

**CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 6, 2002 AT 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

Chairperson Rodgers was present and presided. Upon a roll call by City Clerk Ward, the following were present: Chair Pro-Tem David G. Schnyer, Councilperson Donald R. Wilson, Councilperson Sylvia Lee Blue, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, CMC/AE and City Attorney Pamala H. Ryan.

City Manager Wilkins stated that Mayor Brown would be tardy.

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

Councilperson Blue stated that she would make comments under Recommendations & Discussion by the Mayor & Council.

City Manager Wilkins reviewed additional backup provided to the City Council for Agenda Item No. 8, Agenda Item No. 4, and Agenda Item No. 16. He proceeded to read the Additions, Deletions, Substitutions, & Revisions into the record. He also stated the following addition – request to cancel the February 18, 2002 Agenda Review Meeting.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wilson** to move Public Comments after Awards and Presentations. **MOTION**

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

Councilperson Blue stated that he would make comments under Recommendations & Discussion by the Mayor and City Council.

Adoption of Agenda

A motion was made by **Chair Pro-Tem Schnyer** 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 OF THE NEW VOTING EQUIPMENT FOR THE 2002 MUNICIPAL ELECTION.

Tom Shae, Supervisor of Elections Special Program Coordinator, gave a presentation on the operation of the new voting equipment.

City Clerk Ward thanked Mr. Shae for providing the demonstration and stated that the City Clerk's Office staff has been trained and is available to provide a demonstration on the equipment Monday -Friday during business hours. She also gave a report on the number of demonstrations given, the number of voter's registration applications received, and the number of clemency applications provided.

ITEM NO. 1(1)

PRESENTATION ON CODE ENFORCEMENT MONTH ACTIVITIES

Natalie Moore, Code Enforcement Administrator, gave a presentation on the activities being conducted for the citizens and business owners of the city.

Chair Pro-Tem Schnyer stated that he would like demolition efforts to be concentrated on the main thoroughfares first and then into the neighborhoods.

Councilperson Wilson congratulated the Code Enforcement Division on their efforts.

IV. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Viv Havener, 245 E 25th Street, commented on the clean-up of the old service station on the corner of Blue Heron Blvd. and Lake Shore Dr.

Herman McCray, 2315 Ave. S, commented on the activities of the Forfeiture Board.

King Jackson, 1611 W 12th Court, commented on the swells located on 13th Street.

Mike Mahoney, 2120 & 2135 Broadway, commented on the St. George's Feeding Facility.

Rev. William Burrs, 1500 W 30th Street, commented on the sidewalk projects.

Lynne Hubbard, 1405 W 23rd Street, commented on the activities of St. George's.

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

MINUTES OF THE REGULAR COUNCIL MEETING HELD ON JANUARY 16, 2002.

2) RESOLUTIONS:

ITEM NO. 3

RESOLUTION NO. _14-02_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT

TO McGUIRE WOODS, LLP, 1170 PEACHTREE STREET, N.E. SUITE 2100, ATLANTA, GA 30309 IN THE AMOUNT OF \$14,522.60 FOR PROFESSIONAL LEGAL SERVICES PERFORMED IN THE MATTER OF BLASÉ PFEFFERKORN, PAUL PETERSON AND EMPLOYEE MICHAEL GILLES; AND AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 001-0512-5190-3101.

ITEM NO. 4

RESOLUTION NO. 15-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF NINETEEN (19) 2002 FORD VEHICLES FROM THE FOLLOWING APPROVED CONTRACT VENDORS GUS MACHADO, HIALEAH \$173,840.08; DUVAL FORD, JACKSONVILLE \$192,830; DON REID FORD, MAITLAND \$62,050; AND WORLD FORD, PEMBROKE PINES \$22,290; AT A TOTAL COST OF \$451,010.08 UNDER THE FLORIDA SHERIFF'S ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES BID AWARD NO. 01-09-0904 AND AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME.

ITEM NO. 5

RESOLUTION NO. 16-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE THE CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 7280 NORTH MILITARY TRAIL, MORE PARTICULARLY DESCRIBED AS 25-42-42, SLY 190 FT OF WLY 190 FT ON N ½ OF SE ¼ LYG N OF BLUE HERON BOULEVARD AND E OF MILITARY TRAIL, RIVIERA BEACH, FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$2,750 AND AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTY AND SETTLE ALL OUTSTANDING CASES FILED IN THE CIRCUIT COURT; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 6

RESOLUTION NO. 17-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF \$19,200 FROM THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE UNDER THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME.

3) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve the Consent Agenda. **MOTION**

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

VI. PUBLIC HEARING:

ITEM NO. 7

RESOLUTION NO. 18-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF DONALD HENDRICKSON VS. THE CITY OF

RIVIERA BEACH, CASE NO. 98-11503 AG, IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, FOR \$150,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GENERAL RELEASE AND A SETTLEMENT AGREEMENT; AUTHORIZING GALLAGHER BASSETT AND AIG TECHNICAL SERVICES, INC. TO MAKE PAYMENT; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution.

A motion was made by **Councilperson Blue** and seconded by **Chair Pro-Tem Schnyer** to approve Resolution No. 18-02. **MOTION**

Gerald Ward, 31 W. 20th Street, commented.

City Attorney Ryan stated that this payment would not be made from any line item accounts.

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

ORDINANCES ON SECOND READING:

NONE

VII. ORDINANCES ON FIRST READING:

ITEM NO. 8

ORDINANCE NO. 2913 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING SECTION 2-29 ENTITLED "RULES OF PROCEDURE" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A CODIFICATION CLAUSE; A SEVERABILITY AND A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve Ordinance No. 2913. **MOTION**

City Attorney Ryan stated that a resolution would be presented at the next City Council Meeting regarding the new rules for the City Council to consider.

Upon a roll call by City Clerk Ward, the vote was 4-0 with Chair Pro-Tem Schnyer out.

MOTION APPROVED

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 9

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 THE NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION A NON-PROFIT ORGANIZATION TO PROVIDE CERTAIN COMMUNITY DEVELOPMENT, HOUSING SERVICES, AND NEIGHBORHOOD DEVELOPMENT SERVICES IN THE AMOUNT OF \$25,000. ITEM DELETED

ITEM NO. 10

RESOLUTION NO. _19-02_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A TRIPARTITE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY AND HOUSING SERVICES OF PALM BEACH COUNTY FOR THE EXPENDITURE OF 30,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

City Clerk Ward read the aforementioned resolution.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve Resolution No. 19-02. **MOTION**

Upon a roll call by City Clerk Ward, the vote was 4-0 with Chair Pro-Tem Schnyer out. **MOTION APPROVED**

ITEM NO. 11

RESOLUTION NO. __20-02__ 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 RESOURCE GROUP N.A. TO PROVIDE LOBBYIST REPRESENTATION AT THE STATE LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH; COMPENSATION NOT TO EXCEED \$5,000 PER MONTH FOR THE PERIOD OF FEBRUARY 2, 2001 THRU JANUARY 31, 2003; THE SAME TO PAID FROM THE PROFESSIONAL SERVICES-OTHER ACCOUNT NO. 001-0203-519-0-3106.

City Clerk Ward read the aforementioned resolution.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve Resolution No. 20-02. **MOTION**

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

ITEM NO. 12

STAFF REQUESTS CITY COUNCIL SCHEDULE A CLOSED EXECUTIVE SESSION TO DISCUSS IMPASSE ISSUES RELATIVE TO THE NATIONAL CONFERENCE OF FIREMEN & OILERS (NCFO) LABOR UNION WHICH REPRESENTS THE GENERAL EMPLOYEES AND ISSUES RELATIVE TO THE INTERNATIONAL UNION OF POLICE ASSOCIATION (IUPA) WHICH REPRESENTS THE POLICE EMPLOYEES.

City Manager Wilkins recommended that the Closed Executive Session be held February 13th at 5:30 p.m.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wilson** to approve staff's recommendation. **MOTION**

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

ITEM NO. 13

STAFF REQUESTS THE CITY COUNCIL APPROVE THE TERMINATION OF TWO (2) WATER QUALITY GRANT PROJECTS (RC-4 CANAL AND LAKE WORTH LAGOON CDS) AND AUTHORIZE THE RETURN OF FUNDS TO THE GRANTING AGENCIES AND SWEEP OF LOCAL DOLLARS BACK TO THE GENERAL FUND.

City Manager Wilkins reviewed the justification for returning the funds for the projects.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Blue** to terminate the Water Quality Grants for the RC-4 Canal and the Lake Worth Lagoon CDS.

MOTION

Gerald Ward (31 W. 20th Street) commented.

A discussion ensued amongst the City Council and staff.

Upon a roll call by City Clerk Ward, the vote was 4-1 with Councilperson Wade dissenting. **MOTION APPROVED**

ITEM NO. 14

STAFF RECOMMENDS APPOINTMENT OF CLARENCE D. WILLIAMS, III TO THE POSITION OF POLICE CHIEF FOR THE CITY OF RIVIERA BEACH.)

City Manager Wilkins stated that Sleighvin and Associates conducted the background check and credit check through Equifax and Wackenhut conducted the Criminal Justice System and court's record check.

Chair Pro-Tem Schnyer questioned whether Mr. Williams' would be a contracted employee and who was Sleighvin and Associates.

City Manager Wilkins stated that only the city manager and city attorney are contractual employees and that Sleighvin and Associates was a management consulting firm located in Atlanta.

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

ITEM NO. 15

STAFF RECOMMENDS APPOINTMENT OF PAUL D. WHITE TO THE POSITION OF ASSISTANT CITY MANAGER FOR THE CITY OF RIVIERA BEACH.

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

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

ITEM NO. 16

STAFF REQUESTS THE CITY COUNCIL APPROVE THE ENGAGEMENT OF MR. ALFRED MALEFATTO OF THE LAW FIRM OF GREENBERG TAURIG TO REPRESENT THE CITY IN THE MATTER OF FIVE (5) ADMINISTRATIVE CHALLENGES TO THE CITY'S COMPREHENSIVE PLAN AMENDMENTS.

RESOLUTION NO. 21-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO RETAIN THE SERVICES OF ALFRED J. MALEFATTO OF GREENBURG TRAUIG, PA. TO PROVIDE LEGAL SERVICES TO THE CITY IN DEFENSE OF ADMINISTRATIVE CHALLENGES FILED BY GERALD M. WARD, BAYARD AND MARILYN MOFFIT, MARTHA A. BABSON, F. KEVIN O'BRIEN, P-4 PARTNERS TO THE CITY'S AMENDED COMPREHENSIVE PLAN; AUTHORIZING PAYMENT FROM ACCOUNT NO. 001-0613-514-0-3101 IN AN AMOUNT NOT TO EXCEED \$125,000; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution.

A motion was made by **Chair Pro-Tem Schnyer** and **Councilperson Wilson** to

approve Resolution No. 21-02. **MOTION**

Councilperson Wade questioned whether the cost could be shared with the CRA.

City Manager Wilkins stated that he was discussing the possibility with Dr. Baugh.

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

AUTHORIZING THE MAYOR TO SUBMIT A LETTER TO THE CRIMINAL JUSTICE COMMISSION (CJC) WHICH SERVES AS THE SUBSTANCE ABUSE ADVISORY BOARD APPROVING THE REALLOCATION OF FISCAL YEAR 2002 DRUG CONTROL AND SYSTEM IMPROVEMENT FUNDS (BYRNE FUNDS)

City Manager Wilkins stated that the CJC has approximately \$200,000 in grant allocation available and has agreed to provide funding in the amount of \$44,805 to the city's Civil Drug Court Restart Program. He stated that that participants represented by the CJC must approve the reallocation of funds.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Blue** authorizing the mayor to sign a letter on behalf of the city approving that the CJC reallocate FY 2002 grant funds. **MOTION**

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

AUTHORIZING THE MAYOR TO SUBMIT LETTERS OF OPPOSITION TO PROPOSED LEGISLATION RESTRICTING THE OPERATION OF CRA'S

City Manager Wilkins stated that a bulletin was received from the Florida League of Cities indicating why they felt that this legislation was injurious to local government and their ability to plan for redevelopment.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Blue** authorizing the mayor to submit letters of opposition to proposed legislation restricting the operation of CRAs. **MOTION**

Gerald Ward (31 W. 20th Street) commented.

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

STAFF REQUEST THAT THE AGENDA REVIEW MEETING SCHEDULED FOR FEBRUARY 18, 2002 IS CANCELED.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro-Tem Schnyer** to approve staff's request to cancel the February 18th Agenda Review meeting. **MOTION**

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

IX. CITY ATTORNEY'S REPORT:

NONE

X. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

A motion was made **Chairperson Rodgers** and seconded by **Councilperson Wilson** terminate the contract of the city attorney but retain Mrs. Ryan as an employee and authorize Councilperson Rodgers to hire an attorney for the purpose of representing

the City Council for discussion. **MOTION**

A discussion ensued amongst the City Council and staff.

Upon a roll call by City Clerk Ward, the vote was 4-1 with Councilpersons Wilson, Blue, Wade, and Schnyer dissenting. **MOTION FAILED**

Chairperson Rodgers commented on the improvements in the Code Enforcement Division and problematic properties within the city.

A motion was made by **Chairperson Rodgers** and seconded by **Councilperson Wilson** directing the Building Division to investigate 555 W 4th Street, 1127 W 28th Street, and the Island Resort Hotel and provide a report to the City Council within 30 days. **MOTION**

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

Councilperson Blue stated that the Relay for Life would be held May 17th and 18th. She commented on correspondence received from Tom Mills regarding the harbor patrol and the city's Education Partnership Program.

Chair Pro-Tem Schnyer requested the status on improvements to the Police Substation at the Ocean Mall.

City Manager Wilkins stated that he would check the record, but it was indicated to the City Council that other municipal uses would be found for the facility in order to justify the expenditure of funds for refurbishment. He stated that there was only two suggestions for other departmental usage but staff had not moved forward any further. He stated that a budget for refurbishment would be submitted.

Chair Pro-Tem Schnyer stated that a budget of \$5,000 was approved for improvements and that the city manager was instructed to expend the funds and get the substation established.

Councilperson Wilson stated that a community meeting would be held on Saturday at 10:00 to discuss the possibility of high school to be located in the Harbor Village area.

XI. ADJOURNMENT:

There being no further business, the meeting was duly adjourned at 9:35 p.m.

APPROVED:

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MICHAEL D. BROWN, MAYOR

EDWARD RODGERS, CHAIRPERSON

ATTEST:

cward.gif (643 bytes)



dschnyer.gif (881 bytes)



**CARRIE E. WARD, CMC/AAE
CITY CLERK**

DAVID G. SCHNYER, CHAIR PRO-TEM

dwilson.gif (865 bytes)



**DONALD R. WILSON
COUNCILPERSON**

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MOTIONED BY: D. Schnyer
SECONDED BY: E. Wade

E. RODGERS: aye
E. WADE: aye
D. WILSON: aye
S. BLUE: aye
D. SCHNYER: aye

**SYLVIA LEE BLUE
COUNCILPERSON**

ewade.gif (1297 bytes)



**ELIZABETH "LIZ" WADE
COUNCILPERSON**

DATE APPROVED: 02/20/2002