

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, APRIL 3, 2002 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 Ward the following were present: Mayor Michael D. Brown, Councilperson Donald R. Wilson, Chair Pro Tem Sylvia Lee Blue, Councilperson Elizabeth "Liz" Wade, and Councilperson Edward Rodgers,. 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 to the flag.

II. AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Manager Wilkins read the Additions, Deletions, Substitutions, & Revisions into the record. He also stated the following addition – a presentation from Don Jacobovitz regarding the Silent Auction for the Juvenile Diabetes Research Foundation.

Councilperson Wilson stated that Minister Cedric Mayes was present to do a presentation.

Chairperson Schnyer stated that comments mentioned at the Agenda Review Meeting from Chair Pro Tem Blue, Councilperson Wilson, Councilperson Wade, would be under Recommendation from Mayor & City Council.

Adoption of Agenda

A motion was made by **Chair Pro-Tem Blue** and seconded by **Councilperson Wade** 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 PROCLAMATION DECLARING THE WEEK OF APRIL 7, 2002 AS COMMUNITY DEVELOPMENT WEEK.

Mayor Brown read the proclamation announcing Community Development Week.

JUVENILE DIABETES RESEARCH FOUNDATION SILENT AUCTION

Don Jacobovitz, Public Works Director, announced that there would be a Silent Auction on April 5th, 9 a.m. to 3 p.m. at the Municipal Complex and that all were invited to participate.

Minister Cedric Mays questioned the City Council regarding the occupational

license/special exemption he was trying to obtain for 143 & 145 W 28th Street.

There was a consensus of the City Council to refer Minister Mays to staff.

IV. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Victor Williams, 207 E Tiffany Dr #1, stated the need for an Alcohol/Drug and Halfway House Facility and requested that the City Council assist Minister Mays in obtaining the license needed to operate such a facility within the City.

Viv Havener, 245 E 25th Street, expressed her appreciation for the Jazz/Blues Festival.

Gerald Ward, 31 W 20th Street, expressed concern regarding notification of the upcoming CRA Retreat and budget issues.

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 MARCH 20, 2002.

2) RESOLUTIONS:

ITEM NO. 3

RESOLUTION NO. 57-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PLAT ENTITLED "INDIAN TRACE APARTMENTS"; AUTHORIZING THE MAYOR, CITY CLERK AND THE CITY ENGINEER TO SIGN THE REPLAT; AND PROVIDING AN EFFECTIVE DATE.

3) PETITIONS AND COMMUNICATIONS FOR FILING:

Chairperson Schnyer read a letter of support of the Jazz/Blues Festival into the record received from Commissioner Jo Gosline, Town of Palm Beach Shores.

END OF CONSENT AGENDA

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** 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:

ITEM NO. 4

A SPECIAL EXCEPTION SITE PLAN REVIEW APPLICATION FROM MT. ZION MISSIONARY BAPTIST CHURCH TO ALLOW A 5,523 SQUARE FOOT CHURCH WITH RELATED PARKING ON A 38,143 SQUARE FOOT AREA IN REPLACEMENT AND EXPANSION OF ITS CURRENT FACILITY LOCATED AT 868 WEST 9TH STREET LOCATED IN AN RM-15 ZONING DISTRICT.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to approve the Special Exception Site Plan request. **MOTION**

Mary McKinney, Community Development Director, provided background information on the Special Exception Site Plan request.

Alfred Newbold, 3575 Avenue R, requested that the City Council approve the request submitted by Mt. Zion Missionary Baptist Church.

Rev. James E. Adams, 1349 W 28th Street, Pastor of Mt. Zion M. B. Church, requested that the City Council approve the request as submitted by his church.

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

ITEM NO. 4(1)

RESOLUTION NO. 58-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY COUNCIL TO SETTLE THE MATTER OF G.A. ON BEHALF OF K.W., A MINOR V. CITY OF RIVIERA BEACH, CASE NO. CL 99-9472 AI, IN THE CIRCUIT COUR OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$25,000.00 AS COMPLETE AND FINAL SETTLEMENT; SAID AMOUNT SHALL BE PAID FROM THE CITY'S LOSS FUND ACCOUNT THROUGH GALLAGHER BASSETT SERVICES, INC., CLAIM NO. 0001160-004515-PI-01.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Resolution No. 58-02. **MOTION**

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

ORDINANCES ON SECOND READING:

ITEM NO. 5

ORDINANCE NO. 2914 AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENTS TO IMPLEMENT SETTLEMENT AGREEMENTS BETWEEN THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND MARTHA BABSON; THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND GERALD WARD; AND THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND BAYARD AND MARILYN MOFFITT; REVISING ITS COMPREHENSIVE PLAN BASED ON THE SETTLEMENT AGREEMENTS INCLUDING THE POLICIES OF THE FUTURE LAND USE ELEMENT, COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INFRASTRUCTURE ELEMENT AND ALL MAP SERIES INCLUDING THE FUTURE LAND USE MAP; TO REVISE AND UPDATE THE EXISTING COMPREHENSIVE PLAN ADOPTED ON NOVEMBER 7, 2001, IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163 FLORIDA STATUTES; PROVIDING FOR A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approve Ordinance No. 2914. **MOTION**

Atty. Malefatto stated that the modifications requested by Florida Trust for Historic Preservation were implemented into the ordinance. He also stated that a Notice of Stipulated Settlement had been filed by Gerald Ward with the State of Florida Division of Administrative Hearings.

A discussion ensued amongst the City Council and Atty. Malefatto.

Gerald Ward, 31 W 20th Street, made brief comments regarding the ordinance and the petition that he has filed.

Al Loriol, 127 E 21st Street, made brief comments regarding the map that was attached to the ordinance.

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

VII. ORDINANCES ON FIRST READING:

ITEM NO. 6

ORDINANCE NO. AN ORDINANCE OF THE CITY COUNCIL OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE 11 – SELECTION PROCESS BY EXCLUDING THE 10% LOCAL PREFERENCE ON CONSTRUCTION CONTRACTS FROM THE APPLICATION OF THIS PROVISION OF THE ORDINANCE AND PROVIDING AN EFFECTIVE DATE. ITEM DELETED

ITEM NO. 6(1)

ORDINANCE NO. 2915 AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION SCHEDULES BY INCREASING THE SALARY OF SWORN POLICE OFFICERS AND SERGEANTS REPRESENTED BY THE INTERNATIONAL UNION OF POLICE ASSOCIATION BARGAINING AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned ordinance into the record.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Ordinance No. 2915 on First Reading. **MOTION**

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

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 7

RESOLUTION NO. 59-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF NINE (9) IN CAR VIDEO SYSTEMS, FROM ON PATROL VIDEO, 13814 JEFFERSON STREET, GRAND ISLAND, FLORIDA 32735, UNDER STATE CONTRACT SNAPS-SPURS #F341891951, TO BE PURCHASED FROM LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) 2000 FUNDS, APPROVED AND ACCEPTED BY CITY COUNCIL, BY RESOLUTION 218-00; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT OF \$35,805.00 TO ON PATROL VIDEO, 13814 JEFFERSON STREET, GRAND ISLAND, FLORIDA 32735; FROM ACCOUNT NUMER 136-0817-5290-6405, AND PROVIDING AN EFFECTIVE

DATE.

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. 59-02. **MOTION**

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

ITEM NO. 8

RESOLUTION NO. 60-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE LEASE – PURCHASE OF FOURTEEN (14) VEHICLES, FOR THE CITY'S POLICE DEPARTMENT FROM DON REID FORD, 1875 SOUTH ORLANDO AVENUE, MAITLAND, FLORIDA 32751, UNDER THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NUMBER 00-08-0905; AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE LEASE-PURCHASE AGREEMENT ON BEHALF OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE LEASE-PURCHASE AGREEMENT ON BEHALF OF THE CITY; AND AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE THREE (3) EQUAL PAYMENTS OF \$166,145.72, COMMENCING 2002-2004 FROM ACCOUNT NUMBER 305-0817-5210-6401, TO FORD MOTOR CREDIT COMPANY, ONE AMERICAN ROAD MD 7500, DEARBORN, MICHIGAN 48126; AND PROVIDING AN EFFECTIVE DATE.

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. 60-02. **MOTION**

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

ITEM NO. 9

RESOLUTION NO. 61-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING IMPROVEMENTS TO 25TH STREET IN AN AMOUNT NOT TO EXCEED \$210,000 TO BE REIMBURSED BY PALM BEACH COUNTY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH PALM BEACH COUNTY FOR REIMBURSEMENT OF SAID IMPROVEMENTS; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME, ACCOUNT NO. 108-0717-5190-5304; AND PROVIDING FOR AN EFFECTIVE DATE.

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. 61-02. **MOTION**

Vanessa Reives, 2420 Avenue O, questioned the grant application and wanted to know how the residents in her area could benefit from these funds; and if not she wanted to be provided with the process to obtain a grant to benefit the area in which she resides.

Cinthia Becton, 500 W 24th Street, requested clarification on the wording of the resolution and the funding that was provided for the intersection of Blue Heron Boulevard and Broadway.

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

ITEM NO. 10

REQUEST CITY COUNCIL TO APPOINT ONE ALTERNATE MEMBER TO THE PLANNING AND ZONING BOARD.

Chairperson Schnyer stated that Letters of Interest was received from Edward Kunuty, Robert Dingeldein, and Edward Shelton.

A motion was made by **Chair Pro-Tem Blue** and seconded by **Councilperson Wade** to appoint Robert Dingeldein as an alternate member to the Planning and Zoning Board. **MOTION**

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

ITEM NO. 11

RESOLUTION NO. 62-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CHANGES TO THE CURRENT AGREEMENT COMMENCING OCTOBER 1, 1999 TO SEPTEMBER 30, 2002 BETWEEN THE INTERNATIONAL UNION OF POLICE ASSOCIATION (IUPA) AN ORGANIZATION REPRESENTING POLICE OFFICERS AND SERGEANTS OF POLICE OF THE CITY OF RIVIERA BEACH AND APPROPRIATING FUND BALANCE IN THE GENERAL FUND IN THE AMOUNT OF \$311,755; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Resolution No. 62-02. **MOTION**

Doretha Perry, Human Resources Director, stated that the City had completed negotiations with the union and came to an agreement on the following articles – Article 2 (Terms of Agreement), Article 34 (Wages), Article 38 (Total Agreement), and Article 45 (Life insurance).

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

UPDATE ON THE 13TH STREET CONSTRUCTION PROJECT

City Manager Wilkins stated that on Monday, he along with Councilperson Wade met with Port Commissioner Wayne Richards, Port Executive Director Anthony Taormina, and other staff members from the port. He stated that the staff from the port had reported that the project was on schedule. He stated that there was a bid out on the 11th Street and Avenue C portion of the project. Once bids are received the port will provide the City with a Revised Basis of Design, which will be reviewed in accordance with the contract, and a recommendation will be provided to the City Council at the April 17th meeting.

REDEVELOPMENT PLAN FOR THE AREA OF THE CITY LOCATED OUTSIDE OF THE REDEVELOPMENT PLAN

City Manager Wilkins stated that staff was in the process of developing a plan in which all improvements would be identified and addressed at the upcoming retreat.

City Manager Wilkins announced the following scheduled activities for Read Together Palm Beach County Month on April 27th, at 1:00 p.m. Book Discussion lead by Commissioner Addie Greene and at 3:00 p.m. Fahrenheit 451 Film and Puppet Show by Chief of Police Clarence Williams and Fire Chief Troy Perry

APPOINTMENT OF CRA CHAIRMAN AND VICE-CHAIRMAN

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to appoint David Schnyer as Chairman for the CRA Board and Sylvia Blue as the Vice-Chairman for the CRA Board. **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:

Chair Pro-Tem Blue reminded staff, business owners, and residents of the Relay for Life activities scheduled for May 17th and 18th. She announced that the American Cancer Society would be hosting a Purple Tea for Two on May 6th at 11:30 a.m. at the Urban League of Palm Beach County.

Councilperson Wilson stated that he was pleased to hear that staff was developing a plan to improve the rest of the City, the outcome of the Jazz/Blues Festival, the outcome for the Nealia Cunningham's Day Celebration, and the meeting that was held with the residents on the island. He announced that on April 27th the Harbor City Cultural and Artistic Committee would be presenting Langston Hughes play "Steal Away."

Councilperson Wade stated that a retreat would be held for the City Council who will be sitting as the CRA Board and that the agenda had not been received as of today. She congratulated the Mayor and staff on the Jazz/Blues Festival accomplishments but requested that staff start now preparing for the event for next year.

Councilperson Rodgers stated that he would be resigning as the City's representative for the League of Cities and that Ms Blue was the alternate member.

Chair Pro-Tem Blue stated that she received a call from the League asking if she would serve on the Board if Mr. Rodgers were stepping down. She stated that a recommendation would be made to the Board but an alternate had to be appointed by the City Council.

Atty. Ryan stated that the appointment to the League of Cities Board was separate from appointing a representative for the City. She stated that the representative for the City needed to be appointed by the City Council.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Rodgers** to appoint Chair Pro-Tem Blue as the representative for the City to the League of Cities. **MOTION**

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

Chairperson Schnyer stated that he was very pleased with the outcome of the Jazz/Blues Festival. He stated that he received a complaint from a citizen that has a problem with speaking before the City Council while the camera is on in the back of the Chambers. He asked that the City Attorney review the complaint and advise the City Council of her opinion.

Mayor Brown stated that in conjunction with putting together a plan identifying improvements within other areas of the City, he would like for staff to put together a consulting team similar to the one for the Redevelopment Project. He also requested that staff begin a dialogue addressing the needs of the City such as the elderly and drugs.

City Manager Wilkins announced the death of former City Employee Robert D.

Hodges. He stated that the services would be held April 6th at the Mt Olive Missionary Baptist Church at 11:00 a.m. and the viewing would be April 5th, 5:00 p.m. until 7:00 p.m.

XI. ADJOURNMENT:

There being no further business the meeting was duly adjourned.

APPROVED:

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MICHAEL D. BROWN, MAYOR

DAVID G. SCHNYER, CHAIRPERSON

ATTEST:

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

SYLVIA LEE BLUE, CHAIR PRO-TEM

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**DONALD R. WILSON
COUNCILPERSON**

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

ewade.gif (1297 bytes)



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

**ELIZABETH "LIZ" WADE
COUNCILPERSON**



**EDWARD RODGERS
COUNCILPERSON**

DATE APPROVED: 04/17/2002