

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JUNE 18, 2003 AT 7:30 P.M.**

I. CITY CLERK CALLS TO ORDER:

Chairperson Schnyer was present and presided. Upon a roll call by City Clerk Carrie E. Ward, MMC, 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: Item No. 2 – presentation to students and instructors of John F. Kennedy Middle School – additional backup was provided; added Item No. 2(1) – presentation of proclamation recognizing National Small Cities and Towns Day; replaced resolution for Item No. 6 – resolution regarding meals for participants in the summer program – bid awarded to a different vendor; replaced resolution for Item No. 14 – resolution regarding Development Regions Grant – with resolution regarding contract for the fireworks show on July 4th; added Item No. 14(1) – resolution establishing the ERU rate; added Item No. 14(2) – authorization to transmit to Commissioner Greene a request for funding; and added Item No. 17 – resolution approving the renewal of employment contract with the city attorney. He stated that the deletions were indicated on the Addition, Deletion, Substitution, & Revision Sheet.

Chairperson Schnyer pulled Item No. 6 – Resolution regarding meals for participants in the summer program – for discussion.

2) Adoption of Agenda

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

MOTION

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

MOTION APPROVED

III. AWARDS AND PRESENTATIONS:

ITEM NO. 1

PRESENTATION TO ANNOUNCE TIRE AMNESTY DAYS AT THE SOLID WASTE AUTHORITY.

Don Jacobovitz, Public Works Director, announced that the Solid Waste Authority would be holding Tire Amnesty Days for Palm Beach County June 7th and 8th, 2003.

ITEM NO. 2

PRESENTATION OF CERTIFICATES BY MAYOR MICHAEL D. BROWN TO JOHN F. KENNEDY MIDDLE MAGNET SCHOOL STUDENTS AND INSTRUCTORS IN RECOGNITION OF OUTSTANDING PERFORMANCE BY THE SECME, FOREIGN LANGUAGES AND STOCK MARKET CLASSES.

Chairperson Schnyer presented Certificates of Recognition to the students and instructors of JFK Middle School.

ITEM NO. 2(1)

PROCLAMATION RECOGNIZING NATIONAL SMALL CITIES AND TOWNS DAY

City Manager Wilkins read the proclamation into the record.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Iles** to accept the aforementioned proclamation into the record.

MOTION

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

MOTION APPROVED

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

David Cross, 1030 Sugar Sands, made comments regarding the Police Department.

Mike Mahoney, 2120 Broadway, made comments regarding property located behind his business.

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. 3

MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MAY 21, 2003.

RESOLUTIONS:

ITEM NO. 4

RESOLUTION NO. 127-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PAYMENT TO THE LAW FIRM OF BEVERIDGE & DIAMOND, P.C. IN THE AMOUNT OF \$39,554.30 FOR RENDERING PROFESSIONAL LEGAL SERVICES IN THE MATTER OF SOLITRON SITE; AND AUTHORIZING PAYMENT FROM ACCOUNT NO. 401-1417-5360-3406; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 5

RESOLUTION NO. 128-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF BID NO. 07503 AND AUTHORIZING THE PURCHASE OF OUTDOOR POOL FURNITURE FOR BARRACUDA BAY AQUATIC FACILITY TO SUNNILAND PATIO, LAKE PARK, FLORIDA IN THE AMOUNT OF \$16,700; AND FURTHER APPROVING THE PURCHASE OF INTERIOR OFFICE FURNITURE FOR THE AQUATIC FACILITY ADMINISTRATIVE OFFICES FROM THOMAS W. RUFF, WEST PALM BEACH, FLORIDA, A STATE CONTRACT VENDOR PER CONTRACT NO. 425-001-01-1 AS PER PRICES OUTLINED IN THEIR QUOTE NO. 71465 DATED APRIL 17, 2003 IN THE AMOUNT OF \$21,869.87; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 308-1236-572-0-6405; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 6

RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 07603 TO SOUTHERN EXPERIENCE, OPA LOCKA, FLORIDA AS THE FOOD SERVICE VENDOR FOR THE SUMMER FOOD PROGRAM IN THE AMOUNT OF \$36,972 TO PROVIDE MEALS FOR THE PARTICIPANTS OF THE SUMMER PROGRAM; AND AUTHORIZING THE FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 137-1232-572-0-3406; AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED AND**

REPLACED WITH RESOLUTION NO. 129-03

RESOLUTION NO. 129-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NUMBER 07603 TO PASSPORT PIZZA OF BOCA RATON, FLORIDA, IN THE AMOUNT OF \$37,323 TO PROVIDE MEALS FOR THE PARTICIPANTS OF THE SUMMER PROGRAM; AND AUTHORIZING THE FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 137-1232-572-0-3406; AND PROVIDING AN EFFECTIVE DATE. **ITEM PULLED BY CHAIRPERSON SCHNYER**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Chair Pro Tem Blue** and **Councilperson Wilson** to approved Resolution No. 129-03.

A discussion ensued amongst the City Council and staff regarding the provision of hot meals.

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

ITEM NO. 7

RESOLUTION NO. 130-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE SUBMISSION OF AN APPLICATION TO PALM BEACH COUNTY FOR COMMUNITY DEVELOPMENT BLOCK FUNDS BY NEW BEGINNINGS COMMUNITY DEVELOPMENT CENTER, INC. IN THE AMOUNT OF \$51,236 FOR FISCAL YEAR 2003; AND PROVIDING AN EFFECTIVE DATE.

2) 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

VI. PUBLIC HEARING:

1) ORDINANCES ON SECOND READING:

ITEM NO. 8

ORDINANCE NO. 2942 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A SECTION IN THE CODE OF ORDINANCES UNDER CHAPTER 20, UTILITIES, ENTITLED, "STORMWATER

MANAGEMENT UTILITY”; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward 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. 2942.

MOTION

A presentation was made by Don Jacobovitz, Public Works Director.

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

Lou Gaeta, 2001 W Blue Heron Blvd., made comments regarding the proposed ordinance.

Al Rhodes, 4000 N Ocean Dr, made comments regarding the proposed ordinance.

Tony Gigliotti, made comments regarding the proposed ordinance.

Chairperson Schnyer read correspondence received from the Condominium Officers Association of Singer Island into the record.

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

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to table approval of Ordinance No. 2942 until the next Regular City Council Meeting.

MOTION

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

MOTION APPROVED

A recess was called by Chairperson Schnyer.

Chairperson Schnyer called the meeting back to order.

VII. REGULAR:

ITEM NO. 9

THIS ITEM HAS BEEN DELETED

ITEM NO. 10

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. 11

RESOLUTION NO. 131-03 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 STIPULATED SETTLEMENT AGREEMENT BETWEEN ALBERT LORIOLO, JAQUELINE LORIOLO, AND MARTHA BABSON, PETITIONERS VERSUS THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS, RESPONDENTS, CHALLENGING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN AMENDMENT ADOPTED BY ORDINANCE NO. 2923; AND REQUESTING THE CITY COUNCIL TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; 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. 131-03.

MOTION

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

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

MOTION APPROVED

ITEM NO.12

RESOLUTION NO. 132-03 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 FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF RIVIERA BEACH AND ALCALDE & FAY, LTD., TO PROVIDE LOBBYIST REPRESENTATION AT THE FEDERAL LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH; COMPENSATION NOT TO EXCEED \$5,000 PER MONTH FOR TWELVE MONTHS; THE SAME TO BE PAID FROM CONTRACT SERVICES, ACCOUNT NO. 001-0203-519-0-3106.

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. 132-03.

MOTION

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

MOTION APPROVED

ITEM NO.13

RESOLUTION NO. 133-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, TRANSFERRING \$10,000 FROM GENERAL FUND CONTINGENCY TO THE JULY 4TH CELEBRATION FUND (138).

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Iles** to approve Resolution No. 133-03.

MOTION

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

MOTION APPROVED

ITEM NO. 14

RESOLUTION NO. ____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR A DEVELOPMENT REGIONS GRANT IN THE AMOUNT OF \$48,000 FOR THE IMPLEMENTATION OF A FAÇADE IMPROVEMENT PROJECT ON AVENUE "U" AND 13TH STREET AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AND PROVIDING AN EFFECTIVE DATE. **ITEM DELETED AND REPLACED WITH RESOLUTION NO. 134-03**

RESOLUTION NO. 134-03 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 CONTRACT WITH CREATIVE FIREWORKS COMPANY INCORPORATED, P.O. BOX 468, JENSEN BEACH, FLORIDA, 34958, IN THE AMOUNT OF \$15,000 TO PROVIDE FIREWORKS SHOW FROM INTRACOASTAL WATERWAY ON THE EVENING OF JULY 4, 2003.

City Clerk Ward 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. 134-03.

MOTION

City Manager Wilkins stated that this item should be approved contingent upon review by the City Attorney.

An amended motion was made by Councilperson Iles and seconded by Chair Pro Tem Blue to approve the accompanied contract contingent upon review by the City Attorney.

AMENDED MOTION

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

MOTION APPROVED

ITEM NO. 14(1)

RESOLUTION NO. 135-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING EQUIVALENT RESIDENTIAL UNIT, ERU RATE, SINGLE FAMILY UNIT TIERS, CONDOMINIUM RATE AND PROVIDING AN EFFECTIVE DATE.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to table Resolution No. 135-03 until the Regular City Council Meeting.

MOTION

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

MOTION APPROVED

ITEM NO. 14(2)

REQUEST FOR FUNDING FROM PALM BEACH COUNTY COMMISSIONER ADDIE L. GREENE.

City Manager Wilkins stated that estimates have been provided for improvements on the following streets – W 22nd, 22nd Ct, and W 26th Streets. He stated that Commissioner Greene would be alerted on additional request.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** authorizing staff to submit a request for funding to Palm Beach County Commissioner Addie Greene for street improvements as outlined in the “quote proposal”.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT:

ITEM NO. 15

DISCUSSION REGARDING APPOINTMENT OF SIX MEMBERS AND THE REAPPOINTMENT OF ONE MEMBER TO THE LIBRARY

BOARD.

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

MOTION

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

MOTION APPROVED

ITEM NO. 16

DISCUSSION REGARDING APPOINTMENT OF TWO MEMBERS TO THE PLANNING AND ZONING BOARD.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro Tem Blue** appointing Mark Hatcher and Edward Shelton as the first and second alternates, consecutively, to the Planning and Zoning Board.

MOTION

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

MOTION APPROVED

VIII. CITY ATTORNEY'S REPORT:

ITEM NO. 17

RESOLUTION NO. 136-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE RENEWAL OF THE EMPLOYMENT AGREEMENT WITH PAMALA H. RYAN AS CITY ATTORNEY FOR THE PERIOD OF MAY 17, 2003 THROUGH MAY 16, 2005; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to approve Resolution No. 136-03.

MOTION

Concerns were expressed by the City Council.

An amended motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to approve the contract with an amendment to Section B to read 90 days instead of 180 days.

AMENDED MOTION

Upon a roll call by City Clerk Ward, the vote was 3-2 with Councilpersons Schnyer and Wilson dissenting.

MOTION APPROVED

IX. RECOMMENDATIONS AND DISCUSSIONS FROM MAYOR & COUNCIL:

Chair Pro Tem Blue stated that her term as representative on the Overall Economic Development Board expires next month and that Council needed to either reappoint her or nominate someone else.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Iles** to reappoint Councilperson Blue to the Overall Economic Development Board.

MOTION

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

MOTION APPROVED

Chair Pro Tem Blue announced that a meeting would be held on Saturday at 9:00 a.m. with Commissioner Greene regarding the Adopt-A-Block Program and encouraged all to attend.

Pop Winn and Shannon Wilson, made comments regarding the Father & Son Day Event to take place on June 14th.

City Manager Wilkins announced on behalf of the Parks & Recreation Dept. that the 2003 National Football League Skills Camp would be held on June 6th and June 7th at Wells Recreation Center. He also announced that a request from an ADHOC group was received to hold a meeting regarding the proposed school cuts. He stated that the representative was referred to Ms. Brown.

Roseanne Brown announced the Middle School Academic Camp to be held at JFK Middle School will begin on June 16th. She stated that final word on the funding will not be known until July; progress of the application should be available on June 13th. She also stated that a plea for funding was being put forth with the assistance of Tiffany Kenney who was doing a story on the program.

A discussion ensued amongst the City Council and staff.

Mrs. Brown stated that there was hope to have funding assistance as a result of the story to be done by Tiffany Kenney but if no other funding was found, the camp would be canceled.

Chair Pro Tem Blue stated that she would be asking for a maximum of \$12,000 to send approximately 8 students to Washington on a college tour.

Mayor Brown stated that on June 12th at 7:30 a meeting would be with the residents of Turtle Cay regarding their water bills.

IX. ADJOURNMENT:

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

APPROVED:

mbrown.gif (986 bytes)



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:

D. Wilson
E. Wade



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

aye
aye
aye
aye
aye

ELIZABETH "LIZ"
WADE
COUNCILPERSON



ANN ILES
COUNCILPERSON

DATE APPROVED:

06/18/2003