

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JULY 3, 2001, 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 Wilson, Councilperson Sylvia Lee Blue, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William Wilkins, City Clerk Carrie E. Ward, and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

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

II. PETITIONS AND COMMUNICATIONS FOR FILING:

III. AGENDA APPROVAL:

1) Additions, Deletions, Substitutions

2) Adoption of Agenda

A motion was made by Chair Pro-Tem Schnyer and seconded by Councilperson Wilson to adopt the agenda as amended. **MOTION**

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

AWARDS AND PRESENTATIONS:

ITEM NO. 1

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH SINCE MAY, 2001.

Doretha Perry, Human Resource Director, introduced employees hired during the month of May.

IV. 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 JUNE 20, 2001.

2) RESOLUTIONS:

ITEM NO. 3

RESOLUTION NO. 112-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO BARKER, OSHA & ANDERSON (BOA), INC. FOR PROFESSIONAL ENGINEERING CONSTRUCTION SERVICES DURING THE CONSTRUCTION OF 16" AND 20" WATER TRANSMISSION MAIN AND STORM SEWER DRAINAGE INVOLVING CONTRACT ADMINISTRATION AND ON-SITE OBSERVATION FROM 27TH STREET AND OLD DIXIE HIGHWAY; THEN PARTIALLY ALONG BOTH AVENUES "O" AND "P" TO SILVER BEACH ROAD THEN WEST TO CONGRESS AVENUE AT A FINAL COST OF \$578.17 AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 407-1417-5360-4616.

ITEM NO. 4

RESOLUTION NO. 113-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING CHANGE ORDERS IN THE AMOUNT OF \$33,483 INCREASING AND AMENDING THE CONTRACT AMOUNT FROM \$673,860 TO \$707,343 AND APPROVING FINAL PAYMENT NO. 8 IN THE AMOUNT OF \$68,829.90 TO ASPHALT CONSULTANTS, INC. FOR WORK COMPLETED FOR THE INSTALLATION OF A 20" WATER TRANSMISSION MAIN AND DRAINAGE ON AVENUE "P" AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY \$46,121 FROM ACCOUNT NO. 407-1417-5360-4616 AND \$22,708.90 FROM ACCOUNT NO. 301-116-5190-5304 RESPECTIVELY.

ITEM NO. 5

RESOLUTION NO. 114-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO T.L.C. DIVERSIFIED, INC. FOR SERVICES RENDERED FOR THE REPLACEMENT OF THE FLOWMETER AND PUMP VALVES AT THE AVENUE "U" MASTER LIFT STATION AT A FINAL COST OF \$44,138.20 AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 402-000-5350-4604.

ITEM NO. 6

RESOLUTION NO. 115-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING STAFF RECOMMENDATION AND APPROVING THE RE-ROOFING OF THE MUNICIPAL MARINA RESTAURANT BUILDING TO AMETCO, INC., OF LAKE WORTH, FLORIDA AT A TOTAL COST OF \$15,943, AS PER THEIR PRICE QUOTE DATED 4-11-01; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENTS FOR SAME UNDER ACCOUNT NO. 305-0203-5190-4602.

ITEM NO. 7

RESOLUTION NO. 116-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DESIGNATING THE GEHRING GROUP, 1645 PALM BEACH LAKES BOULEVARD, SUITE 480, WEST PALM BEACH, FLORIDA 33401 AS AGENT OF RECORD FOR THE CITY OF RIVIERA BEACH.

ITEM NO. 8

RESOLUTION NO. 117-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE UPGRADE OF RAGIS (RIVIERA AREA GEOGRAPHICAL INFORMATION SYSTEM) TO ADD THREE (3) ADDITIONAL AREAS WHICH INCLUDES WOODBINE; LEO LANE AND THE WEST ROAD AREA, INC. FROM BAE SYSTEMS ADR AT A COST OF \$24,265; AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 401-1417-5360-6404.

ITEM NO. 8(1)

RESOLUTION NO. 118-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF BID TO SELECT CONTRACTING INC., FOR THE CONSTRUCTION OF THE AQUATIC FACILITY IN THE AMOUNT OF \$3,383,000; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT, WHICH IS MADE A PART OF THIS RESOLUTION; AND FURTHER AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT TO SELECT CONTRACTING INC., IN THE AMOUNT OF \$3,383,000 UNDER ACCOUNT NO. 124-1233-5720-6201 AND 308-1233-5720-6201; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A Motion was made by **Councilperson 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:

NONE

ORDINANCES ON SECOND READING:

ITEM NO. 9

ORDINANCE NO. 2895 – AN ORDINANCE 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 DISPOSITION OF UNCLAIMED VEHICLES; PROVIDING A CODIFICATION CLAUSE, A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to approve the aforementioned ordinance. **MOTION**

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

City Clerk Ward stated that the ordinance was advertised in the April 22, 2001 edition of the Palm Beach Post.

ITEM NO. 10

ORDINANCE NO. __2903__ - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-21 OF THE CITY'S CODE OF ORDINANCES BY PROVIDING FOR A DEFINITION OF EARNINGS FOR CERTAIN CONTRACT EMPLOYEES; PROVIDING FOR CODIFICATION AND CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro-Tem Schnyer** to approve the aforementioned ordinance. **MOTION**

Upon a roll call by City Clerk Ward, the vote was 3-2 with Councilperson Wade and Councilperson Blue dissenting. **MOTION APPROVED**

City Clerk Ward stated that the ordinance was advertised in the June 24, 2001 edition of the Palm Beach Post.

ITEM NO. 11

ORDINANCE NO. __2904__ - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-72 OF THE CITY'S CODE OF ORDINANCES BY PROVIDING FOR A DEFINITION OF EARNINGS FOR CERTAIN CONTRACT EMPLOYEES; PROVIDING FOR CODIFICATION AND CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro-Tem Schnyer** to approve aforementioned ordinance. **MOTION**

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

City Clerk Ward stated that the ordinance was advertised in the June 24, 2001 edition of the Palm Beach Post.

ITEM NO. 12

ORDINANCE NO. __2905__ - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING SECTION 14-33 OF THE CITY'S CODE OF ORDINANCES BY PROVIDING FOR AN EXCESS BENEFIT PLAN AS PERMITTED BY SECTION 415 OF THE INTERNAL REVENUE CODE; PROVIDING FOR CODIFICATION AND CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve aforementioned ordinance. **MOTION**

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

City Clerk Ward stated that the ordinance was advertised in the June 24, 2001 edition of the Palm Beach Post.

VII. ORDINANCES ON FIRST READING:

ITEM NO. 13

ORDINANCE NO. 2906 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION SCHEDULES BY INCREASING THE SALARY OF LIEUTENANT OF POLICE EMPLOYEES REPRESENTED BY THE INTERNATIONAL UNION OF POLICE ASSOCIATION (IUPA) BARGAINING AGREEMENT, PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro-Tem Schnyer** to approve the aforementioned ordinance. **MOTION**

Upon recommendation from **City Manager Wilkins** to consider Item No. 15(1) prior to approval, **Councilperson Wade** and **Chair Pro-Tem Schnyer** withdrew the motion and second to approve the aforementioned ordinance. **MOTION WITHDRAWN**

A motion was mad by **Councilperson Wade** and seconded by **Councilperson Wilson** to rearrange the agenda. **MOTION**

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

After approval of Resolution No. 119-01, **City Clerk Ward** read Ordinance No. 2906 into the record.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro-Tem Schnyer** to approve Ordinance No. 2906. **MOTION**

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

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 15

- 1. RESOLUTION NO. 119-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A THREE YEAR AGREEMENT ON BEHALF OF THE CITY BETWEEN THE INTERNATIONAL UNION OF POLICE ASSOCIATION (IUPA), AN ORGANIZATION REPRESENTING LIEUTENANT OF POLICE EMPLOYEES OF THE CITY OF RIVIERA BEACH, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

City Clerk Ward read into the record the referenced resolution.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro-Tem Schnyer** to approve the aforementioned resolution. **MOTION**

City Manager Wilkins gave a brief overview of the contract.

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

- 2. RESOLUTION NO. 120-01 - A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A MAXIMUM MILLAGE RATE OF NINE POINT FIVE (9.5) MILLS FOR FISCAL YEAR 2001-**

2002.

City Clerk Ward read into the record the referenced resolution.

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

City Manager Wilkins gave an overview of the matters surrounding this resolution.

Councilperson Wade stated that she was displeased that a workshop was not held prior to the resolution being presented to the City Council.

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

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

3. **RESOLUTION NO. _121-01___ - A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO BEVERIDGE AND DIAMOND, P.C., IN THE TOTAL AMOUNT OF \$85,247.29 FOR PROFESSIONAL LEGAL SERVICES RENDERED IN THE MATTER OF THE SOLITRON SITE; AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS FROM ACCOUNT NO. 401-1437-5330-5999, IN THE AMOUNT OF \$25,000 AND TRANSFER FUNDS FROM ACCOUNT NO. 401-1438-5350-5999, IN THE AMOUNT OF \$65,000 AND TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 401-1437-5330-3106.**

City Clerk Ward read into the record the referenced resolution.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Blue** to approve the aforementioned resolution. **MOTION**

Councilperson Wade stated for the record that she was disappointed that the expenditures were so far beyond the budget approved by the City Council and that she hopes something is put into place to keep this from happening again.

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

4. **RESOLUTION NO. _122-01___ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SALE OF EXCESS UTILITIES' DEPARTMENT PROPERTY TO THE TOWN OF PALM BEACH SHORES FOR THE AMOUNT OF \$55,000.**

City Clerk Ward read into the record the referenced resolution.

A motion was made **Councilperson Wade** and seconded by **Councilperson Wilson** to approve the aforementioned resolution. **MOTION**

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

5. **DISCUSSION ON THE RE-ROOFING OF THE UTILITY DEPARTMENT'S ADMINISTRATION BUILDING.**

City Manager Wilkins gave an overview of the matters surrounding this matter.

6. **REQUEST COUNCIL TO APPROVE DATES AND TIMES FOR THE CITY COUNCIL BUDGET WORKSHOPS.**

A motion was made by **Councilperson Wade** and seconded by **Chair Pro-Tem Schnyer** to set August 6th, 7th, 9th, and 10th (if needed) as the dates for the Budget Workshop, 5:00 p.m. until. **MOTION**

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

7. DISCUSSION OF CITY MANAGER'S CONTRACT.

City Manager Wilkins stated that section 1 of his employment contract requires that the City as the employer or he as the employee provide notice of the intentions of terminating the contract. He stated that the City Council must notify him of their intentions to terminate his contract, if they so desired to exercise the right, prior to July 31st, 2001.

A directive was given to **City Manager Wilkins** to provide the City Council with a proposed contract. **DIRECTIVE**

IX. CITY ATTORNEY'S REPORT:

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Michael Mahoney, 2120 Broadway, commented on support for the Wave Runners Girls Basketball Team.

Martha Babson, 156 E 21st St, commented on a directive that was given to the City Manager at the June 20th meeting regarding the Viking Yacht matter.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Chairperson Rodgers commented on a proposed resolution received from Florida Climate Alliance regarding the occurrence of global warming. The organization request support from municipalities in urging the governor to act on the matter.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** directing staff to prepare the resolution for the first Regular Scheduled City Council meeting in August. **MOTION**

Gerald Ward (31 W. 20th Street) commented on the enactment of the proposed resolution.

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

Mayor Brown requested that the City Council authorize a transfer in the amount of \$5000 from the Utilities Excess Account to offset some of the cost for the July 4th Celebration.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve the mayor's request. **MOTION**

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

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

Mayor Brown stated that the next MPO July meeting would be held during the week when most of the City Council will be out of the country. He stated that discussion on their Five-Year Work Plan would be held at this time. He requested that the City Council direct the City Manager to submit a request for the MPO to reschedule the

discussion for the August meeting and if declined, that the city be given the opportunity to discuss its item at the August meeting.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wade** to approve the Mayor's aforementioned request. **MOTION**

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

Mayor Brown requested that the City Council direct the City Manager to petition Amtrak or the appropriate body to consider adding the city as a one of their new stops along the FEC railroad tracks.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro-Tem Schnyer** to approve the Mayor's aforementioned request. **MOTION**

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

City Manager Wilkins stated that the second regular scheduled City Council Meeting has been canceled due to the majority of the City Council being out of the country for the Trade Mission July 14th – 21st.

XII. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 8:55 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: 08/01/2001