

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

I. CALLS TO ORDER:

Roll Call

Chairperson Schnyer was present and presided. Upon a roll call by Deputy City Clerk Claudene Robinson, the following were present: Chair Pro Tem Sylvia Lee Blue, Councilperson Donald R. Wilson, Councilperson Elizabeth "Liz" Wade, and Councilperson Ann Iles. Also present were City Manager William E. Wilkins and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

Everyone stood for a moment of silence and the Pledge of Allegiance

II. AGENDA APPROVAL:

1) Additions, Deletions, Substitutions

City Manager Wilkins made the following revisions to the agenda: page 4 added Item No. 4(a) – Presentation from Girls In Motion; page 4, Item No. 5 – correction on page 2, Statements From The Public, of the minutes from the April 16, 2003 Regular City Council – comments from Mike Mahoney; page 9, added Item No. 21(1) – Resolution declaring a zoning in progress; additional backup provided for Item No. 31 – Approving a special event permit request from Nisei Goyu Ryu Karate Jujitsu Southern Region Youth P.A.C. Program; deleted Item No. 19 – Ordinance vacating and abandoning the right-of-way known as Avenue "E"; deleted Item No. 32 – Resolution for the expenditure of Development Region Grant Funds in the amount of \$48,000.

Councilperson Wade requested that Item No. 26 – Resolution approving the proposal and awarding the contract to DPMG for Human Resources Consulting Services – be deleted.

2) Adoption of Agenda

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

III. AWARDS AND PRESENTATIONS:

ITEM NO. 1

PRESENTATION FOR EMPLOYEE OF THE MONTH TO FIRE CAPTAIN ZACHARY STAGGS FOR THE MONTH OF APRIL, 2003 FOR HEROIC ACTIONS IN LIMITING FIRE DAMAGE TO OTHER BOATS AT PHIL FOSTER PARK AS A RESULT OF A BOAT EXPLOSION ON FRIDAY, APRIL 11, 2003.

Doretha Perry, Human Resources Director, made a presentation to Capt. Zachary Staggs.

ITEM NO. 2

PRESENTATION BY DONALD JACOBOVITZ, DIRECTOR OF PUBLIC WORKS RECOGNIZING NATIONAL PUBLIC WORKS WEEK.

Don Jacobovitz, Public Works Director, announced Public Works Week May 18th through May 24th and encouraged everyone to visit the Public Works facilities.

ITEM NO. 3

PRESENTATION BY KENNETH BOWERS, EXECUTIVE DIRECTOR, OPERATION HOPE TO THE BENJAMIN SCHOOL, PARENTS, TEACHERS, STUDENTS, LAWYERS AND DOCTORS FOR ASSISTANCE PROVIDED TO OPERATION HOPE'S SHELTER IN RIVIERA BEACH.

A **Certificate of Appreciation** was presented to individuals that volunteered their time to Operation Hope.

ITEM NO. 4

PRESENTATION BY MRS. DeNEAL CUNNINGHAM TO THE RIVIERA BEACH SCHOLARSHIP PROGRAM.

Mrs. DeNeal Cunningham presented a check in the amount of \$1000 to the Riviera Beach Scholarship Program in memory of Ms. Nelia Cunningham.

Mayor Brown accepted the check and read the enclosed correspondence into the record.

PRESENTATION FROM GIRLS IN MOTION

City Manager Wilkins stated that due to the lengthiness of the agenda, the Girls In Motion would not be doing a presentation.

There was a consensus of the City Council to allow Girls In Motion to perform.

John Williams, Parks/Recreation Director, stated that the members of Girls In Motion left and announced that they would be performing on May 17th.

IV. STATEMENTS FROM THE PUBLIC (TWO MINUTES LIMITATION):

Martha Babson, 156 E. 21st Street, made comments regarding the Blue Heron Bridge extension and Coach Manatee Club.

Rev. Lessye Charlow, 1241 W 33rd Street, thanked the Mayor, City Council, and staff for making her 50th Anniversary Celebration a success.

Randy Graham, 1516 W 3rd Street, made comments on his experience at Ocean Eleven North.

Gerald Ward, 31 W 20th Street, made comments regarding the St. Lucie County Board of County Commissioners, the upcoming Planning and Zoning meeting, and the enhancements made to 410 24th Street by the Florida Engineering Society and the American Society of Civil Engineers.

Nann Miller, 5510 N Ocean Dr, announced the partnership of SICA and 1000 Friends of Florida.

George Billue, 1516 Martin L. King, Jr. Blvd., made comments regarding problems he is experiencing in his neighborhood.

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. 5

MINUTES OF THE REGULAR COUNCIL MEETING HELD ON APRIL 16, 2003

RESOLUTIONS:

ITEM NO. 6

RESOLUTION NO. 85-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PALM BEACH COUNTY RECREATION ASSISTANCE AGREEMENT FOR THE FUNDING OF THE “HEALTHY EARTH AND OCEAN FAIR” AND “GETTING TO KNOW LAKE WORTH LAGOON” ENVIRONMENTAL AWARENESS PROGRAMS; AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE FUNDING AGREEMENT ON BEHALF OF THE CITY WITH PALM BEACH COUNTY; AUTHORIZING THE FINANCE DIRECTOR TO APPLY FUNDS TO ACCOUNT NO. 420-0000-543-0-5201; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 7

RESOLUTION NO. 87-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SUBMISSION OF THE GRANT APPLICATION, WHICH IS ESTIMATED IN THE AMOUNT OF \$64,804 TO PARTICIPATE IN THE DEPARTMENT OF EDUCATION'S SUMMER FOOD SERVICE PROGRAM COMMENCING JUNE 09-AUGUST 1, 2003; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN AGREEMENT; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE AMOUNT OF \$64,804 IN THE SUMMER FOOD GRANT FUND (137); AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 8

RESOLUTION NO. 86-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FIRST AMENDMENT TO AN ECONOMIC DEVELOPMENT TRANSPORTATION FUND GRANT AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE. **ITEM PULLED AT THE REQUEST OF GERALD WARD**

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

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve Resolution No. 86-03.

MOTION

Gerald Ward, 31 W 20th Street, made comments regarding the proposed resolution.

A discussion ensued amongst the Mayor and City Council.

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

MOTION APPROVED

ITEM NO. 9

FINANCE DIRECTOR'S SEMI-ANNUAL FINANCIAL REPORT.

ITEM NO. 10

RESOLUTION NO. 88-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF ONE LEEBOY MODEL 400T TANDEM STEEL DRUM ROLLER FROM RINGHAVER EQUIPMENT CO. IN THE AMOUNT OF \$28,962 FOR THE

REPLACEMENT OF A DEADLINED ROLLER; PAYMENT TO BE MADE FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 305-1127-5410-6405L AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 11

RESOLUTION NO. 89-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LAW ENFORCEMENT TRUST FUND COMMITTEE; APPROVING THE AWARD OF A TOTAL OF \$13,100 TO TWELVE (12) ORGANIZATIONS AS SPECIFIED HEREIN; APPROPRIATING FUND BALANCE IN THE AMOUNT OF \$13,100; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENTS FOR SAME FROM THE GRANTS AND AIDS ACCOUNT NO. 150-0817-521-0-8301; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 12

RESOLUTION NO. 90-03 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 AGREEMENT BETWEEN EXPERIENCE WORKS (SENIOR WORKFORCE SOLUTIONS) AND THE CITY OF RIVIERA BEACH FOR IMPLEMENTATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

ITEM NO. 13

RESOLUTION NO. 91-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND ACCEPTING \$34,604 IN STATE AID FUNDS FROM THE FLORIDA STATE DEPARTMENT, DIVISION OF LIBRARY AND INFORMATION SERVICES, TO ENCOURAGE THE ESTABLISHMENT AND DEVELOPMENT OF ENHANCED LIBRARY SERVICES AND INCREASING THE BUDGET FOR SAME

ITEM NO. 14

RESOLUTION NO. 98-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A REVISED FEE STRUCTURE FOR SERVICES AT THE RIVIERA BEACH PUBLIC LIBRARY; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 15

RESOLUTION NO. 92-03 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 AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PLANNING AND DESIGN GRANT FOR STATE ROAD 710 IN THE AMOUNT OF

\$297,392; AND PROVIDING AN EFFECTIVE DATE. ITEM PULLED AT THE REQUEST OF GERALD WARD

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

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Resolution No. 92-03.

MOTION

Gerald Ward, 31 W 20th Street, made comments regarding the proposed resolution.

A discussion ensued amongst the Mayor and City Council.

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

MOTION APPROVED

ITEM NO. 16

RESOLUTION NO. 93-03 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 THE COMMUNITY REDEVELOPMENT AGENCY TO IMPLEMENT A PLANNING AND DESIGN GRANT FROM THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$297,392 FOR PLANNING AND DESIGN PORTIONS OF STATE ROAD 710; AND PROVIDING AN EFFECTIVE DATE. ITEM PULLED AT THE REQUEST OF GERALD WARD

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

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to approve Resolution No. 93-03.

MOTION

Gerald Ward, 31 W 20th Street, made comments regarding the proposed resolution.

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

MOTION APPROVED

2) PETITIONS AND COMMUNICATIONS FOR FILING:

END OF CONSENT AGENDA

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Iles** to approve the Consent Agenda with Items No. 8, 15, and 16 being pulled for discussion.

MOTION

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

MOTION APPROVED

VI. PUBLIC HEARING:

ITEM NO. 17

RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SPECIAL EXCEPTION FOR WETLAND MODIFICATION FOR PROPERTY LOCATED ON THE EAST SIDE OF NORTH OCEAN DRIVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

City Manager Wilkins stated that this hearing was advertised as a quasi-judicial proceeding and staff recommended that the hearing be continued to May 12th at 6:30 p.m.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wade** to continue the Public Hearing on May 12th at 6:30 p.m.

MOTION

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

MOTION APPROVED

ITEM NO. 18

RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FOR A 60 UNIT CONDOMINIUM LOCATED ON THE EAST SIDE OF NORTH OCEAN DRIVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

City Manager Wilkins stated that approval of the special exception resolution would impact the approval of the site plan and staff recommended that the hearing be continued to May 12th at 6:30 p.m. or as close thereafter.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to approve staff's recommendation.

MOTION

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

MOTION APPROVED

1) ORDINANCES ON SECOND READING:

NONE

VII. REGULAR:

ITEM NO. 19

ORDINANCE NO. ____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING THE RIGHT-OF-WAY KNOWN AS AVENUE "E" FROM THE SOUTH RIGHT-OF-WAY LINE OF WEST 10TH STREET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 710 (SR 710) AND HEADING SOUTH FROM THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 710 (SR 710) FOR A DISTANCE OF APPROXIMATELY 684 FEET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

ITEM NO. 20

ORDINANCE NO. 2943 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM CENTRAL INVESTMENT CORPORATION, FOR LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 1.44 ACRES LOCATED AT 7490 CENTRAL INDUSTRIAL DRIVE, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES.

Deputy City Clerk read the aforementioned ordinance into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to approve Ordinance No.2943 on First Reading.

MOTION

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

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

MOTION APPROVED

ITEM NO. 21(1)

RESOLUTION NO. 111-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING A ZONING IN PROGRESS FOR ALL PARCELS OF PROPERTY ZONED "RESORT HOTEL"; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy City Clerk Robinson 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. 111-03.

MOTION

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

MOTION APPROVED

ITEM NO. 21

ORDINANCE NO. 2944 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE RESORT HOTEL ZONING DISTRICT, IN CHAPTER 31 OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

City Manager Wilkins recommended that the City Council not consider this item and direct staff to do the following: provide the proposed amendments to the hospitality industry, financial and business community, schedule a workshop be, provide information to affected parties, property owners and individuals that worked with city staff, and bring the item back for the City Council's consideration within 60 days.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro Tem Blue** to approve staff's recommendation.

MOTION

Councilperson Wade stated for the record that it was the City's responsibility and the request of the City Council that all effected residents be apprised of the workshop date.

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

MOTION APPROVED

ITEM NO. 22

RESOLUTION NO. 94-03 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 BETWEEN THE CITY OF RIVIERA BEACH AND THE PORT OF PALM BEACH DISTRICT FOR THE PROVISION OF LAW ENFORCEMENT SECURITY SERVICES AT THE PORT OF PALM BEACH DISTRICT.

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

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to approve Resolution No. 94-03.

MOTION

Upon a roll call by Deputy City Clerk Robinson, the vote was 4-0 with Councilperson Wilson out.

MOTION APPROVED

ITEM NO. 23

RESOLUTION NO. 95-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THAT THE 2002-2003 BUDGET OF THE MARINA BE AMENDED BY DELETING ONE CLASSIFIED CUSTOMER SERVICE CLERK AND ADDING THE CLASSIFIED POSITION OF DOCKMASTER AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to approve Resolution No. 95-03.

MOTION

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

MOTION APPROVED

ITEM NO. 24

RESOLUTION NO. 96-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING TOTAL SETTLEMENT OF THE MATTER OF CRAIG CUMMINGS VS. CITY OF RIVIERA BEACH AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$90,000 AS COMPLETE AND FINAL SETTLEMENT OF INDEMNITY COMPENSATION, FURTHER LIABILITY FOR FUTURE MEDICAL CARE AND REHABILITATION TO THE CLAIMANT, INCLUSIVE OF ATTORNEY'S FEES AND COSTS; FURTHER AUTHORIZING THE CITY'S INSURANCE ADMINISTRATORS, GALLAGHER BASSETT SERVICES, TO PAY THIS AMOUNT TO THE CLAIMANT/CLAIMANT'S ATTORNEY FROM THE CITY'S LOSS FUND ACCOUNT NO. 602-0539-513-0-1405.

Deputy City Clerk Robinson 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. 96-03.

MOTION

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

MOTION APPROVED

ITEM NO. 25

RESOLUTION NO. 97-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING TOTAL SETTLEMENT OF THE MATTER OF DOUGLAS LUNDY VS. CITY OF RIVIERA BEACH AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$250,000 AS COMPLETE AND FINAL SETTLEMENT OF INDEMNITY COMPENSATION, FURTHER LIABILITY FOR FUTURE MEDICAL CARE AND REHABILITATION TO THE CLAIMANT, INCLUSIVE OF ATTORNEY'S FEES AND COSTS; FURTHER AUTHORIZING THE CITY'S INSURANCE ADMINISTRATORS, GALLAGHER BASSETT SERVICES, TO PAY THIS AMOUNT TO THE CLAIMANT/CLAIMANT'S ATTORNEY FROM THE CITY'S LOSS FUND ACCOUNT NO. 602-0539-513-0-1405.

Deputy City Clerk Robinson 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. 97-03.

MOTION

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

MOTION APPROVED

ITEM NO. 26

RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PROPOSAL AND AWARDED THE CONTRACT TO DPMG FOR HUMAN RESOURCES CONSULTING SERVICES; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$31,200 FROM THE HUMAN RESOURCES EMPLOYEE DEVELOPMENT ACCOUNT NO. 001-0511-513-0-5403 TO THE HUMAN RESOURCES CONTRACT SERVICES ACCOUNT NO. 001-0511-513-0-3406; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED**

ITEM NO. 27

RESOLUTION NO. 99-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO ASTALDI CONSTRUCTION CORPORATION IN THE AMOUNT OF \$108,428.90 FOR RECONSTRUCTION OF AVENUE "U"; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FROM

ACCOUNT NO. 307-0716-541-0-5302; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 99-03.

MOTION

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

MOTION APPROVED

ITEM NO. 28

RESOLUTION NO. 100-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO CHARLES S. WHITESIDE, INC., IN THE AMOUNT OF \$27,512.25 FOR IMPROVEMENTS ON WEST 25TH STREET BETWEEN AVENUE "H" AND AVENUE "F"; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 147-0716-541-0-5302; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Resolution No. 100-03.

MOTION

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

MOTION APPROVED

ITEM NO. 29

RESOLUTION NO. 101-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE PROPOSAL SUBMITTED BY BURKHARDT CONSTRUCTION, INC. FOR PROVIDING LABOR AND MATERIAL FOR INSTALLATION OF TWO ENTRANCE WALLS WITH SIGNS AT CONGRESS LAKES SUBDIVISION AT A COST OF \$35,370; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM FUND 309; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk read the aforementioned resolution into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to approve Resolution No. 101-03.

MOTION

Ronnice Henshaw, 1748 Essex Lane, made comments regarding promises made by the City regarding the Congress Lakes Project.

Steve White, 1668 Essex Lane, made comments regarding activities within Congress Lakes.

A lengthy discussion ensued amongst the City Council and staff.

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

MOTION APPROVED

ITEM NO. 30

RESOLUTION NO. 102-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE PROPOSAL SUBMITTED BY BURKHARDT CONSTRUCTION, INC. FOR PROVIDING LABOR AND MATERIAL FOR INSTALLATION OF LANDSCAPING AND IRRIGATION AT CONGRESS LAKES SUBDIVISION AT A COST OF \$50,348; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM FUND 309; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 102-03.

MOTION

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

MOTION APPROVED

ITEM NO. 31

RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE REQUEST FROM THE NISEI GOYU RYU KARATE JUJITSU SOUTHERN REGION YOUTH P.A.C. PROGRAM TO APPROVE THE SPECIAL EVENT APPLICATION FOR THE FIRST ANNUAL RIVIERA BEACH FATHER & SON'S DAY EVENT AT THE OCEAN MALL ON JUNE 14, 2003; AND APPROVING THE CLOSURE OF OCEAN DRIVE AND BEACH COURT FOR THIS EVENT; AND PROVIDING AN EFFECTIVE DATE. **DISCUSSION ITEM**

A presentation was made by City Manager William Wilkins.

Ulysses "Pop" Winn, 1031 2nd Street, made comments regarding the event.

A lengthy discussion ensued amongst the City Council, staff, and Mr. Winn.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approve the special event application.

MOTION

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

MOTION APPROVED

ITEM NO. 32

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 BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR THE EXPENDITURE OF A DEVELOPMENT REGIONS GRANT IN THE AMOUNT OF \$48,000; AND PROVIDING AN EFFECTIVE DATE. ITEM DELETED

ITEM NO. 33

RESOLUTION NO. 103-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF THE MATTER OF CHERYL DERY-GRIFFIN VS. THE CITY OF RIVIERA BEACH, CASE NO. 98-8485 CIV/SELTZER AND APPEAL NUMBER 02-15983-BB; AUTHORIZING GALLAGHER BASSETT AND AIG TECHNICAL SERVICES, INC. TO MAKE PAYMENT; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Wade** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 103-03.

MOTION

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

MOTION APPROVED

ITEM NO. 34

RESOLUTION NO. 104-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE RELEASE OF CODE ENFORCEMENT LIEN, LOT CLEARING/CLEANING LIEN AND PAVING AND DRAINAGE LIEN ON PROPERTY LOCATED AT W. 29TH STREET, LOTS 34-36, BLK 17, ACREHOME PARK #2, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$7,720.13; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Iles** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 104-03.

MOTION

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

MOTION APPROVED

ITEM NO. 35

RESOLUTION NO. 105-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY COUNCIL TO SETTLE CODE ENFORCEMENT FINES ON PROPERTY LOCATED AT 1204 COMMERCIAL BOULEVARD, LOTS 23-25 INC, BLK 8, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$10,423.24.

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

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Resolution No. 105-03.

MOTION

City Atty. Ryan stated for the record that a telephonic conference was held with Atty. Koehler and the settlement offer was \$6000.

The motion was amended to accept the \$6000 for settlement of Code Fines on property located at 1204 Commercial Blvd.

AMENDED MOTION

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

MOTION APPROVED

ITEM NO. 36

RESOLUTION NO. 106-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 56 W. 12TH STREET, LOTS 12-14, BLK 13, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$10,000; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned into the record.

City Atty. Ryan stated that in speaking with the attorney representing the property owner, they made a \$5,000 settlement offer.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to accept the \$5,000 offer from the property owner.

MOTION

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

MOTION APPROVED

ITEM NO. 37

RESOLUTION NO. 107-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT W. 15TH STREET, LOTS 17 & 18, BLK 6, KELLY ADDITION, IN RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$2,740; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to approve Resolution No. 107-03.

MOTION

Olenza Roberts, 16822 Murcott Blvd, made comments regarding the proposed resolution.

A lengthy discussion ensued amongst the City Council and Mr. Roberts.

An amended motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to give Mr. Roberts 6 months to pay off the Code Enforcement lien and that the property must be maintained; if the property is not maintained the liens will not be decreased and will not be waived.

AMENDED MOTION

Upon a roll call by Deputy City Clerk Robinson, the vote was 4-1 with Chairperson Schnyer dissenting.

MOTION APPROVED

ITEM NO. 38

RESOLUTION NO. 108-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 1628 AVENUE "S", LOTS 1-4, BLK 8, KELLY ADDITION, IN RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$4,200; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by **Councilperson Wade** and seconded by **Chair Pro Tem**

Blue to approve Resolution No. 108-03 with the stipulation that the amount must be paid within 6 months and that if the property is cited within the 6 months, the resolution becomes null and void.

MOTION

Upon a roll call by Deputy City Clerk Robinson, the vote was 4-1 with Chairperson Schnyer dissenting.

MOTION APPROVED

ITEM NO. 39

RESOLUTION NO. 109-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT W. 17TH STREET, LOTS 18 & 19, BLK 9, KELLY ADDITION, IN RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$2,450; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson 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. 109-03 with the stipulation that the payment must be made within 6 months and the property must be maintained.

MOTION

Upon a roll call by Deputy City Clerk Robinson, the vote was 4-1 with Chairperson Schnyer dissenting.

MOTION APPROVED

ITEM NO. 40

RESOLUTION NO. 110-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE RELEASE OF CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 975 W. 36TH STREET, LOTS 13-14, BLK 000, RAINBOW GARDENS, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$1,250; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson 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. 110-03.

MOTION

Babara Luckart, 631 Shore Rd, made comments against the proposed resolution.

A discussion ensued amongst the City Council, staff, and Mrs. Luckart.

Chair Pro Tem Blue rescinded her motion to approve Resolution No. 110-03.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wilson** to approve Resolution No. 110-03 with the stipulation that all liens be waived.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT:

Councilperson Wade requested that staff place Mrs. Ronnice Henshaw on the nominee list for the Planning and Zoning Board.

VIII. CITY ATTORNEY'S REPORT:

NONE

IX. RECOMMENDATIONS AND DISCUSSIONS FROM MAYOR & COUNCIL:

Chair Pro Tem Blue announced that Relay For Life will be held on May 16th and 17th.

X. ADJOURNMENT:

There being no further business, the meeting was duly adjourned at 10:25 p.m.

APPROVED:

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MICHAEL D. BROWN
MAYOR

DAVID G. SCHNYER
CHAIRPERSON

ATTEST:

cward.gif (643 bytes)



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

SYLVIA LEE BLUE
CHAIR PRO TEM

dwilson.gif (865 bytes)



DONALD R. WILSON
COUNCILPERSON

MOTIONED BY:
SECONDED BY:

S. Blue
D. Wilson



D. SCHNYER:
S. BLUE:
D. WILSON:
E. WADE:
A. ILES:

aye
aye
aye
absent
aye

ELIZABETH "LIZ"
WADE
COUNCILPERSON



ANN ILES
COUNCILPERSON

DATE APPROVED:

05/21/2003