

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 16, 2000 AT 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

The regular meeting of the City of Riviera Beach city council convened at 7:36 p.m. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, Councilperson Margaret Callahan, Councilperson Donald R. Wilson, and Councilperson Marilyn Moffitt. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, CMC/A&E, and Interim City Attorney Matthew Russell.

Chair Pro-Tem Elizabeth Wade was absent.

City Clerk Ward announced a quorum.

Invocation/Pledge of Allegiance

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

I. PETITIONS AND COMMUNICATIONS FOR FILING:

None.

II. AGENDA APPROVAL:

Additions, Deletions, Substitutions

Page	Roman Numeral	
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3	IV	Addition - Presentation/Request by PBC Commissioner Maude Lee to CRB Council for use of city's recreational vehicle (bus).
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6	VIII	CITY MANAGER WILKINS
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2. Discussion - Directing staff to provide city council with a proposal for hiring a professional Public Relations firm/person.
3. Resolution No. 24-00 - Great American Cleanup Campaign.
4. Addition - Set a date for a Closed Executive Session to discuss the proposed settlement in the Alberta DeFrietas case and the mediation for the Zedrick Barber case.
5. Resolution No. 25-00 - a resolution of the city council of the City of Riviera Beach, Palm Beach County, Florida, amending its Capital Improvement Program by adding the RC-4 Canal Piping Project.

7	XI	CHAIRPERSON RODGERS
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1. Discussion - RFP for drug testing of city employees and the terms of the current contract.

Adoption of Agenda

Motion was made by Councilperson Moffitt and seconded by Councilperson Wilson to approve the agenda as amended. MOTION

Upon a roll-call vote, the vote was unanimous. APPROVED

III. AWARDS AND PRESENTATIONS:

REQUEST BY PBC COMMISSIONER MAUDE LEE TO CRB COUNCIL FOR USE OF CITY'S RECREATIONAL VEHICLE (BUS).

Eugene Herring (Administrative Assistant to PBC Commissioner Maude Lee) spoke in behalf of Commissioner Lee, requesting the use of the city's bus for citizens' transportation to Tallahassee on Tuesday, March 7, 2000. He indicated that the Governor would render his State of the State Address and further promote his One Florida Plan; that, citizens from all over the State of Florida would convene in Tallahassee to voice their support for Affirmative Action. He proceeded to elaborate.

Motion was made by Councilperson Wilson and seconded by Councilperson Callahan to approve the use of the city's bus for the trip to Tallahassee. MOTION

Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

Councilperson Wilson commented that conjunctively, Riviera Beach Education Committee, PBC School District, and the City of Riviera Beach promoted the successes of the summer camp efforts to raise the level of performance of students with academic difficulties. He indicated that the Riviera Beach Education Committee would like to continue the summer camp and requests conceptual approval by the city.

Motion was made by Councilperson Wilson and seconded by Councilperson Callahan to give the city manager and the Riviera Beach Education Committee conceptual approval to begin the process for the summer program. MOTION

Upon a roll call, the vote was unanimous. APPROVED

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.

MINUTES:

REGULAR CITY COUNCIL MEETING MINUTES FROM FEBRUARY 2, 2000 MEETING AND THE MINUTES FROM SPECIAL MEETINGS HELD ON MARCH 24, 1999 AND OCTOBER 4, 1999.

RESOLUTIONS:

RESOLUTION NO. 20-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO McGUIRE, WOODS, BATTLE & BOOTHE, 285 PEACHTREE CENTER, N.W., MARQUIS TOWER, SUITE 2200, ATLANTA, GA 30303-1909 IN THE AMOUNT OF \$20,911.00 FOR PROFESSIONAL LEGAL SERVICES PERFORMED AND AUTHORIZING THE MAYOR AND ASSISTANT CITY MANAGER FOR FINANCE AND ADMINISTRATIVE SERVICES TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 001-0512-5190-3101.

RESOLUTION NO 21-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,000.00 PER MONTH TO MCKINLEY FINANCIAL SERVICES, INC., 6555 POWERLINE ROAD, SUITE 214, FORT LAUDERDALE, FL 33309, FOR THE PURPOSE OF MAKING PAYMENTS FOR RISK MANAGEMENT CONSULTING SERVICES AND AUTHORIZING THE MAYOR AND ASSISTANT CITY MANAGER FOR FINANCE AND ADMINISTRATIVE SERVICES TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NUMBER 001-0239-5120-3406.

RESOLUTION NO. 22-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE APPOINTMENT OF JERRY P. POREBA AS A REGULAR MEMBER OF THE INTERLOCAL MUNICIPAL PUBLIC SAFETY COMMUNICATIONS CONSORTIUM BOARD OF DIRECTORS, AND CLIFTON SMITH

AS AN ALTERNATE MEMBER TO SERVE IN THE ABSENCE OF JERRY P. POREBA, IN ACCORDANCE WITH THE MPSCC AGREEMENT.

Motion was made by Councilperson Callahan and seconded by Councilperson Wilson to approve the consent agenda. MOTION

Upon a roll call, the vote was unanimous. APPROVED

END OF CONSENT AGENDA

VI. PUBLIC HEARINGS:

SPECIAL EXCEPTION APPLICATION FROM S.V. AUTO SALES, INC. TO ALLOW THE SALE OF USED CARS IN AN IL (LIMITED INDUSTRIAL) DISTRICT AT 1960 WEST 9TH STREET.

Motion was made by Councilperson Wilson and seconded by Councilperson Callahan to approve. MOTION

Mary McKinney (Community Development) provided a brief regarding the application processes for the referenced location. Discussion ensued.

Mayor Brown commented that it might be counterproductive for a growing city to allow such practice, as described in the application. He asked that council consider economics for a business of such within Riviera Beach. Discussion ensued.

In an effort obtain more information Councilperson Wilson questioned the urgency of the application.

Motion was made by Councilperson Wilson and seconded by Councilperson Callahan to withdraw the original motion.

MOTION TO WITHDRAW

The vote was unanimous. APPROVED

Motion was made by Councilperson Wilson and seconded by Councilperson Callahan to table the item. MOTION TO TABLE

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCES ON SECOND READING:

None.

VII. ORDINANCES ON FIRST READING:

ORDINANCE NO. 2849 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM FRED KELLER, TRUSTEE, WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 3.535 ACRES, LYING WEST OF MILITARY TRAIL AND SOUTH OF DYER ROAD, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUTES.

City Clerk Ward read into the record the referenced ordinance.

Motion was made by Councilperson Callahan and seconded by Councilperson Moffitt to approve. MOTION

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2850 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI OF THE CITY'S CODE OF ORDINANCES BY AMENDING DIVISION 2, ENTITLED "CODE ENFORCEMENT BOARD"; AMENDING SECTION 2-331, ENTITLED "DEFINITIONS"; AMENDING SECTION 2-332, ENTITLED "CREATION; APPLICABILITY; JURISDICTION"; ADDING A NEW SECTION 2-333.1, ENTITLED "SPECIAL MASTER; QUALIFICATIONS; APPOINTMENT; TERM"; AMENDING SECTION 2-334, ENTITLED "POWERS"; ADDING A NEW SECTION 2-334.1, ENTITLED "ASSIGNMENT OF CASES"; AMENDING SECTION 2-335, ENTITLED "ENFORCEMENT PROCEDURES"; AMENDING SECTION 2-336, ENTITLED "CONDUCT OF HEARINGS"; AMENDING SECTION 2-337, ENTITLED "APPEAL"; AMENDING SECTION 2-338, ENTITLED "ADMINISTRATIVE FINES; LIENS"; AND ADDING A NEW SECTION 2-339, ENTITLED "NOTICES"; PROVIDING A SEVERABILITY CLAUSE, A CONFLICT CLAUSE, AND AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

Motion was made by Councilperson Moffitt and seconded by Councilperson Wilson to approve. MOTION

Chairperson Rodgers gave a brief update regarding the efforts to adopt the referenced ordinance. Discussion ensued.

Gerald Ward (31 W. 20th Street) commented. A lengthy discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

VIII. CITY MANAGER'S DISCUSSION:

1. RESOLUTION NO. 23-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE BUDGET OF THE COMMUNITY DEVELOPMENT DEPARTMENT BY ADDING THE CLASSIFIED POSITION OF SENIOR PLANNER AND REQUESTING AUTHORIZATION TO TRANSFER \$22,400.00 FROM THE GENERAL FUND CONTINGENCY ACCOUNT NO. 001-0203-5190-5999 TO THE COMMUNITY DEVELOPMENT DEPARTMENT ADMINISTRATION ACCOUNT NOS. 001-0714-5150-1201, 001-0714-5150-1401, 001-0714-5150-1403, AND 001-0714-5150-1404 TO COVER THE COST OF THE SENIOR PLANNER POSITION DURING FISCAL YEAR 1999-2000; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

Motion was made by Councilperson Moffitt and seconded by Councilperson Wilson to approve. MOTION

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

City Manager Wilkins indicated that Mr. Ward's comments were appreciated; however, the city had labored too long without the appropriate technical help to move the city forward in an appropriate manner; that, the city should have competent-professional staff in order to address issues and move the city forward. He proceeded to elaborate regarding workload, effective services, and limited-personnel staff. Discussion ensued.

Upon a roll-call vote, the vote was unanimous. APPROVED

2. DISCUSSION - DIRECTING STAFF TO PROVIDE CITY COUNCIL WITH A PROPOSAL FOR HIRING A PROFESSIONAL PUBLIC RELATIONS FIRM/PERSON.

Chairperson Rodgers commented regarding community concerns to accentuate the positives and eliminate the negatives of the city. He suggested formation of an organization or professional association to get the job done. Discussion ensued.

Michael Brady (LB Ltd. and Associates) commented regarding efforts to implement a comprehensive promotional campaign for the City of Riviera Beach of which there was no budget for production and distribution. He proceeded to elaborate regarding mechanisms to promote such activity and address deficiencies. Discussion ensued.

Mayor Brown stated concerns. He suggested that the city needs someone to deliver justice by informing the local and national public of the City of Riviera Beach. Discussion ensued.

Councilperson Moffitt commented regarding the scope of services delegated to the firm of LB Ltd. by previous council. She suggested re-evaluating; that; interfacing of advertising with public relations was not addressed clearly or as specifically necessary to appease concerns relating to a public relations firm. Discussion ensued.

Councilperson Callahan commented in support of the first-class production by LB Ltd. for the Business Development Board.

Motion was made by Councilperson Callahan and seconded by Councilperson Moffitt to workshop the referenced item. MOTION

Mayor Brown suggested consideration that month-to-month agreement with LB Ltd. be terminated until completion of the workshop. He proceeded to elaborate.

Councilperson Wilson concurred with workshop and comments by the mayor. He proceeded to elaborate. Discussion ensued.

City Manager Wilkins indicated that LB Ltd. had performed under the terms of the contract. He re-stated comments as indicated by Mr. Brady, i.e., the issues discussed were beyond their ability to produce, in terms of mechanisms necessary build a marketing program; that, although the marketing program was included in their scope of services, the program lacked funds. He added, there would be a substantial increase in cost to perform the related necessities. He proceeded to comment.

Chairperson Rodgers indicated that the primary concern was advertisement for the city; that, if LB Ltd. could deliver-it would be fine; if not, hire someone that could.

Mr. Brady commented.

Lou Gaeta (Industrial Development Committee/Chairperson) commented regarding the effectiveness of LB Ltd. He indicated that advertisement consist of a wide range of concerns.

Councilperson Callahan asked that City Manager Wilkins consult and coordinate with Mr. Gaeta and other developers to promote the referenced concept.

City Manager Wilkins agreed.

3. RESOLUTION NO. 24-00 - GREAT AMERICAN CLEANUP CAMPAIGN.

City Clerk Ward read into the record the referenced resolution.

Motion was made by Councilperson Callahan and seconded by Councilperson Moffitt to approve. MOTION

City Manager Wilkins cited that the eight (8)-week cleanup program would essentially become a comprehensive campaign, since it would consist of various facets of information, participation, and assistance. Discussion ensued.

Mayor Brown stated concerns. Discussion ensued.

Councilperson Moffitt questioned the participation efforts by Palm Beach County and Florida Department of Transportation. She voiced other concerns of code enforcement.

City Manager Wilkins indicated that the referenced entities would participate to the extent of their will.

He acknowledged Ms. Melissa Booth (Coordinator-Keep Palm Beach Beautiful).

Chairperson Rodgers acknowledged Mrs. Betty Hodges who received the Dwight Allison Community Service Award for outstanding-community participation.

He acknowledged the presence of Councilperson-elect Sylvia Blue.

Upon a roll call, the vote was unanimous. APPROVED

There was a brief video presentation regarding the Great American Cleanup Campaign.

4. ADDITION - SET A DATE FOR A CLOSED EXECUTIVE SESSION TO DISCUSS THE PROPOSED SETTLEMENT IN THE MATTER OF ALBERTA DEFRIETAS; AND, THE MEDIATION MATTER OF ZEDRICK BARBER.

There was consensus that meetings would take place February 28, 2000, as follows:

Agenda Review, 4:00 p.m.

Closed Executive Session, 5:30 p.m.

CRB/WPB Joint Meeting, 6:00 p.m.

5. RESOLUTION NO. 25-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ITS CAPITAL IMPROVEMENT PROGRAM BY ADDING THE RC-4 CANAL PIPING PROJECT.

City Manager Wilkins commented that the referenced resolution would amend the Capital Improvement Plan by adding the RC-4 Piping Project; that, a request to Palm Beach County to accept the referenced project as part of the Lake Worth Lagoon Ecosystem Management Plan would be added as Section 4.

City Clerk Ward read into the record the referenced resolution.

Motion was made by Councilperson Callahan and seconded by Councilperson Moffitt to approve. MOTION

Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

IX. CITY ATTORNEY'S REPORT:

None.

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Reverend Lessye Charlow (1241 W. 33rd Street) displayed an award (Citizen of the Year) she received and briefly commented.

Shirley Beckford (1555 MLK Boulevard, Apt. P-107) commented regarding accommodations and rental fees at Newcombe Hall.

Judith Werner (71 E. 15th Street) commented regarding ideas for compliance inspections.

Mike Mahoney (Dee's T's) commented regarding water pollution at Phil Foster Park.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

RFP FOR DRUG TESTING AND THE TERMS OF THE CURRENT CONTRACT.
CHAIRPERSON RODGERS

Chairperson Rodgers commented regarding the lack of sensitivity to allow Dr. Gaines to continue, a physician who provided drug testing services to the city free-of-charge; and, Palm Crest Hospital received pay for the same services rendered. He asked for RFP; thus, allowing Dr. Gaines and others the opportunity to bid. He indicated that rollover contracts must cease.

City Manager Wilkins indicated that a Request for Qualifications was on the table for professional services, which could not be bidden. He proceeded to elaborate regarding the anticipated creation of administrative codes, per council's discretion for contracts, procurements, etc. Discussion ensued.

Councilperson Wilson announced that the Riviera Beach Education Advisory Board was distributing applications for annual scholarships. He indicated that Ms. Regina Scott (Weed and Seed) would bring a consultant to Riviera Beach on Wednesday, February 23, 2000 at 5:00 p.m. regarding a business daycare center to explore efforts for cleanup within the city, etc.

XII. ADJOURNMENT:

There being no further business, the meeting was duly adjourned at 9:30 p.m.

APPROVED:

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MICHAEL D. BROWN, MAYOR

EDWARD RODGERS, CHAIRPERSON

ATTEST:

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

ELIZABETH WADE, CHAIR PRO-TEM

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**DONALD R. WILSON
COUNCILPERSON**

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



E. RODGERS: aye
E. WADE: aye
D. WILSON: aye
M. MOFFIT: aye
M. CALLAHAN: aye

**MARILYN MOFFIT
COUNCILPERSON**

mcallahan.gif (3012 bytes)



**MARGARET CALLAHAN
COUNCILPERSON**

DATE APPROVED: 03/01/2000