

**CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, APRIL 18, 2001 AT 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

The regular meeting of the City of Riviera Beach City Council was called to order at 7:35 p.m. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, 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, Deputy City Clerk Claudene Robinson, and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

Everyone stood for a moment of silent prayer and the pledge of allegiance to the flag.

II. PETITIONS AND COMMUNICATIONS FOR FILING:

Deputy Clerk Robinson stated that a written communication received from Gerald Ward (31 W. 20th Street) pertaining to the Interlocal Agreement between the Port of Palm Beach, Palm Beach County, and the City of Riviera Beach would be made a part of the records.

III. AGENDA APPROVAL:

Additions, Deletions, Substitutions

Respectively, additions, deletions, and substitutions to the agenda were stated by Council and City Manager Wilkins. (copy attached)

Adoption of Agenda

Motion was made by Chair Pro-Tem Schnyer and seconded by Councilperson Blue to approve the agenda as amended. MOTION (T1.124)

Upon roll call, the vote was unanimous. APPROVED

IV. AWARDS AND PRESENTATIONS:

A PROCLAMATION BY MAYOR BROWN PROCLAIMING SATURDAY, APRIL 21, 2001, AS GREAT AMERICAN CLEANUP DAY IN THE CITY OF RIVIERA BEACH; AND, DEDICATING IT TO THE MEMORY OF FORMER-MAYOR CLARA K. WILLIAMS.

V. CONSENT AGENDA:

ALL MATTERS LISTED UNDER THIS ITEM WERE CONSIDERED ROUTINE AND ACTION WAS TAKEN BY ONE MOTION. THERE WAS NO SEPARATE DISCUSSION OF ITEMS UNLESS A COUNCIL MEMBER OR A PERSON REQUESTED, IN WHICH EVENT THE ITEM WAS REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA. ANY PERSON WHO WISHED TO SPEAK ON AN AGENDA ITEM PROVIDED A PINK PUBLIC COMMENT CARD LOCATED AT THE BACK OF THE COUNCIL CHAMBERS AND GAVE TO THE COUNCIL CHAIR OR THE LEGISLATIVE AIDE. CARDS WERE

SUBMITTED BEFORE ITEM WAS DISCUSSED.

MINUTES:

MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD ON APRIL 18, 2001.

RESOLUTIONS:

RESOLUTION NO. 48-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED THE BIDS FOR THE CITYWIDE SIDEWALK PROJECTS TO SELECT CONTRACTING, INC. AND ARZ BUILDERS, INC. IN THE AMOUNT OF \$421,925 AND \$228,005 RESPECTIVELY.

END OF CONSENT AGENDA

Motion was made by Councilperson Schnyer and seconded by Councilperson Wilson to approve the Consent Agenda as amended. MOTION (T1.183)

Upon roll call, the vote was unanimous. APPROVED

VI. PUBLIC HEARING:

None.

VII. ORDINANCE ON SECOND READING:

None.

ORDINANCE ON FIRST READING:

ORDINANCE NO. 2895 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES BY CREATING SECTION 12A; SECTIONS 12A-1 TO 12A-6 TO BE ENTITLED “DRUG CONTROL AND VEHICLE IMPOUNDMENT”; SETTING FORTH CIRCUMSTANCES UNDER WHICH VEHICLES MAY BE IMPOUNDED; PROVIDING FOR AN ADMINISTRATIVE PENALTY FOR THE USE OF VEHICLES UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PROCEDURE FOR REVIEW OF THE IMPOUNDMENT DECISION, AND A PROCEDURE FOR THE IMPOUNDMENT DECISION, AND A PROCEDURE FOR DISPOSITION OF UNCLAIMED VEHICLES; PROVIDING A CODIFICATION CLAUSE, A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Deputy Clerk Robinson read into the record the referenced ordinance.

Motion was made by Councilperson Blue and seconded by Councilperson Wilson to approve. MOTION (T1.227)

Upon roll call, the vote was unanimous. APPROVED

VIII. CITY MANAGER'S DISCUSSION:

1. RESOLUTION NO. 49-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE INCREASED ACTIVITY FEES FOR THE RECREATION DEPARTMENT, AND PROVIDING AN EFFECTIVE DATE.

City Manager Wilkins gave a highlighted presentation of the referenced resolution.

Motion was made by Councilperson Wilson and seconded by Councilperson Blue to adopt the recommendation of City Manager Wilkins. MOTION (T1.309)

Deputy Clerk Robinson stated for the record, the designated number (49-01) for referenced resolution.

Upon roll call, the vote was unanimous. APPROVED

2. RESOLUTION NO. 50-01 – A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO SUBAQUEOUS SERVICES, INC., AND SETTING UP A BUDGET IN THE AMOUNT OF \$144,069 AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT.

City Manager Wilkins gave a highlighted presentation and recommended approval for same.

Deputy Clerk Robinson read the referenced resolution into the record.

Motion was made by Councilperson Blue and seconded by Chair Pro-Tem Schnyer to approve. MOTION (T1.408)

Upon roll call, the vote was unanimous. APPROVED

3. RESOLUTION NO. 51-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF \$125,000 FROM THE DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS, UNDER THE EXECUTIVE OFFICE FOR WEED AND SEED FOR SAFE HAVEN ACTIVITIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT ON BEHALF OF THE CITY OF RIVIERA BEACH.

Deputy Clerk Robinson read into the record the referenced resolution.

City Manager Wilkins gave a highlighted presentation and recommended approval for same.

Motion was made by Councilperson Wilson and seconded by Chair Pro-Tem Schnyer to approve. MOTION (T1.484)

Discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

4. DISCUSSION ON LEASE AGREEMENT WITH SUNCRUZ CASINOS.

City Manager Wilkins commented regarding a request by staff to terminate the contract with Suncruz Casinos, due to default of agreement.

City Attorney Ryan indicated that communications with Suncruz resulted proposed resolution to the matter. She requested that actions by Council be postponed until the next agenda, thus, allowing potential for settlement.

Andrew DeGraffenreidt (2328 10th Avenue, North) commented by query.

Discussion ensued.

Motion was made by Councilperson Wade and seconded by Councilperson Wilson to postpone discussions until the next agenda. MOTION (T1.701)

Upon roll call, the vote was unanimous. APPROVED

5. DISCUSSION TO APPROVE SALARY IN EXCESS OF 10% FOR THE POSITION OF SYSTEMS ADMINISTRATOR.

City Manager gave a highlighted presentation of the referenced item and recommended approval to execute the increase and hire Mr. Tariq Ilqbal.

Discussion ensued.

Motion was made by Councilperson Blue and seconded by Chair Pro-Tem Schnyer to approve staff's recommendation. MOTION (T1.785)

Upon roll call, the vote was unanimous. APPROVED

6. RESOLUTION NO. 52-01 – A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROPRIATING \$51,263 OF GENERAL FUND BALANCE AS ADDITIONAL CITY CASH MATCH FOR PHASES II AND III OF THE KEEP PALM BEACH COUNTY BEAUTIFUL GRANTS.

City Manager Wilkins gave a highlighted presentation and recommended approval of the referenced resolution.

Motion was made by Councilperson Blue and seconded by Chair Pro-Tem Schnyer to approve. MOTION (T1.837)

Discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

7. DISCUSSION ON A SITE PLAN APPLICATION FROM RAYMOND BERRY, AGENT FOR PROSOURCE BUILDING, INCORPORATED, TO CONSTRUCT AN INDUSTRIAL BUILDING ON 1.73 ACRES AT THE NORTHEAST CORNER OF WESTROADS DRIVE AND WHITE DRIVE.

Mary McKinney (CRB Community Development) gave a highlighted presentation of the referenced item and stated staff recommendation for approval.

Motion was made by Councilperson Wade and seconded by Councilperson Blue to approve staff's recommendation. MOTION (T1.1070)

Upon roll call, the vote was unanimous. APPROVED

8. DISCUSSION ON PROPOSED ORDINANCE LIMITING THE AMOUNT OF TIME RAILROAD CARS BLOCK DESIGNATED CROSSINGS.

City Manager Wilkins highlighted concerns regarding the referenced matter and requested directions to further address same.

Motion was made by Councilperson Blue and seconded by Councilperson Wilson to adopt the proposed ordinance. MOTION (T1.1153)

Discussion ensued.

City Attorney Ryan stated concerns of enforceability and the lack thereof regarding the proposed ordinance. A lengthy discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

9. REQUEST FOR CITY COUNCIL TO MAKE APPOINTMENTS OR CONFIRM APPOINTMENTS TO THE FOLLOWING BOARDS AND ORGANIZATIONS: 1) METROPOLITAN PLANNING ORGANIZATION; 2) PALM BEACH COUNTY BEACHES AND SHORES COMMISSION; 3) PALM BEACH COUNTY LEAGUE OF CITIES; 4) LIAISON TO THE PORT OF PALM BEACH; 5) LAKE WORTH LAGOON STEERING COMMITTEE.

Motion was made by Chair Pro-Tem Schnyer and seconded by Councilperson Wilson to reappoint Mayor Michael Brown and Councilperson Elizabeth Wade, respectively, to the Metropolitan Planning Organization. MOTION (T1.1489)

Discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

Motion was made by Councilperson Wade and seconded by Councilperson Blue to appoint Chair Pro-Tem Schnyer as the delegate and Councilperson Sylvia Blue, respectively, to the PBC Beaches and Shores Commission. MOTION (T1.1521)

Upon roll call, the vote was unanimous. APPROVED

Motion was made by Chair Pro-Tem Schnyer and seconded by Councilperson Wilson to reappoint Chairperson Edward Rodgers as the primary delegate; and, appoint Councilperson Elizabeth Wade, Councilperson Donald Wilson, and Councilperson Sylvia Blue, respectively, as alternates to the Palm Beach County League of Cities. MOTION (T1.1569)

Upon roll call, the vote was unanimous. APPROVED

Motion was made by Chair Pro-Tem Schnyer and seconded by Councilperson Wilson to reappoint Councilperson Elizabeth Wade as primary delegate; and, appoint Councilperson Sylvia Blue and Councilperson Donald Wilson as the alternates for the Liaison to the Port of Palm of Palm Beach. MOTION (T1.1598)

Upon roll call, the vote was unanimous. APPROVED

Motion was made by Councilperson Wade and seconded by Councilperson Wilson to appoint Chair Pro-Tem David Schnyer as primary delegate and the remaining councilpersons as alternates to the Lake Worth Lagoon Steering Committee. MOTION (T1.1636)

10. STAFF RECOMMENDS APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE PORT OF PALM BEACH DISTRICT, PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF RIVIERA BEACH CONCERNING RECONSTRUCTION IMPROVEMENTS TO 13TH STREET, AVENUE 'C', AND 11TH STREET.

RESOLUTION NO. 53-01 – 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 BETWEEN THE CITY OF RIVIERA, THE PORT OF PALM BEACH DISTRICT, AND PALM BEACH COUNTY REGARDING IMPROVEMENTS TO 13TH STREET, AVENUE 'C', AND 11TH STREET; AND PROVIDING AN EFFECTIVE DATE.

Deputy Clerk Robinson read into the record the referenced resolution.

City Manager Wilkins highlighted provisions to and related concerns of the referenced agreement. He stated recommendation for approval of the agreement.

Motion was made by Chair Pro-Tem Schnyer and seconded by Councilperson

Wilson to approve. MOTION (T1.1684)

Martha Babson (156 E. 21st Street) stated concerns.

As a matter of record Councilperson Wade commented, as the liaison for the City, that she did not have many interactions on the agreement in the recent past. She stated significance for the City to approve the referenced version of the agreement, as indicated by City Manager Wilkins, in order to utilize accessible funds for the project.

Upon roll call, the vote was unanimous. APPROVED

11. REQUEST FOR APPOINTMENT OF COMMUNITY REDEVELOPMENT AGENCY CHAIRMAN AND VICE CHAIRMAN.

A nomination was made by Councilperson Wilson and seconded by Chair Pro-Tem Schnyer to appoint Chairperson Edward Rodgers as the chair. NOMINATION (T1.2111)

Upon roll call, the vote was unanimous. APPROVED

A nomination was made by Councilperson Blue and seconded Councilperson Wilson to appoint Chair Pro-Tem Schnyer as the vice chair. NOMINATION (T1.2133)

Upon roll call, the vote was unanimous. APPROVED

IX. CITY ATTORNEY'S REPORT:

None.

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Canta Chestnut ((571 W. 36th Street) stated concerns regarding settlement for loss use of property. Discussion ensued.

Chair Pro-Tem Schnyer requested that staff provide Council with a list reflective of the adjustments by the insurance company and estimates by Ms. Chestnut for the referenced loss. REQUEST FOR INFORMATION

Following a lengthy discussion, Chairperson Rodgers informed Ms. Chestnut that she would receive staff's written communication related to her concerns.

Motion was made by Councilperson Wade and seconded by Councilperson Blue to revisit and reevaluate Ms. Chestnut's loss, in order to set the matter right.

MOTION

(T1.2686)

Upon roll call, the vote was unanimous. APPROVED

Chairperson Rodgers informed Ms. Chestnut that the matter would be investigated.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Chairperson Rodgers informed City Manager Wilkins regarding a representative from Micro Business USA interested in issuing small business loans in the area.

Chairperson Rodgers reported concerns related to requests for municipalities to become involved with the legislation of citrus canker, by adopting ordinances to prohibit the state from destroying area trees. The league determined that municipalities would assume the

position of their choice regarding the matter.

He commented regarding concerns for excess and conformity of occupational license fees by municipalities; a proposed ordinance by Palm Beach County to outlaw self-service vending machines; and, a proposed radio system to connect all county agencies.

Councilperson Wilson invited everyone to attend a concert presented in support of the Suncoast High School Band, April 28, 2001.

City Manager Wilkins announced that County Commissioner Addie Green would conduct a scheduled town hall meeting April 19, 2001, 7:00 p.m., City of Riviera Beach City Council Chamber. Additionally, he stated that a scheduled meeting regarding the proposed interchange to be located between S.R. 710 and Northlake Boulevard was rescheduled for 6:30 p.m., May 02, 2001.

There being no other business, the meeting duly adjourned at 8:54 p.m.

APPROVED:

mbrown.gif (986 bytes)



MICHAEL D. BROWN, MAYOR

EDWARD RODGERS, CHAIRPERSON

ATTEST:

cward.gif (643 bytes)



dschnyer.gif (881 bytes)



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

DAVID G. SCHNYER, CHAIR PRO-TEM

dwilson.gif (865 bytes)



**DONALD R. WILSON
COUNCILPERSON**

sblue.gif (791 bytes)



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: 05/02/2002