PARDO: Absolutely. So, I believe...

COUNCILPERSON GUYTON: No matter who...

CHAIRPERSON PARDO: ...everything should be...

COUNCILPERSON GUYTON: ...appoints 'em.

CHAIRPERSON PARDO: ...ratified.

COUNCILPERSON GUYTON: They not gonna get to the fine tune [inaudible].

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: That was the Mayor's appointment. That was his... Ultimately we represent...

CHAIRPERSON PARDO: Yeah.

COUNCILPERSON GUYTON: ...the people.

CHAIRPERSON PARDO: Right. So that needs...

COUNCILPERSON GUYTON: All six of us.

CHAIRPERSON PARDO: ...to be in that...

CITY ATTORNEY RYAN: Okay.

CHAIRPERSON PARDO: ...ordinance. Okay, sir. Continue.

MR. K. HARRISON: Okay. Here's the language that we talked about. It's the attending of the conferences and things. This is the language we put in. Um, we're saying here that, you've passed the resolution before that you said you gotta get certified within your first two years on the Board. That is part of the rules and regs of each plan that I represent. We're not putting it in in the ordinance but the, the limitation here is, I, I guess, it's, it's really you give a priority to, to, uh, schools and conferences that are in the State before you go outta State. And, in order to go outta State, you gotta get approval of the full Board to go outta State. Cause a lot of the questions that I had in the, in that meeting that we had with finance and HR was, these people..., somebody said that they're going to Hawaii or something. It was one of the big questions. And this says, we want you to go to school, we want you to get certified, but we want you to give priority to Florida locations before you go out and if you're gonna go outside the State, you gotta get approval from the Board in advance.

COUNCILPERSON THOMAS: That doesn't make sense.

COUNCILPERSON GUYTON: What Board? What, what...

MR. K. HARRISON: The Pen', the Pension Board.

COUNCILPERSON GUYTON: The Planning Board? The Pension Board.

MR. K. HARRISON: Yeah.

COUNCILPERSON GUYTON: Okay.

COUNCILPERSON THOMAS: That doesn't make sense. If we giving them a timeline to get certified then they need to be able to go anywhere to get certified in that timeline.

MR. K. HARRISON: I, I...

CITY ATTORNEY RYAN: Well, we..., it's..., that's why it says in here, if certification opportunities in the State of Florida and only if those opportunities are not found, should the Board by a majority vote approve on a case by case basis, attendance at pension schools, conventions, workshops and other pension sessions out of the state.

COUNCILPERSON GUYTON: And..., I guess my question would be, even after certification, does this limit them from leaving State because on these Boards, they are members of State associations and National associations. Both of which, from my experience, bring a level of expertise and training that could be useful. So, I wouldn't want to limit travel but this would give a check and balance to it. Because if, if we're gonna be part of the cutting edge, sometime you gonna have to leave the State and some people think that it's a vacation but, no, you're required to go to class and we had to submit, at least on the Police Pension Board, our attendance and to verify that we were actually in class. Yes. So, that can be a requirement but I don't think to limit.

Because when you meet people from other states, you get ideas that we don't have in this State that may be useful. So, hav', having been there, done that, I don't think that they should be limited.

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: But their schooling should be justified with documentation that they actually...

MAYOR MASTERS: Attended.

COUNCILPERSON GUYTON: ...attended the class. Yes. So, that should be a requirement if they go out of State.

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: Well, wherever they go.

CHAIRPERSON PARDO: Right. Okay. Go.

MR. K. HARRISON: Well, we may have to massage this because I think the reading of this says, because it says, 'and only if those opportunities', relating are...

COUNCILPERSON GUYTON: I know. And I don't...

MR. K. HARRISON: We may have to massage that to say, uh, that in order to go outta state, you gotta get advanced approval from the Board.

COUNCILPERSON GUYTON: Board. And justify your attendance when you return.

CHAIRPERSON PARDO: Yeah.

COUNCILPERSON GUYTON: That you actually attended the classes.

CHAIRPERSON PARDO: Yeah. No. We need to do that.

MR. K. HARRISON: Yeah. We can do that. So when the second reading comes back, we'll massage this so that is has that opportunity.

COUNCILPERSON GUYTON: Okay.

MR. K. HARRISON: Okay.

CHAIRPERSON PARDO: Okay. Alright. Go ahead, sir.

CITY ATTORNEY RYAN: Now this is taking a long time.

MAYOR MASTERS: It is.

CITY ATTORNEY RYAN: Can you hustle?

MR. K. HARRISON: Here's, here's the Board Physician. You're..., this plan has always had..., you're supposed to retain a physician to assist the Board in the performance of your administrative duties.

MAYOR MASTERS: Get thirty (30) minutes.

MR. K. HARRISON: The only time that the physician becomes viable is when somebody applies for disability. In you disability provisions, you say, here's how you do it. They have to fill out an application and then you send them to an independent medical examination. So the only time that you would have to have a physician is if you had an application for disability. So, this provision doesn't fit the procedure that we already have in the plan and has never been utilized. We have never retained a physician to be the Board Physician. And in the plan it doesn't have any provision to use 'em as such. So, we've deleted this. Okay.
Questions on that one?

CITY MANAGER JONES: No.

CHAIRPERSON PARDO: Nope.

MR. K. HARRISON: Alright.

CHAIRPERSON PARDO: Let's go.

MR. K. HARRISON: Amendment of the Plan. This, this basically was..., the language is in the plan that is preempted by language in the State statute now and is also related to the initial development of the plan. So when this was plan was put together back, I think in '72, this was applicable. It's no longer applicable so we deleted it. Uh, this is, this we deleted the whole section, uh, because again, it relates to the previous plan and it has not relevance to this plan so we just deleted it because it had some specific time periods that have already come and gone. It's not available anymore.

Here's the, uh, I think this is your language, isn't it, Pam?

CITY ATTORNEY RYAN: Yes. This is the last change that you should be discussing.

MR. K. HARRISON: This is the one we talked about briefly. This is the one that Staff wants to put in because of the rehiring retirees and the same desk rule in Internal Revenue Code. This would allow it to happen and IRS wouldn't qual', wouldn't challenge you if you did in fact hire somebody back to the same position. They couldn't

be a member of the pension plan if they're drawing the pension though. That..., the plan would have that authority.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON PARDO: Yes, sir.

COUNCILPERSON GUYTON: Question. So, if the, if this is approved and the City Manager, whoever that City Manager may be, decides that they wanna bring someone back in and I would assume it, it may be a critical position or, or they're working on a critical project and..., but they're outta the drop but they wanna come back, but they won't be able to still participate in the pension plan that they left? Is that correct?

MR. K. HARRISON: They, they no longer..., they can't earn credit in that plan anymore.

COUNCILPERSON GUYTON: Okay.

MR. K. HARRISON: They're out that plan.

COUNCILPERSON GUYTON: So, they can't double dip in the same pension plan?

MR. K. HARRISON: No.

CHAIRPERSON PARDO: But they can go into FRS.

MR. K. HARRISON: It would be a different plan. Yeah. But they would start over as a new employee.

CHAIRPERSON PARDO: Sure.

MR. K. HARRISON: They wouldn't get credit for their service already.

CHAIRPERSON PARDO: Absolutely.

COUNCILPERSON GUYTON: They... Yeah.

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: So, they'll start off like a new employee.

MR. K. HARRISON: Right.

COUNCILPERSON GUYTON: Okay. I, I think this is...

CITY ATTORNEY RYAN: New employee for pension purposes.

MR. K. HARRISON: Right.

COUNCILPERSON GUYTON: For pension purposes. Yeah. So, I, I, I don't see a problem with having this as an option to the City Manager. You know, it's not something that I wanna put in that is required. That the City Manager is required to hire somebody because they wanna stay. But if there are.., they're in the sensitive position and may be working on a, a important project that has yet to conclude and maybe another year or so, it'd be concluded, I don't think that this should be something where somebody can come back and work ten years. I.., if this were the case, I would want to make it time specific. A year at the most. Maybe a year and a half, two, just to wrap up things that they may have involvement in and knowledge, and history that would, that we feel would be a significant benefit for the conclusion of the project. So, if we did this, I would like to put a time certain on how long that person could stay. Maybe a year at the most. Maybe a year and a half and that's just to wrap up things that they may be working on.

MR. K. HARRISON: Again, Mr. Guyton, that would be outside the realm of the pension board though. I mean, that..

COUNCILPERSON GUYTON: No. No. That would be...

MR. K. HARRISON: Okay.

COUNCILPERSON GUYTON: That would be us admin'.., well not us but that would be an administrative decision.

MR. K. HARRISON: Right.

COUNCILPERSON GUYTON: On the Board that would allow the City Manager, under their discretion, to decide if they would like someone to come back for a year. Maybe a year and a half, to conclude projects or wrap up something that they're working on. But I don't think that this should be an option for somebody to come back and stay another ten years.

MR. K. HARRISON: Okay.

COUNCILPERSON GUYTON: But I do see a benefit in having this option for the City Manager should, should somebody maybe need it for another year or so.

CHAIRPERSON PARDO: Right. Okay. So what else, what else you have?

MR. K. HARRISON: Well, the one thing we kinda we over. You had a question about mandatory age seventy (70). We, we had provision in here that you.., we were gonna make people retire at age specific and that's, that's a violation of federal law. We can no longer do that.

CHAIR PRO TEM DAVIS: Yeah.

MR. K. HARRISON: You can make 'em, you can make 'em retire on years of service but not on age. So we deleted that mandatory retirement at age seventy (70).

COUNCILPERSON THOMAS: I'm glad.

MR. K. HARRISON: That part was...

CITY ATTORNEY RYAN: [Laughing].

MR. K. HARRISON: We kinda went by that one earlier and I know you had asked that question so I wanted to address it. So if I'm understanding we just have a couple little adjustments to make and you'll be ready for it on the second reading. And the actuary has taken a look at this and on the way up here I saw an email to your City Attorney said that they, they've done an impact statement. So, you'll have that.

CHAIRPERSON PARDO: Do you have that now?

MR. K. HARRISON: It was an email that I saw. I, I don't think, uh...

CHAIRPERSON PARDO: Can we get a...

CITY ATTORNEY RYAN: No. I don't have it.

CHAIRPERSON PARDO: ...copy of that?

CITY ATTORNEY RYAN: I don't...

MR. K. HARRISON: Yeah. I think it came like...

CHAIRPERSON PARDO: I'd like a copy of that please.

MR. K. HARRISON: ...at 5:30 or something. It's kinda like...

CHAIRPERSON PARDO: Great.

MR. K. HARRISON: ...when I was pulling in the parking lot that it came through.

MAYOR MASTERS: That's what happens all the time.

CHAIRPERSON PARDO: Great. I'd like a copy of that. Alright. Does anyone else have any questions here?

MAYOR MASTERS: Yes, Madam Chair. I do.

CHAIRPERSON PARDO: Yes, Mayor. Go ahead.

MAYOR MASTERS: Mr. Guyton gave us a little synopsis, sir, of your experience and your expertise and basically if it was a court here, you would be certainly certified as a expert witness. Early on you said that you didn't think that we should put this in there and that wasn't what.., it was not of your, of your opinion but the City wanted it and I think we were referring to the drop. When you gone you gone. And you were saying the IRS basically said that in order to.., for that person to come back or whatever, they would have to be.., we would have to put some, some type of language. Do you recall that conversation?

MR. K. HARRISON: Yes, sir. That was the last slide we had up there.

MAYOR MASTERS: Right.

MR. K. HARRISON: That's the language.

MAYOR MASTERS: But I, I remember you saying that at some point that, the City wanted, wanted the language put in. But I, I think you said that you had question about it or that wasn't your opinion?

MR. K. HARRISON: I said, I generally am not in favor of that.

MAYOR MASTERS: That's what I want...

MR. K. HARRISON: But I understand. Yes.

MAYOR MASTERS: ...you to comment on. What you're...

MR. K. HARRISON: I generally am not in favor of that.

MAYOR MASTERS: And why?

MR. K. HARRISON: Because it opens the door to rehire and, and then you have to question of, evaluating whether in fact we have a same desk rule violation. But clearly it's allowable if you provide for it in the plan. I said that. I don't generally favor that language as a pension board attorney but it's perfectly okay to do that. And I understand why the City Attorney wanted it in there because you in fact, this City in fact, does rehire people.

MAYOR MASTERS: With all respect to the City Attorney but...

CITY ATTORNEY RYAN: I appreciate that. Thank you. [Chuckle].

MAYOR MASTERS: [Chuckle]. But in respect to you too, I, I understand your opinion and understand, you know, why you're saying it and understand why we would

maybe have some concerns. But, as a matter of principal for me, I don't like the whole idea of coming back period. If you go and you drop, you dun' dropped. And to come back, I'm, I'm not supportive of that concept. And, if there are any changes by the time of the second reading, I'm prepared to veto the ordinance. Thank you, sir.

MR. K. HARRISON: Okay.

CITY ATTORNEY RYAN: Hol', hold on. Based on that one section? Is that the section...

MAYOR MASTERS: No. No. I have a lot more concern. I just don't wanna be...

COUNCILPERSON GUYTON: Um...

MAYOR MASTERS: I don't wanna belabor this...

CITY ATTORNEY RYAN: I understand. But...

MAYOR MASTERS: ..conversation any further.

CITY ATTORNEY RYAN: Mr. Mayor, I think for the benefit of you colleagues, they need to know why you would want to veto. There's no sense in going through this exercise if you...

MAYOR MASTERS: Well, let, let me ask you this. Do you have to wait till the second reading to veto?

CITY ATTORNEY RYAN: Yes.

MAYOR MASTERS: Okay. I'll wait. And we'll see what happens because you're gonna bring it back. There's gonna be some modifications. There's gonna be some changes and maybe at that time.., but.., we, we will address it and maybe, you know, maybe no, maybe not.

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: But...

COUNCILPERSON GUYTON: Um...

MAYOR MASTERS: I.., hold on just a minute, I have the floor.

CHAIRPERSON PARDO: Yeah.

MAYOR MASTERS: I will reserve, um, my veto. Thank you, Madam Attorney.

COUNCILPERSON GUYTON: Um...

CITY ATTORNEY RYAN: Thank you, sir.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON PARDO: Yes, Mr. Guyton.

COUNCILPERSON GUYTON: Let me..., when, when we're operating as a City, you have extenuating circumstances that sometimes require creativity. The reason I said that there should be a cap on the time if the City Manager choose to bring someone back, so that that option won't be abused. If we have somebody of a critical nature, they're working on an ongoing project and they're only gonna be here for another year, that is not in my opinion, abusing the IRS and all these other things where the IRS, from what I understand, they don't want people coming back and, and having another retirement or getting, getting the same benefits that they had. And, so if you we put in some reasonable restrictions live I suggested. You can only stay a year. A year and a half. That, uh... Well, Mr. Harrison, is that unreasonable?

MR. K. HARRISON: It's not unreasonable and I've said that.

COUNCILPERSON GUYTON: Yeah.

MR. K. HARRISON: Where I general don't favor it, it's certainly appropriate. Keep in mind our responsibilities as attorney. You know, my client is the pension board. I wanna put them in the best defensible position. The City Attorney's client is you all. She wants to put you in the best defensible position. If you have a practice that's questionable, she's going to make adjustments to protect you in the future. That's what she's doing here. You know, we, we could disagree because we have different client basis or we have dif'... We're serving different objectives. And I have any problem with that. I mean, you're City Attorney's worked with me on this. This has been a long going project and she's, she's done an admirable job with it.

CHAIRPERSON PARDO: Okay.

MR. K. HARRISON: Uh, but we're encouraging you to move forward on this.

COUNCILPERSON GUYTON: Okay. Alright. And I just wanted to make the point that, if you have restrictions, reasonable restrictions, I don't see why if somebody is working on an ongoing project and they're only gonna be here a short time, that the City Manager doesn't have that option to allow them to go another year or maybe a year and a half.

MR. K. HARRISON: I have..., would have no problem with that as long as they don't come back into the plan.

COUNCILPERSON GUYTON: Into the plan. And, and, and...

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: And that is what I support too. That they don't come back into the plan.

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: And as you just said, you refer to him as a expert, Mayor. He just said he didn't have a problem with it as long as they don't come back into the plan.

MAYOR MASTERS: Clearly...

COUNCILPERSON GUYTON: Thank you.

MAYOR MASTERS: Well clearly you lead the witness.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON PARDO: Right. Right. But also, with all due respect Mr. Guyton, he's not the one asking for it to be put...

COUNCILPERSON GUYTON: No. No.

CHAIRPERSON PARDO: ...in there.

COUNCILPERSON GUYTON: No. I just made...

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: ...a comment...

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: ...because the Mayor...

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: ...made a comment.

CHAIRPERSON PARDO: Alright. That's fine. Alright. Mr. Thomas.

COUNCILPERSON THOMAS: Yes. Mayor, I'm asking this question to you. You've said that or you've threatened of a veto, is there some part of this that we need to work out so we don't have to have a veto while we're laboring this now.

MAYOR MASTERS: Mr. Thomas, you know you and I joke many times about the power of the veto and I know it, it is upsetting and alarming to some people but at this particular time, I have no comment.

COUNCILPERSON THOMAS: Well, what's alarming to me is that you're gonna say that and have all of this out for the next two weeks, making it an issue when it doesn't have to be because the veto should be when you can't work something out. We're sitting here saying, 'Let's work it out.' And, I'm not afraid of your veto. I mean, because there's also a provision in the Charter that provides for an override of your veto. What's I'm trying to do in a spirit of unity is say, 'Hey, let's not make the Mayor have to veto it. Let's find out whatever his issues are and let's work those out now, if we can.' Are you not willing to work those out?

MAYOR MASTERS: Mr. Thomas, I have no comment at this time.

COUNCILPERSON THOMAS: No problem.

MAYOR MASTERS: Thank you.

MR. K. HARRISON: I, I will be available during a...

CHAIRPERSON PARDO: Hold one a second.

MR. K. HARRISON: ...period of time if any of you wanna meet...

CHAIRPERSON PARDO: Alright.

MR. K. HARRISON: ...with...

CHAIRPERSON PARDO: Are you done?

COUNCILPERSON THOMAS: I am absolutely done.

CHAIRPERSON PARDO: Alright. Does anyone else have any questions?

COUNCILPERSON MILLER-ANDERSON: Well, I just wanted to make a comment...

CHAIRPERSON PARDO: Go ahead.

COUNCILPERSON MILLER-ANDERSON: ...Madam Chair. In going along with Mr. Guyton. I know his point was if, you know, that person was working on a project that,

you know, was of critical importance and we may agree to extend it for a year, I just wanna, you know, make a point that if someone pass unexpect', unexpectedly, you know, someone would have to pick it up. So, I don't want us to make our decision based on, you know, oh, like that one person is the only one that can carry out this project. I would hope that there are others who are involved. So, when we do think about that let's not, you know, make it seem like they're the only one that can do the job because as we know, you know what they say. 'One monkey don't stop no show.' So, with that being said [chuckle] let's just keep that in mind that that would be the basis for extending it that way. At least for my opinion. That's it.

CHAIRPERSON PARDO: Okay. Mr. Davis, do you have anything?

CHAIR PRO TEM DAVIS: Yes. I just have a question. Are you local? You a local attorney?

MR. K. HARRISON: Coral Gables.

CHAIR PRO TEM DAVIS: Okay. So, so I guess we can just call if I have any questions about...

CITY ATTORNEY RYAN: Oh, yeah.

MR. K. HARRISON: Oh, yeah.

CHAIR PRO TEM DAVIS: Okay. Alright.

MAYOR MASTERS: [Inaudible].

CHAIR PRO TEM DAVIS: I don't travel to Coral Gables. I love Coral Gables.

MR. K. HARRISON: I could talk to anyone, any of you individually. It's not...

CHAIR PRO TEM DAVIS: I'm a Hurricane fan but.

MR. K. HARRISON: Oh, okay.

CHAIR PRO TEM DAVIS: If we can do over the phone, I prefer to do it that way.

MR. K. HARRISON: Okay.

CHAIRPERSON PARDO: Okay.

CHAIR PRO TEM DAVIS: Alright.

CHAIRPERSON PARDO: Alright. Madam Clerk.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: No.

CITY CLERK ANTHONY: That motion is approved with Councilperson Pardo dissenting.

CHAIRPERSON PARDO: Okay. Thank you.

MR. K. HARRISON: Thank you.

COMMUNITY BENEFITS REQUESTS

CHAIRPERSON PARDO: Community Benefits. Item 8.

**8. RIVIERA BEACH COMMUNITY DEVELOPMENT CORP., INC. \$350.00
COUNCILMAN BRUCE GUYTON - ASSIST WITH THE PURCHASE OF TOOLS,
SEEDS, MULCH AND TO ADD A BRICK WALKWAY AND A SIMPLE ARBOR.**

CHAIRPERSON PARDO: Is there a motion?

CHAIR PRO TEM DAVIS: So move.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON PARDO: Okay. Madam Clerk.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: Unanimous vote.

BOARD APPOINTMENTS

CHAIRPERSON PARDO: Thank you. Board Appointments. Item 9.

9. REAPPOINTMENT OF LIBRARY ADVISORY BOARD MEMBERS.

CHAIRPERSON PARDO: Is the librarian here?

MAYOR MASTERS: She's there.

CHAIRPERSON PARDO: Good evening, ma'am.

LIBRARIAN: Good evening. Uh, before you is the request to reappoint three (3) library advisory board members, Monte Green [sp], um, Cheryl Moore [sp], and Ms. Doris Savage [sp].

COUNCILPERSON THOMAS: [Inaudible] for approval.

CHAIRPERSON PARDO: Is there a second?

COUNCILPERSON GUYTON: Second.

CHAIRPERSON PARDO: Alright. Madam Clerk.

CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK ANTHONY: Councilperson Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

CITY CLERK ANTHONY: Pro Tem Davis?

CHAIR PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: Chair Pardo.

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON PARDO: Okay. Thank you.

LIBRARIAN: Thank you.

DISCUSSION BY CITY MANAGER

CHAIRPERSON PARDO: Alright. Discussion by City Manager.

CITY MANAGER JONES: Nothing this evening Madam Chair.

DISCUSSION BY CITY ATTORNEY

CHAIRPERSON PARDO: Discussion by City Attorney.

CITY ATTORNEY RYAN: Yes. I would like to request a closed executive session. I sent an email quite a bit ago requesting dates for the case involving the Lieutenants versus the City. The date that we're looking at is February 8th which is a Monday. If that's okay with the Council, I'll make the formal announcement now. February 8th which is a Monday at 5:30 pm.

CHAIR PRO TEM DAVIS: Check the 8th.

CITY ATTORNEY RYAN: Is that okay?

COUNCILPERSON MILLER-ANDERSON: You said 5:30?

CITY ATTORNEY RYAN: Yes, ma'am.

CHAIR PRO TEM DAVIS: Should be okay.

CITY ATTORNEY RYAN: Okay. I will, I will.., if you don't mine I'll make the formal announcement. We will hold a closed executive session on the, in the matter of Colbert, Ellis, Payne, Spearmen, Scott, Reno Wells, Robero versus, N. Robero versus City of Riviera Beach. And present in addition to the Mayor, Council, City Manager, and myself will be.., Attorney's Glen Torsivia and Jonathan O'Connell.

MAYOR MASTERS: That's a lot of...

CITY ATTORNEY RYAN: And that will be held on February 8th at 5:30 pm in these Council Chambers. Thank you, Madam Chair.

CHAIRPERSON PARDO: And.., Thank you. Jonathan O'Connell works for us?

CITY ATTORNEY RYAN: He works for Mr. Torsivia. Yes.

CHAIRPERSON PARDO: Okay.

COUNCILPERSON MILLER-ANDERSON: Mrs., um...

CHAIRPERSON PARDO: Go ahead, Ms. Miller.

COUNCILPERSON MILLER-ANDERSON: That email you sent, did you send it or someone else out of your office send it?

CITY ATTORNEY RYAN: My assistant sent it.

COUNCILPERSON MILLER-ANDERSON: Okay.

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON MILLER-ANDERSON: Trying to find it. I don't recall seeing it.

CITY ATTORNEY RYAN: I'm sorry. Yes.

COUNCILPERSON MILLER-ANDERSON: But I was problem with my emails as well so I don't know. I'll go back.

CITY ATTORNEY RYAN: Okay.

CITY COUNCIL COMMITTEE REPORTS

CHAIRPERSON PARDO: Okay. City Council Committee Reports. Anyone?

STATEMENTS BY THE MAYOR AND CITY COUNCIL

CHAIRPERSON PARDO: Alright. Statements by the Mayor and Council. Alright. We'll start with me tonight and work our way down. Potholes on the bridge. Can you figure out what's going on with those potholes? You know, we repaved that bridge just a couple of years ago and on the..., heading west there are potholes and they're getting deeper and wider. And, it is..., I think someone should notify the State. Alright. But, something needs to happens because now with the construction going and over on the Island, we have the trucks coming up and down all day. So if you could address that please.

And then, can I have an update on what's going on with the K-9 Division. We put a lot of money into the budget and we were supposed to start purchasing dogs and new trucks and as far as know, we don't have any yet.

UNK: [Inaudible].

CHAIRPERSON PARDO: Okay.

UNK: [Inaudible].

CHAIRPERSON PARDO: Oh, welcome, Chief. Yeah. Can you can just give us an update on what's going on with K-9's please?

POLICE CHIEF WILLIAMS: Yes, ma'am. Um, Clarence Williams, Police Chief. Uh, we are, uh, currently in the process of identifying officers, uh, to serve in the K-9 Unit. Uh, the have gone through the selection process. Uh, the Sergeant, the new Sergeant that's going to be commanding the unit is currently doing the home interviews and is in the process of completing those. Once we select the officers, uh, we've identified the vendor who is now in the Orlando area. Uh, the officers that are selected with accompany the Sergeant to the, uh, Vendor's place of business and identify dogs to be selected. So we anticipate that that occurring within the next sixty (60) days or so.

CHAIRPERSON PARDO: And are we still on schedule to hire three?

POLICE CHIEF WILLIAMS: Yes we are.

CHAIRPERSON PARDO: Okay. Do we still have any dogs working right now? We have...

POLICE CHIEF WILLIAMS: We have one dog working currently.

CHAIRPERSON PARDO: Okay. Alright. Thank you.

POLICE CHIEF WILLIAMS: Yes, ma'am.

CHAIRPERSON PARDO: Good seeing you Chief. And then, I'd like to make a comment for the public. There is, you know, a', a lot of people have iPhones, okay.

And there is an app called "Find My iPhone", and I'd like to share this story with you and it's a very important app to have on your phone. So, when I was up in Tallahassee someone broke into my daughter's truck and I track her. And, people that know me know that I track my daughter. I always know where she is. And, you know, I started doing this when she was in high school. And, so I'm up in Tallahassee, you know, I went to be about 9 o'clock, I woke at 3 and I turn the tracker on to make sure she was home. She was working that night. And, I find that, you know, the tracker tracks her to bedroom and it shows that her iPhone is plugged in so it's like, 'Ha, okay. She's home. Everything's good.' And then all the other computer she has it.., you know she has a Mac and then the iPad and her iTouch and I noticed that the iTouch, the iPhone, not the iPhone the iPad.., everything is 'I'.., the iPad was showing up in West Palm Beach. So, I turn the app off, turned it back on and it kept showing up in West Palm Beach so I thought, well, ya know, she's.., if I call her she's not gonna wake up, she doesn't listen.., ya know, hear anything when she's sleeping. So, you know, 6:30 the next morning I text her, 'call me', she calls me and I said, 'Where's your iPad?' And she said, 'It's in my schoolbag in my car.' And I said, 'Go out there and see if it's there.' Well it wasn't there. So, we were able to give the information.., when I tracked her and found that the iPad we down in West Palm Beach, I took a snapshot of it from my phone. So, when the officer's came we were able to give them the snapshot of the location of where that iPad was. And we were able to get that iPad back. So, you know, if you have an iPhone, I would encourage you to use the "Find my iPhone" app. And, you can put on it, your iPhone, your iPad, everyone has an iPad. You know, if your kids have an iTouch, put it on there and, you know, if you're checking or, you know, god forbid something happens, you might be able to find your phone. Or your iPad or whatever. So, I just wanted to share that with everyone. And, you know, once again, the police did a phenomenal job like they always do. So, "Find my iPhone", it works. Okay, Mr. Davis.

CHAIR PRO TEM DAVIS: Thank you. Madam City Manager, I received a call right before I came up here from a resident from the Southside senior citizen family. Has if.., has Southern Bell contacted the City about doing some work in Riviera Beach?

CITY MANAGER JONES: Southern Bell...

COUNCILPERSON THOMAS: They're no longer a service.

CHAIR PRO TEM DAVIS: Well, who's the phone service folk now? AT&T?

UNK: Bell South.

CHAIR PRO TEM DAVIS: Bell South. Bell, Bell South.

CITY MANAGER JONES: AT&T would be...

CHAIR PRO TEM DAVIS: AT&T. O off 4th Street, they had started doing some work and those residents were out, without service, phone service for about almost a week

and was never notified by those, by those providers at that time. And, you know, we have a lot of people in that area... I know the person that called me. They didn't have a cell phone. All they had was a land, landline phone. I also, spoke with another gentlemen on Avenue C today and they came over to do some work on his property and never made contact with him. And they ran the lines and they actually blocked off his entrance into his home with that line. And I just like to know, how is that process done when they come and do work? Isn't that a permitting process? Or...

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Yeah. Yeah. They come and get permits. I haven't even.., I haven't heard anything about a problem at 4th Street though.

CHAIR PRO TEM DAVIS: Yeah. But the resident called and said they was without a phone for the entire week. And they was never contacted, the work was being done. No one notified 'em. They thought their probably just service, the line would be for like, one day but it was an entire week. The entire area over there. So, just kinda just reach out to them to make sure that they.., when they doin', inform the City that they actually be a little more aggressive with notifying the residents. Cause I would hate that someone in that home to get sick and couldn't dial 911 specific cause that resident actually doesn't even have a cellphone. But they told me after they phone got connected. So, I just wanna make sure they're not doing this across the City as they moving around so. And, like I said, I got two calls today from two separate areas discussing the same issue. But other than that, I have any new news other than Happy New Year to everyone here today.

CHAIRPERSON PARDO: Thank you. Mr. Thomas.

COUNCILPERSON THOMAS: Yes. I just want to.., I seem to be having some issues with computer. My iPad does not work properly but I see some other iPads up here are working. But also, my desktop and I just wanna know, we put a lot of money into IT, what is happening with that? Why are we having so many glitches? What's, what's goin' in with that. I'd like to have a.., I don't see the, the, uh...

CHAIRPERSON PARDO: You know what? I agree with you. My...

COUNCILPERSON THOMAS: Yeah.

CHAIRPERSON PARDO: ...desktop downstairs.

COUNCILPERSON THOMAS: Yeah.

CHAIRPERSON PARDO: I cannot get on...

COUNCILPERSON THOMAS: It's not.

CHAIRPERSON PARDO: ...the internet.

COUNCILPERSON THOMAS: Yeah. It's not, it's not working. I, I can't even, sometimes it won't even let m, you know...

CHAIRPERSON PARDO: Right.

COUNCILPERSON THOMAS: ..type...

FINANCE DIRECTOR SHERMAN: On your...

COUNCILPERSON THOMAS: ...anything...

FINANCE DIRECTOR SHERMAN: ...desk?

COUNCILPERSON THOMAS: ...populated.

FINANCE DIRECTOR SHERMAN: On your...

COUNCILPERSON THOMAS: My desk as well as my iPad.

FINANCE DIRECTOR SHERMAN: Okay. Well, we'll have somebody come over tomorrow. Are...

COUNCILPERSON THOMAS: Right. But...

FINANCE DIRECTOR SHERMAN: Are you in the office tomorrow or? And...

COUNCILPERSON THOMAS: Right. I'm, I'm sure we can get that done. What I would like to know is, what is the problem? What's going on cause for several weeks now, there've been some issues. What, what is going on with it?

FINANCE DIRECTOR SHERMAN: We had...

COUNCILPERSON THOMAS: And, we did put a million dollars in this...

FINANCE DIRECTOR SHERMAN: Mhmm.

COUNCILPERSON THOMAS: ...year, correct?

FINANCE DIRECTOR SHERMAN: Yup.

COUNCILPERSON THOMAS: Alright.

FINANCE DIRECTOR SHERMAN: Yeah. We did.

COUNCILPERSON THOMAS: So...

FINANCE DIRECTOR SHERMAN: And we, and we had some server issues with, with the email that we, I believe we had gotten all cleared out. But again, I understand you. You said you had problems again tonight. We, we've gotta look at, at your systems and find out why?

COUNCILPERSON THOMAS: But we did put a million dollars...

FINANCE DIRECTOR SHERMAN: Yes. We did.

COUNCILPERSON THOMAS: ...in it, right?

FINANCE DIRECTOR SHERMAN: Yes.

COUNCILPERSON THOMAS: Okay. When you put a million dollars into something, this early, we don't expect to have some issues so what's the plan to make sure that we don't continue to have those issues? And I don't know if it's citywide or not, I just know we're having some issues in the, in the...

FINANCE DIRECTOR SHERMAN: Well, I know we've been having a lot...

COUNCILPERSON THOMAS: I just...

FINANCE DIRECTOR SHERMAN: ...issues over at Public Works in purchasing that they've been trying to resolve. Um, but this is, this is the first time I'm hearing that you've had issues with yours. So, again, we've, we've gotta get...

CHAIRPERSON PARDO: And I've sent ...

FINANCE DIRECTOR SHERMAN: ...somebody in to, to look at 'em...

CHAIRPERSON PARDO: I've sent emails and...

FINANCE DIRECTOR SHERMAN: ...and, and find out.

CHAIRPERSON PARDO: ...I've been ignored.

FINANCE DIRECTOR SHERMAN: Find out why.

COUNCILPERSON THOMAS: Okay.

FINANCE DIRECTOR SHERMAN: We'll get somebody...

COUNCILPERSON THOMAS: So...

FINANCE DIRECTOR SHERMAN: ...on it.

COUNCILPERSON THOMAS: No problem. I appreciate that.

FINANCE DIRECTOR SHERMAN: Okay.

COUNCILPERSON THOMAS: And then hopefully tomorrow or sometime, you'll actually answer my question as to why it's happening. But, it's cool.

FINANCE DIRECTOR SHERMAN: Well, again, it, it may be specific to, to your...

COUNCILPERSON THOMAS: Okay. I'll, I'll accept that.

FINANCE DIRECTOR SHERMAN: ...domain or something. But, you know, we'll have to look at it and then we'll get ya a full report on why it's happening and...

COUNCILPERSON THOMAS: Okay. The other thing that I wanted to talk about is our copy machine. You, you leaving? Who, who's responsible for the copy machine?

COUNCILPERSON MILLER-ANDERSON: [Laughing].

FINANCE DIRECTOR SHERMAN: I don't know if I can answer a copy question but I'll try. [Chuckle].

[Laughing].

COUNCILPERSON THOMAS: If.., yeah. Well, it shouldn't be down as much as it is because that's why we pay a lease subscription on these so that we're able to utilize them. And, I don't know if there's any other copy machines down but the one in the legislative suite has been down a couple of times over the past few days and I asked about it and Mr. Lynn [sp] downstairs said that they just said, they'll just get to us when they can get to us. But that's really unacceptable...

FINANCE DIRECTOR SHERMAN: Is it.., is this a...

COUNCILPERSON THOMAS: ...for us to pay...

FINANCE DIRECTOR SHERMAN: And, apologize again but is it a copier equipment issue or is it a communications issue between the copier?

CHAIRPERSON PARDO: It's mechanical.

UNK: Toshiba's been called three times. They was out last week, they came, Lynn called them again Tuesday, they said they had a lot of problems with other vendors and they're having.., as soon as they can get their tech over they were supposed to be getting them over. She didn't tell me...

FINANCE DIRECTOR SHERMAN: [Inaudible] is a tech?

UNK: ...that he didn't come today. But she did call Tuesday. We called them last week, they were out. They were with, um, Elvis. They were with Will one day, um, the week before. So, there's been issue between their and Microsoft and our systems not con..., not speaking with each other. Something with Microsoft [inaudible], Internet Explorer all together and it's happening...

COUNCILPERSON THOMAS: Right.

UNK: ...with our...

COUNCILPERSON THOMAS: But, but...

UNK: ...copier.

COUNCILPERSON THOMAS: ...most of, most of us don't really..., well, let me just speak for me. I don't really understand all of the, the necessary things that you're saying in terms of..., I just wanna be able to hit print and something comes out and I'm just thinking that we...

UNK: It's not talking to your computer.

COUNCILPERSON THOMAS: Okay. But I'm...

CHAIRPERSON PARDO: And it's probably because...

[Inaudible].

CHAIRPERSON PARDO: She's just saying it's Internet Explorer.

UNK: Cause it's [inaudible].

COUNCILPERSON THOMAS: Yeah.

CHAIRPERSON PARDO: I have a problem. I can't even get into Explorer.

COUNCILPERSON THOMAS: Yeah. It's a..., let...

FINANCE DIRECTOR SHERMAN: Alright. I will get...

COUNCILPERSON THOMAS: And if we're having problems...

FINANCE DIRECTOR SHERMAN: ...Mr. Mella in the morning and we will, we'll get...

COUNCILPERSON THOMAS: I mean, are we...

FINANCE DIRECTOR SHERMAN: ...an...

COUNCILPERSON THOMAS: ...short staffed?

FINANCE DIRECTOR SHERMAN: ...and answer.

COUNCILPERSON THOMAS: Are we fully staffed?

FINANCE DIRECTOR SHERMAN: No.

COUNCILPERSON THOMAS: Are we..., what's...

FINANCE DIRECTOR SHERMAN: No. That's not, that's not the issue. Again, this is the first I'm hearing that you're having issues. But we'll get somebody over there and I'll get a full report out tomorrow.

COUNCILPERSON THOMAS: I appreciate it.

FINANCE DIRECTOR SHERMAN: Okay.

COUNCILPERSON THOMAS: You, you, you been to kind. Thank you.

[Laughing].

COUNCILPERSON THOMAS: Thank you. Lastly, I wanted to, to talk about... I know I brought that up here and I don't see it. Pass me Madam Chair. Thank you.

MAYOR MASTERS: Pass please.

CHAIRPERSON PARDO: Mr. Guyton.

COUNCILPERSON GUYTON: Thank you, Madam Chair. Just two things. Tuesday on the 26th at 6 pm at Lindsey Davis Community Center, I will be having a community engagement forum as I do every quarter. One of the issues will be Cunningham Park. We would like to roll out the plan of where it now and what amenities would likely be involved at this stage and just keep the public informed. We did give them a presentation initially about what amenities we were hoping to have but now that it's been fine tune, I would like for everyone to know exactly what it's gonna be.

The other thing is, my colleagues and I went to Tallahassee and it was for Palm Beach County Day when elected officials and Staff, they go up to lobby for their respective jurisdiction. And you have communities throughout the county and the state lobbying legislatures. And we were up there and a young man from Riviera Beach, born..., well, raised in Stonybrook, is now one of the most popular and influential guys in Tallahassee. That's Mr. Sean Pittman.

COUNCILPERSON THOMAS: Broadmoor.

CHAIRPERSON PARDO: Broadmoor.

COUNCILPERSON GUYTON: Broadmoor, I'm sorry. He grew up in Broadmoor. He, he is our City lobbyist and every year we go, by the end of the day, I am outta breath. He has meetings lined up with the Governor's Office, with the Head of Committees, with their Staff. He makes sure that we get in front of the people that's making decisions. And, I'd like to give Mr. Pittman kudos cause he's doing an outstanding job. And from what I can see, he's also doing alright business wise. He's, he's got some businesses up there and I'm just proud of him. Right here from Riviera Beach. So., but, as it relates to the issues that we were able to lobby for. We were able to meet with the secretary of the department of Environmental Protection. We, we discussed some issues there. We were able to meet with people regarding potential funding for underground infrastructure. As most know, many of our pipes are corroded and at, at that point where they need to be replaced. So, we pound the pavement and I think that it was a very fruitful and productive day. And, we're now following up on some things that some of the legislatures have requested that they would like to consider some of our projects. So, kudos to my colleagues too. There was a good showing up there. I think four of us, four outta five went. And, it was a very productive session. So, I think that we as a elected body need to consider going up more often because from what I can see, when you're there face to face they seem to engage you and request information and, and be more app to entertain your projects. I've been through the process of just trying to email and send information but when it's person to person and it's flesh to flesh, you're really showing that you have a, a, a heightened interest in those particular projects. And, I think that we need to understand that if we're gonna compete with everybody else around the State for funds, we're gonna have to step our game up. And, we're gonna have to be seen a lot more in Tallahassee. And, I think that that would assist us in bringing home more funds then what we're doing now. But, because we have a good lobbyist we have been bringing home funds and Sean Pittman is good at getting you in front of the right people. So, Madam Chair, that's it for me.

CHAIRPERSON PARDO:

COUNCILPERSON GUYTON: And kudos to our homeboy Sean Pittman. He's doing his thing in Tallahassee and I'm proud to say that he's from Riviera Beach. Thank you, Madam Chair.

CHAIRPERSON PARDO: Thank you. And, I'll be back up in Tallahassee in February. Okay. Ms. Anderso', Miller-Anderson.

COUNCILPERSON MILLER-ANDERSON: Hello. I wanted to take one of Mr. Bruce's words. Give kudos to Major Rozier. He's been very helpful with the area near the Port. We have a couple Clarks, they, they are your vigilante's. They are your #1 crime watch gurus over in that area. And, Major Rozier has worked very well with them in trying to resolve their issues. He's, he's spoken with them. He's provided an update

to me. He's been available at any point in time in which I called him or emailed him to provide an update or to resolve some of those issues that are taken place over in that area. And so I just wanted to say thank you to Major Rozier and to let Chief know that he's doing a wonderful job.

I do have a brochure here. I'm.., I don't know if it was.., and I'm sure it probably has been advertised but I just wanted to bring it up. It's gonna be a public information meeting here at City Hall on Tuesday, January 26th, 6-8 pm, regarding the State Road 7, 108 and Blue Heron Boulevard at Avenue S Safety Project. So, those of you that can come out, they will provide you some information and try to answer your questions should you have any regarding that.

Also, the MLK activities, I, I had a, a pleasure of attending several of 'em. Some of 'em I was unable to attend but from those that I did attend, I think they were well put together. And, you know, it, it's just great that we're able to honor a man such as Martin Luther King. There are some cities I know that don't do a whole lot but I think we really do a great job of trying to engage our seniors, our chil', youth. Also, our veterans and I just wanted to say thank you to the Human Resource Department and other departments that work together to bring those activities to fruition.

Also, Community Benefits, I do still have some funds for Community Benefits for those non-profit agencies that would like to apply for 'em. I'm being warned that I'm putting that out there. I'm getting ready to get attacked. But, I, ya know, I, I, I, ya know. It's there for that purpose. I actually hadn't had any come in for a while so, I, ya know, I wanna let people know that it's there. And, please submit your Community Benefits application. Be sure to attach all of the information and you must be a non-profit organization in order to qualify for that.

And, I, I believe Mr. Amon [sp] is probably gonna come and speak regarding, there's a health fair that's gonna be here at City Hall on this Saturday from 10-12. I don't have all the details.

COUNCILPERSON THOMAS: I have it.

COUNCILPERSON MILLER-ANDERSON: He did tell me.., you have it?

COUNCILPERSON THOMAS: If you wanna read it.

COUNCILPERSON MILLER-ANDERSON: Okay.

COUNCILPERSON THOMAS: Yeah.

COUNCILPERSON MILLER-ANDERSON: I think he said he was gonna come.

CHAIRPERSON PARDO: Yeah. He has a card in.

COUNCILPERSON MILLER-ANDERSON: Okay. Well, I'll let him give the details. But it's on this Saturday from 10-12, a health fair. And, that's about it for me. Thank you.

CHAIRPERSON PARDO: Thank you. Mayor.

MAYOR MASTERS: Yes, thank you, Madam Chair. Police Chief, Chief, I have a question for you. As I continue to walk across the depth and.., of the City and the breadth of the City, in all areas, I've been talking to some of my friends I think off Bimini Lane on the Island, I have a question for you. They wanna know do we have the, the substation, the police station that's on the Island, in there, are there officers, is there an officer that's dedicated just to the Island, that never leaves the Island, that's always on the Island, always roaming the Island.

POLICE CHIEF WILLIAMS: Yes, sir.

MAYOR MASTERS: Okay. Thank you. I like those no and yes quick answers. Thank you. As I continue my journey, or our journey rather, across the City, I continue to hear this from all over the City, it has gotten so bad that people even stop me at red lights and talk about their water bills and it's not specific or germane to any particular group or any particular geographical part of the City. Our residents, to lack, lack of a use of the word, are just outraged because of the, uh, the water bills and how they have gone up. Um, storm water doubled. So, I'm going to tell you that I've been thinking about, about this. Certainly I've spoken out against it, I advocated, uh, against it as well with the other two people up here who voted against it as well. But, there has to be a way to make this right. There has to be a way to readjust this where it will be in, in step and, and more in line with the residents of our City. Government is still at its best when it's by the people and of the people, for the people. And when the people are complaining at that level, something is wrong.

So I've spoken to some people of the administration. I am preparing to propose, um, in the next couple months, um, a way to readjust this shameful increase and this outrage and present this to the, the Council. About five days from now, I will journey to Tallahassee along with other mayors from Palm Beach County and other elected officials and we will be speaking to our representatives on some issues that the mayors are concerned about and that, when I get back, I will give you a report of the effecti'.., effectiveness of the trip and what we accomplish.

Also, we will give a presentation of the, on the journey that we went to, to Washington D.C. I know you heard that Congressman Alcee Hastings.., Hastings made a.., is going to introduce some legislation based upon the fact that we took this faith journey to Washington and we're taking a, and I use the word faith mission, to Tallahassee with the support of several mayors and elected officials. The Mayor will.., I am writing.., getting prepared for a State of the City Address and at the State of the City Address, I will certainly review the progress our City has made in this past year and some of the

initiatives from my fellow colleagues, as well as the Office of the Mayor and our vision as we continue to, continue to move the City forward.

I want to announce that the Office of the Mayor will have, or will sponsor a jobs fair. I was talking to the Chief of Staff today and the response that we are getting from major employers in this area has been phenomenal. The job fair will be next month. I think around the 12th, uh, the 10th of February and we're looking forward. So, if you're unemployed or either underemployed, please contact our office now so we can give you the heads up and be ready. In the meantime, you can go to the, the app. The Mayor, the Mayor has a app to help people who are unemployed, underemployed and it's called Mayor Masters. And there aren't any spaces, just MayorMasters.

The other initiative that this Council and the people's petition came into fruition was the renaming of the Old Dixie Highway to President Barack Obama. I will tell you that already, economic development is on the way to that highway. And I can also tell you that I have been talking to some other people who are interested in helping to develop and do some positive, constructive things to really beautify and bring businesses on that street to certainly reflect all the things that the President is doing on a national level as well. The vacant property that's been vacant for probably over 20 years, on the corner of 13th Street and President Barack Obama has been purchased and you will see a major development there in the, in the near future and we're very pleased with that.

Last but not least, Madam Chair, as I continue my journey through the City, the number one issue that I spend time with people, trying to explain it, so I wanna just take ten seconds and conclude, people are still outraged and they are still upset about the \$1,000 stipend and the \$1,000 raise. But let me just clarify this. There are four different ways here. Please follow me. You could vote no and take it, you can vote yes and not take it. You can vote no and not take it or vote yes and take it. I don't vote but I, I refuse to take it along with another colleague, colleagues that voted whatever way.

Madam Chair, that's it for the Mayor. As I always conclude, the best is yet to come. Thank you.

CHAIRPERSON PARDO: Yeah. Thank you. So, the Mayor brought up the fact that it was shameful that the water rates were raised along with the storm water and, you know, I wouldn't have said anything but he said that three people up here did vote for it and I was one of them. And, Mayor, I understand that, you know, you're not for it and that's okay but we have a duty to the citizens to make sure that they have clean water when they turn on their tap. That when they drive through this City, they're car isn't going to go into a pothole or a sinkhole isn't going to erupt at their house and we've had that already. You know, twice already on Park Avenue over on Singer Island because the pipes were so corroded it started taking the asphalt and just, you know, sucking it into the earth. And, we see it all around the City. People complain day after day about how bad the roads are and the roads are bad because the infrastructure under the roads are, ya know...

You gotta remember, this City is an old city and a lot of those pipes are over 50 years old. At one of our Water Utility meetings, Mr. Aurigemma brought pipes up. He showed up actual pipes that we took out of the ground. When we were doing the beautification on Broadway and the beautification on A1A, we were able to see for ourselves how corroded those pipes were. Okay? So it's, it was our duty to do something about it and the only way to start moving forward is raising the rates.

One thing that the residents can do, I had a workshop when I was first elected and, um, I had someone from the county come in and we spoke about how you can go about xeriscaping your yard. The majority of the water you use, you're not using it to wash your clothes or drink the water or bathe, it's going into landscaping. Alright? I don't have any landscaping in my yard. I pay \$65 a month, for water. It's my water, my sewer, the waste management, everything. Storm water, \$65 a month. I know people paying \$200, \$225 a month because they're watering their grass and there is a way to stop that and the county can help with it, we can teach you how to go about xeriscaping your yard. I just think it's, it's insanity for people to constantly be out there mowing their grass and, and a lot of people pay for someone to know mow their grass and to water the grass and it looks beautiful. But, you know what, water is becoming an issue around the state. Alright? Especially in South Florida. So, why continue watering grass? You know, go out, get stone. There are other things you can do and you can still have beautiful trees and, and plants that flower.

So, you know, like I said in the beginning, I voted for it. Two other people up here voted for it because we have a duty to the residents to make sure, when they turn their tap on, they're getting clean water. Look what's going on in Flint, Michigan. People are dying because of their water. They started cutting costs. Alright? People are dying. Alright? And I refuse to have something like that occur in the City of Riviera Beach. And if we have to pay a couple dollars more, so be it. But, by the end of the day, once we have enough money to start fixing, you know, the roads and all of the infrastructure, you know, think about the property values. If you do own a home, think about how your property values will eventually start increasing. It's a fiduciary duty to keep every person in this City safe.

COUNCILPERSON GUYTON: Uh, Madam Chair?

CHAIRPERSON PARDO: We will go ahead....

COUNCILPERSON GUYTON: Very...

CHAIRPERSON PARDO: Hold on a...

COUNCILPERSON GUYTON: ...quickly.

CHAIRPERSON PARDO: ...second.

COUNCILPERSON GUYTON: That, that's on that sa'...

MAYOR MASTERS: I'm coming back too.

CHAIRPERSON PARDO: Right.

COUNCILPERSON GUYTON: Just on that same note, very quickly...

CHAIRPERSON PARDO: We need to move forward.

COUNCILPERSON GUYTON: I was...

MAYOR MASTERS: If you allow one...

COUNCILPERSON GUYTON: ...I was one of the ones...

MAYOR MASTERS: ...you allow two.

COUNCILPERSON GUYTON: ...that... Excuse me. I was one of the ones that gladly supported it after the evidence was presented to us that we have corroded pipes throughout our community. In my District, one of the sewer pipes backed up and EPA had to come out. DEP, I mean. We have some serious problems so what I would like to suggest is those, on this dais, or in the community, that don't think we should've taken the avenue we've taken to reach out to the community and all of us chip in. I pay water bill, I pay storm water. I don't know about everybody else up here but I pay my share. I got a financial interest in my City. I'm contributing.

My, my question to those who oppose it, where is your plan to deal with the problem? We can't ignore it, it's there in our face. We have corroded pipes. We have bad roads and we're building utility buildings to ensure that we have quality water. That is where the money is going to ensure that, not just us, but the generations after us can live some resemblance of a quality life. And that requires us chipping in. Too often it's politically expedient to say, 'I'm not gonna deal with it.' Then the problem get worse. And when there's a catastrophe like there was in Flint, we start talking about what we should've done. We need to be ahead of the curve. This is our community and everybody needs to chip in so that we all can live some resemblance of a quality life. And if you're not chipping in, maybe you shouldn't talk so much either. We need people who are contributing to the solution. If you don't have a plan, please develop one and I will entertain it. If the only thing you're gonna do is complain.., I'm, I'm really, I'm just, I'm done with that. I'm all ears. We have a problem, give me a solution. We have a solution on the table, everybody chip in and our lives can be better. That's a solution that came to us. If you're opposed to that, give me an alternative. I'm all ears. But, just to complain, complain for political expedience, you know, that is not representing the people well. Cause the people want us to make some difficult decisions. We got a problem, what is your solution?

Thank you, Madam Chair.

PUBLIC COMMENT

CHAIRPERSON PARDO: Okay. Eleanor Denoble and then Jay Leiser.

UNK: [Inaudible].

CHAIRPERSON PARDO: Oh, I'm sorry.

MAYOR MASTERS: Ms. Noble.

UNK: [Inaudible] Gloria Leiser.

CHAIRPERSON PARDO: Yeah. You're after them. Okay?

UNK: [Inaudible] speak first and then I'll fill it in.

CHAIRPERSON PARDO: So. Okay. Can we just do it in order, please?

MAYOR MASTERS: And while she's coming, Madam Chair. No one's debating the fact of the infrastructure. We understand that but we're talking about the water bills being as high as they are. There's more than one way to skin a cat.

CHAIRPERSON GUYTON: Tell it. I wanna hear.

CHAIRPERSON PARDO: Okay. Alright.

MAYOR MASTERS: Hopefully.

COUNCILPERSON GUYTON: Give the man the mic. Give, give..., he, he got a solution to our problem? I'm ready to hear. I'm all ears.

CHAIRPERSON PARDO: Yeah. Alright. We have the public here. Ma'am...

MAYOR MASTERS: Disregard the...

CHAIRPERSON PARDO: ...go right ahead.

MAYOR MASTERS: ...previous speaker.

CHAIRPERSON PARDO: Go right ahead.

MAYOR MASTERS: [Chuckle].

COUNCILPERSON GUYTON: That mean you don't have a solution. Okay.

MAYOR MASTERS: No. It means you don't have...

CHAIRPERSON PARDO: Alright. Can we stop, please?

MAYOR MASTERS: ...the mic.

CHAIRPERSON PARDO: Good evening, ma'am. Thank you...

MS. E. DENOBLE: My name is...

CHAIRPERSON PARDO: ...for...

MS. E. DENOBLE: ...Eleanor Denoble and I live in the community of Thousand Oaks at 2026 Oakhurst Way. I'm here to support Gloria and Jay Leiser because they have a very, very bad problem behind their home. They live on the preserve. That preserve has not been kept up since we've been there. We pay taxes, two taxes for the past ten, eleven years and that preserve has not been tended to. She spent hours and money trying to build up her back again because it's going into the preserve and if this continues, not only the ground will go into the preserves, but the houses will and she's been fighting tooth and nail to get help to.., for them to build that buffer the way it was supposed to be. At our last HOA meeting, our president said that to rebuild that buffer it's gonna cost \$1,000,000 and the people who live on the preserve are the ones that are gonna have to pay for it. And they specifically even mentioned the single family homes will have nothing to do with it. Well, that might be because he lives in a single family home.

We have three sections in our community but it is one community and it's not right that he gets up there and says that only the people that live on the preserve. They already, when they purchase the home, because they were gonna have a preserve which was supposed to be beautiful, I wouldn't live there if you paid me \$1,000,000. That's the way they let it go. But they had to pay \$10,000 extra to live on that preserve. And this is what they're dealing with. She's been fighting for two years to get them to do something. She understands what it's all about and nothing is being done. And now they're threatened with having to pay for it themselves because it's gonna cost \$1,000,000 to fix what they let go all these years.

CHAIRPERSON PARDO: Okay. Thank you. Alright. Jay.

MR. J. LEISER: My name is Jay Leiser. I live in Thousand Oaks and we purchased preconstruction eleven and a half years ago and, all along the construction, the City of Riviera Beach was involved with all the plans. They were involved in the permitting, they were involved in every aspect of the development of this community. We are coming to you as citizens of Riviera Beach because we have tried all avenues and we have tried to contact people in the City of Riviera Beach to get help in this situation but we were told that there was nothing that anyone can do. And that is why we are here in person. Our community was developed as one community and part of our development

plans was the creation of a wetland preserve of which 90% is manmade in exchange for natural preserves that were filled in to build the single family homes.

For our Board president, our HOA Board president to make statements like this, when the preserve was created in exchange for the land that his house is built upon and now we have a situation where the preserve was designed to have structural integrity for a buffer of 25' surrounding this wetland preserve to protect the preserve from environmental issues and, at the same time, to maintain the structural integrity of our properties. So, adjacent to our property, we have used to be a 25' sloping upland buffer. Now we have a collapsed buffer that has failed, that is no longer sloping it is just moist, muddy land that is collapsed and has not been maintained.

Thousand Oaks CDD was created with the responsibility of maintaining this preserve and buffer. They are a tax, taxable authority. We pay taxes every year and they have neglected their duties. They have not maintained this buffer and they are refusing to do such. And now, to make matters worse, they are trying to push this burden, this financial burden and potential catastrophe upon us and they're trying to get only 84 of the 700 plus properties in this development to pay for something that is a result of their negligence.

So, we are here to ask the City of Riviera Beach to step up to an issue that is clearly under their jurisdiction...

[Beep]

MR. J. LEISER: ...and to address this issue. Thank you.

CHAIRPERSON PARDO: Okay. Thank you. Ma'am.

MS. G. LEISER: Good evening everybody. City of Riviera Beach, we're proud to live here. We bought our property because we believe that the City is beautiful, the governmental body that we have here just work for the City. And that's the reason that we are here today, to bring these issues of abuse by the citizen, the community development district that's supposed to have responsibilities as Chapter 190 indicated and maintain those buffers, especiallies'.., especially the one, the ones that is surround the wetlands that is important to maintain for the ecosystem and the post-development that we have at this time.

The City of Riviera Beach approve every permit. Without that, we could not have Thousand Oaks. When I started to complain two years ago to Council, um...

COUNCILPERSON GUYTON: Guyton.

MS. G. LEISER: Guyton, do you remember me?

COUNCILPERSON GUYTON: I remember you.

MS. G. LEISER: I receive a letter from Ms. Jones indicated that they cannot do anything about it because it's that community development district in Thousand Oaks. We do not believe about this because Thousand Oaks is within the City of Riviera Beach and it's no way that nothing can be done. We pay taxes like every single citizen. We do, we pay HOA as well to maintain this community. So, there's no reason for our community to be totally negligent in the way that has been done. Close to two years ago, we came with Mrs. Pardo for, um, violation of the, of the landscaping. If you remember us?

CHAIRPERSON PARDO: I remember.

MS. G. LEISER: And, um, it was fix it in a mediocre, the sign, it was, it was fix it because there was a lot of erosion and the land never was depleted. That, and the administration indicated that only grass has to be thrown in the holes and, at this time, they have been chained, the landscaping, three times and now, at this time, everything is putrid, there in the back of 84 properties...

[Beep]

MS. G. LEISER: ...is a chain and Mr. Guyton say that we work very hard for, to beautify our communities. Please, sir... And we ask this Board to please do something about it.

Thank you very much.

CHAIRPERSON PARDO: I have a question for you. Have you been to the county?

MS. G. LEISER: Yes. We have been, um..., we contact the office of Mr. Clement and actually his assistant contact the community development district close to two years ago and they lied to him and they went to the community and they just brush around and bending all this [inaudible] land that we have and, um, they make them believe that they were doing something. And, at this time, I will invited everybody of you to come to our community and see our preserve around and you will see how horrible it's for us the citizens and residents to have our communities that we pay so much money and eleven years and a half ago and live in the conditions that this administration and the community development district have us living. The statute, the Florida Statute 704.06 indicate that is the obligation for any governmental body to enforce that the land be preserved. So please do something about it.

Thank you so much.

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: I....

CHAIRPERSON PARDO: Thank you. So...

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON PARDO: Hold on. So, Ms. Ryan or Ms. Jones, so...

CITY MANAGER JONES: Yeah. This is a South Florida Water Management issue and that is the government entity that is responsible to do something about it. It cited in this Chapter that she just stated, 'South Florida Water Management District.'

COUNCILPERSON GUYTON: Understood. Um...

CITY MANAGER JONES: And so, when she talks about the government agency, it's not the municipal government, that is the government agency responsible for this project.

COUNCILPERSON GUYTON: Understood. Um...

CITY MANAGER JONES: And, and she did., and two years ago with did, with Senator Clemens, reach out to them to say South Florida Water Management System, you need to get up there. And they did something two years ago but evidently it's back in the same shape that it was.

COUNCILPERSON GUYTON: Madam Chair...

CHAIRPERSON PARDO: Go ahead.

COUNCILPERSON GUYTON: ...if I may too. Ms. McKinney, would you come to the mic? [Stammer] right there. You can sit down.

COMMUNITY BENEFITS DIRECTOR MCKINNEY: [Inaudible].

COUNCILPERSON GUYTON: Two years ago when it was brought to me, not only did I go to the City Manager, I went to Ms. McKinney and I believe I spoke briefly to the Attorney about CO, uh, HOA issues. So, I did reach out to the municipal sources. And Ms. McKinney, from the City standpoint and the City Manager is correct, South Florida Water Management District is the agency that enforces and monitors these type of projects. But, they're in Riviera Beach and people expect us to be able to do something but, Ms. McKinney, you told me that the HOA was required to develop a mitigation plan or...

COMMUNITY BENEFITS DIRECTOR MCKINNEY: Right. Well, the mitigation plan is for the replacement of trees that they wanna take out in the homeowner's yards and put them someplace else. So that was primarily the mitigation plan. As far as the wetland area, the last thing we heard was that it had been addressed and we hadn't heard in the past two years that there's been any more issue. This is the first time we're hearing it again.

COUNCILPERSON GUYTON: Okay. Cause I know when I got my last report, I was informed that the issue was being dealt with. That was the last that I heard. And, and the residents, I forget your name.

MS. G. LEISER: Gloria.

COUNCILPERSON GUYTON: Yeah. This has been a very serious issue and she's been relentless and understandably so and I certainly respect that. Um, but we would like to help you get to the right source that has the authority to actually do something which is the South Florida Water Management District.

Ms. Ryan, as it relates to homeowner's associations and their legal authority, um, how does that play with the municipal authority stepping in to HOA issues?

CITY ATTORNEY RYAN: Unless it is a code enforcement issue, there really is no jurisdiction for the City to tell them how to run the agency. There's...

COUNCILPERSON GUYTON: The HOA.

CITY ATTORNEY RYAN: I'm sorry, the HOA. There's...

COUNCILPERSON GUYTON: [Stammer]. Is that state law that protects the HOAs and how they run their respective development?

CITY ATTORNEY RYAN: Correct. And this even.., it's more than just a HOA. This is also the CDD. So even, um, if we had.., if they, those were our roads and our, the infrastructure...

COUNCILPERSON GUYTON: And it's not though.

CITY ATTORNEY RYAN: ...we would have more but that's, it's not even [inaudible].

COUNCILPERSON GUYTON: They're not our roads, it's not our infrastructure.

CITY ATTORNEY RYAN: No. It's all under the CDD. It's a gated community so it's, it's... The CDD is responsible for all the infrastructure in that development. And so our power is even more limited because of that.

COUNCILPERSON GUYTON: And it's unfortunate but sometimes it's difficult to accept that they live in a city and they're having an issue within their respective gated communities and our authority is limited because of state laws. If it's an issue, as Ms. Ryan indicated, code enforcement or something that we authority over, that's different. But South Florida Water Management District is the water authority in the county.

MR. J. LEISER: Mm. Madam Chair, may I respond please?

CHAIRPERSON PARDO: You know what, this really isn't the time. We will be contacting you. This...

MR. J. LEISER: Okay. I would just like...

CHAIRPERSON PARDO: We won't...

MR. J. LEISER: ...the record to state that there's a lot more that can be covered in three minutes and a lot of the statements that were made are, are...

CHAIRPERSON PARDO: Okay.

MR. J. LEISER: ...just not really accurate to what's really going on. And additionally, the tree mitigation is totally unrelated. Those trees were in front of our property. This issue is behind our properties.

CHAIRPERSON PARDO: Agreed. Staff will be calling you.

MR. J. LEISER: Thank you.

CHAIRPERSON PARDO: Okay? And then, can we look to see when the City approved that project. Can we see if they put any conditions on it in regards to the lake, you know, to the wetland? And who built this? Was this Cornerstone?

MAYOR MASTERS: Mhmm. Yes.

CHAIRPERSON PARDO: Mary, do you remember...

MR. J. LEISER: The, the builder's...

CHAIRPERSON PARDO: Alright, sir.

MR. J. LEISER: ...D.R. Horton.

CHAIRPERSON PARDO: Okay. Thank you. D.R. Horton. Okay. Alright? Alright, next we have Amon [sp] Yisrael and then Lloyd Brown.

MAYOR MASTERS: While he's coming, Madam Chair. Debby, would you get with the, the people from Thousand Oaks and arrange a meeting. I'd like to meet with them and also South Florida Water Management. Maybe we can do something with Staff with the Office of the Mayor.

CHAIRPERSON PARDO: Right. Good ev'...

MAYOR MASTERS: As well.

CHAIRPERSON PARDO: Good evening...

MAYOR MASTERS: Thank you.

CHAIRPERSON PARDO: ...sir.

MR. A. YISRAEL: Good evening, Mayor. Chair...

MAYOR MASTERS: Good evening.

MR. A. YISRAEL: ...and Council. My name is Amon Yisrael, live in Riviera Beach in the Monroe Height area. I'm here this evening just to make people aware, our community aware, that there's a health seminar that's gonna be in the Council Chambers this Saturday from 10:00 to 12:00. It will be dealing with the Power of Living Food. Right now our community is being plagued with a lot of diseases, high blood pressure, cholesterol, diabetes and cancer, just to name a few. I had a problem years ago with, uh, cholesterol. I was able to rid myself of it in 30 days with a diet change. So this, uh...

MAYOR MASTERS: [Inaudible].

MR. A. YISRAEL: ...Saturday, the Power of Living Food will be presented by one of the best health specialists in the world, gentleman that has helped founded Apocrotos Health Institute which is a renowned health institute.

What we need to understand, that we have living bodies. When we put living food in living bodies, it promotes life. When we put dead food, food that's not nourished in a living body, it helps to produce and promote...

MAYOR MASTERS: Death.

MR. A. YISRAEL: ...death. So, without using prescription drug, drugs from a natural perspective, one of the best in the field in the world will be educating the community on how they can rid their personal lives of these diseases and sicknesses or even prevent your personal self from having these diseases and sicknesses. So, it's this Saturday from 10:00 to 12:00. One of the best in the world.

Thank you.

CHAIR PRO TEM DAVIS: Madam Chair?

CHAIRPERSON PARDO: Thank you.

MAYOR MASTERS: Can that be televised?

CHAIRPERSON PARDO: Lloyd Brown and then Rodney Roberts.

MAYOR MASTERS: Madam Chair, can that be televised? Madam Manager? Madam Manager?

CHAIRPERSON PARDO: It's over the time.

MAYOR MASTERS: Be [inaudible] for the benefit of the residents who may not be here.

CITY MANAGER JONES: We might tape it but I can't say...

MAYOR MASTERS: Can we tape it?

CITY MANAGER JONES: It can't be live.

MAYOR MASTERS: Okay. Yeah. I, I mean tape it and then we can play it back. Thank you.

CHAIRPERSON PARDO: Good evening, sir.

MR. L. BROWN: Good evening. Uh, my name is Lloyd Brown and, uh, I heard the lady talking about problems she was having. Well, I've been here five years ago. My house is sinking. I can't close the back windows because they didn't do all the inspections. I've been over here and, I mean, it's like coming to the, you know, this, this thing in London, the changing of the guards. When they get there, they don't speak, they don't talk. Now we're having changing of the guards all over again and they don't speak. I'm talking about you people. You don't speak, you don't talk. Only time you see a person in the Council is when the election goin' on. They all in the front of your house. They'll take you to the basketball game and you'll sit right down by the benches, where the players are but as soon as they get their votes in then they gonna put you way up where you need binoculars to see or even to participate.

I mean, I know that the black people in Riviera Beach, we are the majority here but, like, what you do for us is like the minority of the things you do. I mean, that's less, right? Majority is more. Well, for the majority of people we got in Riviera Beach, ya'll do the minority of things for us. I mean, I don't know if I'm saying this right but, like, who, who is responsible? You know, like, I heard him talking about the food we eat. You ever go in one of these restaurants? I mean, okay. I never heard anything about Palm Beach County talkin' about, 'Well, let's check out those stores in the black neighborhood.' I never heard a Council Member say, 'Well, [stammer] we need to go to these stores cause these people are cookin' food every day.' You don't know where this food come from, you don't know where the origin of it or nuttin'.

And then another thing I gotta say, do we patrol in Lake Park? Because I see more Riviera Beach vehicles up there patrolling through Lake Park. I mean, unless they have another agenda or some'in. I see more of them at Walmart than I do see 'em patrollin'

the streets. And then I see 'em sittin' up in their little holes, now they want a raise. Raise for what?

And then, then another thing too. Do, do we have anybody that go in these stores and make sure that these products are legal? I mean, you'll go to somebody and tell 'em their grass not growin' and you'll tell 'em that they need to clean up the backyard but then you got all these stores. You say, 'Good food,' right? All these stores in our neighborhood sell food and I don't see not one code enforcement, not one county person going in there to see what the hell [inaudible] these stores is sellin'. They got products in these stores that've been there for seven years. I thought there was, like, dates on these things. Oh, it expired 2015. They got stuff in there from '99 in these stores. I mean, they got bread that's sittin' in there, due dates and all that. Who go and check that out? Nobody? I mean, do you care about the blacks? You talkin' about a food thing. You know, he said Saturday. Look at the food that we're eatin' in our neighborhood. We need a major grocery store somewhere close right in the central part of the community. We don't need these corner stores. I mean...

[Beep]

MR. L. BROWN: ...or a stink store. You know, whatever. You all have a good day.

CHAIRPERSON PARDO: Thank you.

MAYOR MASTERS: Thank you.

CHAIRPERSON PARDO: Rodney Roberts and then Billie Brooks

MR. R. ROBERTS: Good evening.

CHAIRPERSON PARDO: Good evening.

MR. R. ROBERTS: Rodney Roberts. 1581 West 14th Street, Riviera Beach, Federal Gardens. Happy New Year to everybody.

CHAIRPERSON PARDO: Happy New Year to you.

MR. R. ROBERTS: Alright, alright. Um, what are we talking about today. If you can see me on TV, I have on HIV awareness shirt. I'm always wearing a HIV awareness shirt because the, the rate of HIV for blacks is eight times as high as it, eight times higher than it is for whites and we always have to keep HIV at the...

MAYOR MASTERS: Eight times?

MR. R. ROBERTS: ...forefront. Eight times. Eight times. That's ridiculous, right? And they say bec'..., it is because we don't talk. We don't talk. Black people don't talk about HIV and we don't talk about awareness and safe sex and sexual health and stuff like

that so I just wanna put that out there so that perhaps we can start talking about it and start bringing down the rate of HIV in our community.

As far as a solution is concerned for the infrastructure. The, uh, CRA encompasses a lot of the property over there. I mean, a lot of the City and with expanding. Can the CRA help pay for infrastructure? I believe that it can. It might not be what we want to do with it but I believe that, that should be...

UNK: [Inaudible].

MR. R. ROBERTS: You gotta look in the state statute for it rather. Please look in the state statute for it.

[Inaudible background comments]

MAYOR MASTERS: You talking about the water bill, is what you're talking about? The water bills, right?

MR. R. ROBERTS: Infrastructure.

MAYOR MASTERS: Right.

MR. R. ROBERTS: Yeah.

MAYOR MASTERS: That needs to be fixed?

MR. R. ROBERTS: Right.

MAYOR MASTERS: Okay.

MR. R. ROBERTS: Alright. And, hou'.., housing. Homelessness. I think that we need to look at housing and ho'.., as it relates to homelessness and those that need affordable transitional housing. I think some of the land usage or some of the codes prevents certain kinds of, uh, buildings going up such as tiny homes. There's a, there's a tiny home and they're still going all over the world, all over the nation. And I think that that would really help Riviera Beach with our homeless problem and some of our, uh, low income or affordable housing needs cause it would be a smaller dwelling but it would be less money to build and, uh, I wo'.., I need your guys help on that.

Alright? Thank you.

CHAIRPERSON PARDO: And those little houses, a lot of times, they're portable.

MR. R. ROBERTS: This is true.

CHAIRPERSON PARDO: So, [chuckle], you don't wanna be in one of those houses thinking, you know, you're on 13th Street [chuckle], you wake up [chuckle] and you're down in Delray somewhere [chuckle].

MR. R. ROBERTS: We'll, we'll fix 'em down. They won't go nowhere.

CHAIRPERSON PARDO: No. I know. I know.

MR. R. ROBERTS: They won't go nowhere.

CHAIRPERSON PARDO: But, that's a good idea.

MR. R. ROBERTS: Thank you.

CHAIRPERSON PARDO: Thank you.

MS. B. BROOKS: Good evening everyone.

CHAIRPERSON PARDO: Good evening, Ms. Brooks.

MAYOR MASTERS: [Inaudible].

MS. B. BROOKS: My name is Billie Brooks. I live at 1325 West 28th Street and I am a candidate for mayor of Riviera Beach and I'm here because of an omission that occurred at, uh, a parade on, on Saturday. As I got in front of the stand., of course, I paid my fare to be in the parade. When I got to the stand, the information that I had sent over as, in fact, not there and it was a very embarrassing moment. And I wanna thank our Chair who, I think, she realized that, 'Hey, this is not a very comfortable moment,' and she came out and she hugged me and I wanna thank you for that. But I also wanna take advantage of the fact because it wasn't said, I'm gonna say it now. I think I'm due that. Uh, what was supposed to have been said from the podium there was that I am a candidate for mayor of Riviera Beach. I've served four years on the Riviera Beach City Council from 2009 to 2013. I Chaired the Riviera Beach City Council in 2012, also Chaired the Riviera Beach CRA. Chaired, and is current member of the Riviera Beach Police Pension Board and it's quite interesting that tonight we're talking about the DROP. And the DROP was originated from the Riviera Beach Police Pension Board when I Chaired and Ms. Ryan thought, 'Well, if you're gonna have an ordinance for the police, let's just pass it on to everybody else.' So it's great to see that that was a benefit that we gave that came from my Chairmanship as the., on the Police Pension Board.

And I also was gonna mention that I initiated the dedication of renaming of this City Hall to Bobby E. Brooks Municipal Complex, our first elected African American mayor who did leave quite a legacy in this City and I have to say that, with the help of a favorite son, Malachi Nuse, that he was able to obtain \$3.9 million to build this entire complex. No money at all came from our citizens and that's really what mayors do.

And, last but not least, I would like to say to the Mayor that I.., we are in a race and I want us to run this race with a lot of dignity. If possible, Emma Banks would like for you to just please stop harassing her about the support she's given to me. She asked me to bring the signs over to her place. You called and asked her why were they there. She put you on speaker phone so that people could hear you. Today you went over and you asked her why was she passing out flyers at the parade. She made a profound statement to you and that was this, 'Whatever,' she said, 'Now, you're a minister. You must know whatever God has for you, he has for you. And whatever he has for me, he has for me and when we pray, we ought to say, 'Let your will be done and be satisfied with his will...

[Beep]

MS. B. BROOKS: ...being done. Thank you.

MAYOR MASTERS: Madam Chair.

CHAIRPERSON PARDO: Thank you. Frederick James and then Dolores Dawson.

MAYOR MASTERS: Madam Chair, I need to respond.

CHAIRPERSON PARDO: Quickly please.

MAYOR MASTERS: Thank you. Ms. Brooks, [inaudible], Ms. Brooks. First of all, Ms. Banks... No, no, no. You can't come back to the mic.

MS. B. BROOKS: Well, you want me [inaudible].

MAYOR MASTERS: No, no, no. I'm just talking to you...

MS. B. BROOKS: Oh, I'm sorry.

MAYOR MASTERS: ...after you have spoken. One of the privileges of being up here is that the audience don't have the right to come back. First of all...

[Inaudible comments]

MAYOR MASTERS: First of all, Dr. Emma Banks is an adult. Second of all, she doesn't need a representative or spokesperson to speak for her. Third of all, the things that she said that, that she told you about this, that and the other she never said to me. The reason why I questioned her about passing literature out on parade because I was told that she was passing your literature out. But, a few weeks before that, she told me she was supporting me, endorsing me, I have a picture with her. You know? So I'm saying, 'Well....

COUNCILPERSON THOMAS: Point of order, Madam Chair.

MAYOR MASTERS: No, no, no.

COUNCILPERSON THOMAS: This is, this...

CHAIRPERSON PARDO: Yeah.

COUNCILPERSON THOMAS: ...should not be happening.

CHAIRPERSON PARDO: I agree.

COUNCILPERSON THOMAS: This should not be happening.

CHAIRPERSON PARDO: I agree. We're done. Frederick James...

MAYOR MASTERS: So, therefore, that just...

CHAIRPERSON PARDO: ...then Dolores Dawson.

MAYOR MASTERS: wasn't true. You was, you know... This, it just wasn't right.

CHAIRPERSON PARDO: Alright.

MAYOR MASTERS: So I asked her... No. I have a...

CHAIRPERSON PARDO: Alright.

MAYOR MASTERS: ...right to finish what I'm saying.

CHAIRPERSON PARDO: No. Mayor, no.

MAYOR MASTERS: No. I'm going to continue to finish what I'm saying.

CHAIRPERSON PARDO: Come on.

MAYOR MASTERS: Because she made a serious accusation, I have a right to defend my integrity. She questioned...

CHAIRPERSON PARDO: Mayor...

MAYOR MASTERS: ...my integrity. That's...

CHAIRPERSON PARDO: Please.

MAYOR MASTERS: ...not true. If Emma Banks said something one time, she should've said it...

CHAIRPERSON PARDO: [Inaudible].

MAYOR MASTERS: ...the other. I'm not harassing her and it's not true. And the thing...

[Gavel]

MAYOR MASTERS: ...about the signs were...

CHAIRPERSON PARDO: Alright, Mayor.

MAYOR MASTERS: Your...

CHAIRPERSON PARDO: That's it.

MAYOR MASTERS: ...her signs were there...

CHAIRPERSON PARDO: Sir, go ahead.

MAYOR MASTERS: ...and my signs were there.

CHAIRPERSON PARDO: Go ahead.

MAYOR MASTERS: So let's keep it straight, uh, Ms. [Inaudible].

CHAIRPERSON PARDO: Go ahead, sir.

MAYOR MASTERS: Thank you.

MR. F. JAMES: Frederick James. 1082 West 25th Street, Riviera Beach.

MAYOR MASTERS: Hmm.

MR. F. JAMES: I'm comin' back because I have met with our experts.

MAYOR MASTERS: It's called Billie Brooks.

MR. F. JAMES: Tonight, we were talking about offering solutions to our infrastructure problems that we're facing. I'm proposing a solution that I would like for the Council to really look at, look into. I've done enough research, I've found multiple entities that have been successful. Um, our director has found other organizations that were used similar to doing things of this magnitude. It's really as not of as major...

[Inaudible background comments]

MR. F. JAMES: ...as other municipalities right now. We have Miami with billions of dollars worth of infrastructure...

MAYOR MASTERS: [Inaudible background].

MR. F. JAMES: ...repairs needed. But we can use this platform to create, um, and establish that others can follow as well. So I would like to know what do I need to do to be taken seriously on this issue because it is a real solution and, uh, I would need the City's support to move forward.

Thank you.

CHAIRPERSON PARDO: Great. Thank you. Dolores Dawson.

MAYOR MASTERS: Frederick James, I will continue to work with you about it. I do understand it now. So, you have my support.

MR. F. JAMES: [Inaudible].

CHAIRPERSON PARDO: Good evening, Ms. Dawson.

MS. D. DAWSON: Good evening. And to the Board, Mayor.

MAYOR MASTERS: Good evening...

MS. D. DAWSON: I'm pleased to be...

MAYOR MASTERS: ...Ms. Dawson.

MS. D. DAWSON: ...here tonight. I stay., I think I'm a little, about four hours earlier than I was last week when I was here.

[Chuckles]

MS. D. DAWSON: For the Zoning Board. But, I'm here to talk about the ordinance for Aladdin and for initiation of the Riviera Beach City Height Community Center. We're grateful to Mr. Thomas for his effort and we are pleased to think, that we are praying to thank that he's gonna continue to help us and we are grateful to you, Mr. Guyton for being a part of us. We [inaudible] the other ones. You might not have to give your money but we would like [inaudible].

MAYOR MASTERS: [Chuckle].

MS. D. DAWSON: To be..., for us to have a community center. It saddens me so oftentimes when I come here and last week I was really kinda upset because we all live in Riviera. But, with the Zoning Board, they were so about the [inaudible] area in the

Riviera Beach [inaudible] and all the crime and the people having nothing to do and the homes are fall'... Well, I got a little angry because I try to do my best here but to see people always downin' something. But they did vote, eventually, they did vote. But, for them to worry about color and spaces and I go over the City, I kinda know a little about the City. I've been here since 1959. But, Liz's doesn't have all of this and all of that. They're worried about the color. The color is more or less to make the children be excited about it. It's a place for the adults, the children to walk and do things together.

I must say, it's not for Dolores Dawson. I own my own center so it's not for me but it's for my community. If I can help my community any way and if I can come here and stand and appeal to you all to see that something be done, if we're such a blighted area, if a beautiful building come in to our neighborhood, I'm sure the sidewalks will be done. I'm sure there'll be shrubby out there. I'm sure there'll be something different then what entice others to wanna come to our neighborhood. And everything is not bad on the south side. Everything is not bad over on Riviera Beach Height. All the murders over there. You all tell me because they always seem like the murders on our side of town. And that's not true. And I don't think that we should get up here and make ourselves look good and feel good but I'm not running for anything, Mr...

MAYOR MASTERS: That, that's right.

MS. D. DAWSON: ...Mr. Guyton [chuckle]. So I can what I wanna say...

MAYOR MASTERS: Absolutely...

MS. D. DAWSON: ...okay?

MAYOR MASTERS: ...right.

MS. D. DAWSON: But, uh, it, it...

MAYOR MASTERS: If you do...

MS. D. DAWSON: ...so sad...

MAYOR MASTERS: ...it'll be politics.

CHAIRPERSON PARDO: Mayor, please.

MS. D. DAWSON: And we do, we do need a different., we knew, if we can do., and I don't mean any harm but if we can do... Oh, I know we don't have the money but I have a commercial building and I pay a lot of tax. But if we can always do for these other areas, why not spend a little time over there and we won't...

[Beep]

MS. D. DAWSON: ...have to talk about it's a blighted area and all the crime. Thank you.

CHAIRPERSON PARDO: Thank you very much. Mayor, you know, with all due respect, when you speak I sit here, I don't say a word. Okay? And, I don't appreciate you disrespecting me as the Chairperson tonight.

ADJOURNMENT

CHAIRPERSON PARDO: With that, we are adjourned.

MAYOR MASTERS: I wasn't disrespecting you but you let her...

There being no further business, the meeting was duly adjourned at 8:20 p.m.

[End of video]

Public Comment Speakers and Others

FIRE CHIEF REGINALD DUREN.....	FIRE CHIEF DUREN
PURCHASING DIRECTOR DEAN MEALY.....	PURCHASING DIRECTOR MEALY
DIRECTOR OF FINANCE RANDY SHERMAN.....	FINANCE DIRECTOR SHERMAN
MS. FRANKS	MS. FRANKS
KEN HARRISON	MR. K. HARRISON
POLICE CHIEF CLARENCE WILLIAMS	POLICE CHIEF WILLIAMS
ELEANOR DENOBLE	MS. E. DENOBLE
JAY LEISER	MR. J. LEISER
GLORIA LEISER	MS. G. LEISER
DIRECTOR OF COMMUNITY DEVELOPMENT.....	COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY
MARY MCKINNEY	
AMAN YISRAEL	MR. A. YISRAEL
LLOYD BROWN	MR. L. BROWN
RODNEY ROBERTS.....	MR. R. ROBERTS
BILLIE BROOKS	MS. B. BROOKS
FREDERICK JAMES.....	MR. F. JAMES
DOLORES DAWSON.....	MS. D. DAWSON

APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

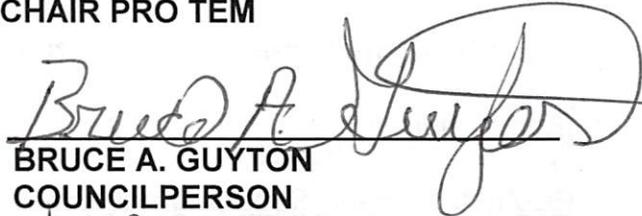
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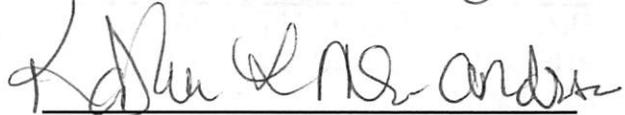
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK



TERENCE D. DAVIS
CHAIR PRO TEM



BRUCE A. GUYTON
COUNCILPERSON



KASHAMBA L. MILLER-ANDERSON
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON

MOTIONED BY: T. DAVIS

SECONDED BY: B. GUYTON

B. GUYTON AYE

K. MILLER-ANDERSON AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: FEBRUARY 17, 2016