

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
JANUARY 15, 2003 AT 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

Chairperson David G. Schnyer was present and presided. Upon a roll call by City Clerk Carrie E. Ward, the following were present: Mayor Michael D. Brown, Chair Pro Tem Sylvia Lee Blue, Councilperson Donald R. Wilson, Councilperson Elizabeth "Liz" Wade, and Councilperson Edward Rodgers. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, Master Municipal Clerk, and City Attorney Pamala Hanna Ryan.

Invocation/Pledge of Allegiance

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

II. AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Wilkins stated the following revisions to the agenda – added an announcement, on page 3, concerning the availability of a DEP Mangrove Improvement Class; removed Item No. 6 – a resolution regarding the Stormwater Utility Program – from the Consent Agenda to be considered thereafter; and deleted Item No 8 – an ordinance regarding Stormwater management utility. On page 7, added Item No. 12 – a resolution regarding Coach's Manatee; deleted Item No. 13 – a resolution regarding the Ragon-Gregory Group; added Item No. 14 – a resolution regarding amendment 1 to the agreement with DEP for grant funds in the amount of \$150,000; and added Item No. 15 – a resolution regarding amendment 2 to the agreement with DEP for grant funds in the amount of \$100,000.

Chairperson Schnyer stated that Councilperson Wilson requested that a presentation from Mr. Bill Nimke be added on page 3 as Item No. 2(1a) under Awards and Presentations. He also stated that comments would be made from Chair Pro Tem Blue, Councilperson Wilson, and Councilperson Rodgers under Discussion from the Mayor and Council.

City Manager Wilkins stated that memorandums regarding various issues were included in the package received by the City

Council.

Adoption of Agenda

A motion was made by Councilperson Wilson and seconded by Chair Pro Tem Blue to approve the agenda with the stated additions and deletions.

MOTION

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

MOTION APPROVED

III. AWARDS AND PRESENTATIONS:

ITEM NO. 1

PRESENTATION TO THE WINNERS OF 1ST PRIZE, 2ND PRIZE, 3RD PRIZE AND HONORABLE MENTION FOR THE HOLIDAY DECORATING CONTEST.

A presentation was made by Marvin Reiner, Condominium Officers Association of Singer Island, Inc., to the winners of the Holiday Decoration Contest.

ITEM NO. 1(1)

ANNOUNCEMENT OF THE DEPARTMENT OF ENVIROMENTAL PROTECTION MANGROVE IMPROVEMENT CLASS.

Don Jacobovitz, Public Works Director, announced that a Mangrove Improvement class would be held January 30th at 10:00 a.m. in the City Council Chambers and that all interested parties should contact him for additional information.

ITEM NO. 2

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF DECEMBER, 2002.

Doretha Perry, Human Resources Director, presented the following new employees for the month of December Tierra Howard (Police Department) and Kaneisha Echols (Police Department).

ITEM NO. 2(1A)

An overview was given by Bill Nimke, Director of Education for Pier Wisconsin.

IV. STATEMENTS FROM THE PUBLIC (TWO

MINUTES LIMITATION):

Rev. Annie Turner, made comments regarding the empty lot located on the corner of 27th Street and Old Dixie Hwy.

Rev. William Burrs, 1500 W 30th Street, made comments regarding excessive noise in the area of W 31st Street and Avenue R.

V. CONSENT AGENDA:

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER OR A PERSON SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA. ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM, PLEASE FILL OUT PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE TO THE COUNCIL CHAIR OR THE LEGISLATIVE AIDE. CARDS MUST BE SUBMITTED BEFORE ITEM IS DISCUSSED.

1) MINUTES:

ITEM NO. 2(1)

**MINUTES OF THE REGULAR COUNCIL MEETING
HELD ON JANUARY 6, 2003.**

2) RESOLUTIONS:

ITEM NO. 3

RESOLUTION NO. 2-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT IN THE AMOUNT OF \$7,575 TO MURRAY LOGAN CONSTRUCTION, INC. FOR EMERGENCY RECONSTRUCTION WORK TO LIFT STATION NO. 2 IN THE VICINITY OF AVENUE "O" AND WEST BLUE HERON BOULEVARD; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 407-1437-5330-4616.

ITEM NO. 4

RESOLUTION NO. 3-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING

THE PURCHASE OF MOBILE LAPTOP COMPUTER PERIPHERALS, RELATED HARDWARE, FIFTY (50) COPIES OF VIRTUAL PARTNER VOICE RESPONSE SOFTWARE PROGRAMS AND ONE YEAR MAINTENANCE FROM ADVANCE PUBLIC SAFETY IN THE AMOUNT OF \$41,954.30 FOR UPGRADING THE POLICE DEPARTMENT'S VEHICLE MOUNTED LAPTOP COMPUTER SYSTEM CURRENTLY INSTALLED IN PATROL VEHICLES; PAYMENT TO BE MADE FROM LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) 2000 FUNDS, ACCOUNT NO. 136-0817-529-0-6405; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 5

RESOLUTION NO. 4-03 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 INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR RECEIVING FUNDS FOR INSTALLATION OF DECORATIVE STREET LIGHTS ON AVENUE "U" IN THE AMOUNT OF \$212,000.

3) PETITIONS AND COMMUNICATIONS FOR FILING:

END OF CONSENT AGENDA

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

MOTION

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

MOTION APPROVED

ITEM NO. 6

RESOLUTION NO. 5-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PHASE II OF THE STORMWATER UTILITY PROGRAM TO INCLUDE THE IMPLEMENTATION OF THE USER FEE PROGRAM AS DEFINED IN PHASE I AND IN ACCORDANCE WITH THE IMPLEMENTATION PLAN TO PROVIDE FOR ORDINANCE ADOPTION, DEVELOPMENT OF THE STORMWATER UTILITY DATABASE FOR THE FIRST BILLING, DEFINITION OF BILLING PROCEDURES AND POLICIES, AND PUBLIC

AWARENESS PROGRAM; AND APPROPRIATING GENERAL FUND BALANCE ACCOUNT NO. 001-00-399-9999 IN THE AMOUNT OF \$65,000; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO INCREASE THE PUBLIC WORKS DEPARTMENT PROFESSIONAL SERVICES ENGINEERING ACCOUNT NO. 001-1123-5340-3103 BY THE SAME; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 5-03.

MOTION

A presentation was made by Scott McClelland, Camp Dresser & McKee, Inc.

Martin Murphy, 1071 Grand Bahama, made comments regarding public notification.

Stuart Cunningham, 1300 Manor Drive, spoke in opposition of the proposed resolution.

A discussion ensued amongst the City Council and staff.

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

MOTION APPROVED

A motion was made by **Councilperson Rodgers** and seconded by **Councilperson Wade** directing staff to investigate how the use of blowers affects the sewers and provide a recommendation.

MOTION

Upon a roll call by City Clerk Ward, the vote was 4 with Councilperson Blue out.

MOTION APPROVED

VI. PUBLIC HEARING:

ORDINANCES ON SECOND READING:

NONE

VII. ORDINANCES ON FIRST READING:

ITEM NO. 7

ORDINANCE NO. 2935 AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF RPUD-1 TO APPROXIMATELY 101 ACRES OF LAND LOCATED ON THE WEST SIDE OF CONGRESS AVENUE SOUTH OF SILVER BEACH ROAD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to approve Ordinance No. 2935 on first reading.

MOTION

A presentation was made by Mary McKinney, Community Development Director.

A presentation was made by Paul Romanowski, Continental Homes.

Stuart Cunningham, 1300 Manor Dr., made comments regarding the proposed site.

A discussion ensued amongst the Mayor and City Council.

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

MOTION APPROVED

ITEM NO. 8

ORDINANCE NO. _____ AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CREATING A STORMWATER MANAGEMENT UTILITY, ADOPTING POLICIES AND PROCEDURES FOR SAID UTILITY, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 9

REQUEST TO USE THE OCEAN MALL PARKING AREA DURING THEIR 40TH ANNUAL BUCCANEER CUP INVITATIONAL SAILFISH TOURNAMENT COMMENCING JANUARY 20-25, 2003.

City Manager Wilkins stated that staff had no objection to the request but the applicant was asked to contact the lessee of the mall to get permission to park at the location. He stated that based upon a letter that was received from the vice president of operations, permission is granted based on the following conditions – approval from the City of Riviera Beach, parking must be confined to the northwest corner of the parking lot, provide monitoring of the parking area, receive a Certificate of Insurance naming Ocean Mall Assoc./Broch Development and the City of Riviera Beach as additional insurers, and that a letter be received from the Buccaneer Restaurant indemnifying and hold harmless the Ocean Mall/ Broch Development from liability. He stated that the City would be included in the indemnification clause.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro Tem Blue** to approve the applicant's request with the stated stipulations and including the City in the indemnification clause.

MOTION

Councilperson Rodgers stated that staff seeks reimbursement for all additional cost incurred.

An amended motion was made by **Councilperson Wade** directing staff to determine whether or not additional cost would incur, if so, seek reimbursement from the applicant.

AMENDED MOTION

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

MOTION APPROVED

ITEM NO. 10

RESOLUTION NO. 6-03 A RESOLUTION OF THE CITY COUNCIL, CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING THE CITY CLERK TO NOTICE AND PREPARE FOR THE MUNICIPAL GENERAL ELECTION TO BE HELD TUESDAY, MARCH 11, 2003, 7:00 AM UNTIL 7:00 PM WITHIN THE MUNICIPAL BOUNDARIES TO FILL THE EXPIRED SEATS TO WIT: MAYORAL; GROUP ONE (1); GROUP THREE (3); AND GROUP FIVE (5),

RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approved Resolution No. 6-03.

MOTION

City Clerk Ward stated that the City Council, no later than 60 days prior to the election, designate by a resolution, the polling locations, voting districts and whether voting shall be done by machine or paper ballot. She stated that the election shall be non-partisan and that the City was taking the lead in encouraging the Haitian community to vote; currently the law provides easy and direct access to the Hispanic community. She then stated that she communicated with the American Voter's League and the Justice department in Washington D.C. advising them of the efforts of the City to initiate such.

City Clerk Ward stated that she was advised that such actions were not required by law. Consequently she indicated since the law does not prohibit such actions, she would proceed advertisement in English, Spanish, and Creole and that additional activities were scheduled to encourage all residents participation.

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

MOTION APPROVED

ITEM NO. 11

RESOLUTION NO. 7-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO CONDUCT THE THIRD ANNUAL CITY OF RIVIERA BEACH JAZZ AND BLUES FESTIVAL ON THE MUNICIPAL BEACH, MARCH 28 AND MARCH 29, 2003 ON SINGER ISLAND; AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS IN THE AMOUNT OF \$30,000 FROM THE GENERAL FUND CONTINGENCY AND ESTABLISH A BUDGET IN THE AMOUNT OF \$273,000 FOR THE CITY OF RIVIERA BEACH'S JAZZ FESTIVAL.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wilson** to approve Resolution No. 7-03.

MOTION

Bucky McGann, 1200 Singer Dr., questioned the budget for the festival.

A discussion ensued amongst the Mayor and City Council.

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

MOTION APPROVED

ITEM NO. 12

RESOLUTION NO. _____ 8-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACKNOWLEDGING COACH'S MANATEE, INC.'S FAILURE TO EXERCISE ITS RIGHT OF FIRST REFUSAL AS SET FORTH IN THAT CERTAIN LEASE AGREEMENT DATED NOVEMBER 5, 1997 BY AND BETWEEN COACH'S MANATEE, INC., AND THE CITY FOR PREMISES LOCATED AT THE MUNICIPAL MARINA; AUTHORIZING THE CITY ATTORNEY'S OFFICE TO EVICT SAME FOR FAILURE TO VACATE THE PREMISES AND INVESTIGATE ALL OTHER LEGAL REMEDIES AVAILABLE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wilson** to approve Resolution No. 8-03.

MOTION

David Jaynes, 120 S Olive, representing Coach's Manatee, made comments against the proposed resolution.

A discussion ensued amongst the City Council.

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

MOTION APPROVED

ITEM NO 13

RESOLUTION NO. _____ A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE PROPOSAL OF THE RAGON-GREGORY GROUP FOR LEASE OF THE BUILDING SPACE AT THE CITY MARINA FOR THE PURPOSES OF OPERATING A RESTAURANT AND SHIP'S STORE; AUTHORIZING STAFF TO FINALIZE ANY REMAINING TERMS OF THE AGREEMENT;

AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL LEASE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM DELETED~~

ITEM NO. 14

RESOLUTION NO. ~~9-03~~ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 1 TO THE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF RIVIERA BEACH FOR GRANT FUNDS IN THE AMOUNT OF \$150,000 TO DEVELOP THE FAMILY AQUATICS CENTER.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to approve Resolution No. 9-03.

MOTION

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

MOTION APPROVED

ITEM NO. 15

RESOLUTION NO. ~~10-03~~ A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 2 TO THE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF RIVIERA BEACH FOR GRANT FUNDS IN THE AMOUNT OF \$100,000 TO DEVELOP THE FAMILY AQUATICS CENTER.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 10-03.

MOTION

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

MOTION APPROVED

VIII. CITY ATTORNEY'S REPORT:

An overview was given by Pamala Ryan, City Attorney, on the hazardous material ordinance that the City's engineering consultant was preparing.

IX. RECOMMENDATIONS AND DISCUSSIONS FROM MAYOR & COUNCIL:

Councilperson Wilson requested that the City Council hear a presentation from Lynne Hubbard regarding concerns from the residents of Monroe Heights.

Lynne Hubbard, 1405 W 23rd Street, gave a presentation on concerns from the Monroe Heights Homeowners Association.

Councilperson Wilson stated that he would be meeting with Ms Hubbard and staff to possibly get resolution to the concerns stated.

A discussion ensued amongst the City Council.

Chair Pro Tem Blue requested support from the City Council for the Green Market that would be held Saturday. She stated that she wanted staff to explore the possibility of the city having a Senior's Outreach Program and announced that the Relay for Life would be held May 16th and 17th at Suncoast High School.

She also announced that the Town of Lake Park would be hosting MLK activities for the first time Sunday at 4 p.m. and Monday at 2:30 p.m.

Mayor Brown made comments regarding a gas leak that occurred near Lake Worth High School.

X. ADJOURNMENT:

There being no further business, the meeting was duly adjourned at 10:22 p.m.

