

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, 07 JUNE 2000, 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. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, Chair Pro-Tem Elizabeth Wade, and Councilperson Donald R. Wilson, Councilperson Sylvia Blue, and Councilperson David Schnyer. 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:

None.

III. AGENDA APPROVAL:

Additions, Deletions, Substitutions

Deputy City Clerk Robinson read into the record additions to the agenda.

Adoption of Agenda

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Wilson to approve the agenda as amended. MOTION

Upon a roll call, the vote was unanimous. APPROVED

III. AWARDS AND PRESENTATIONS:

CITY OF RIVIERA BEACH 1999-2000 COLLEGE SCHOLARSHIP WINNERS.

A preliminary overview was made by Ms. Warrie Leonard (Education Committee). Presentations and narratives of the respective recipients were made by Chair Pro-Tem Wade, Councilperson Blue, Councilperson Schnyer, Councilperson Wilson, Chairperson Rodgers, Mayor Brown, and City Manager Wilkins.

WANDA ATKINS - "GIRLS WORLD"

Ms. Atkins commented regarding accomplishments and positive affect upon selected participants from the Basketball League Riviera Beach co-sponsored with West Palm Beach and Girls World Sports. She commented regarding in-kind service and other means of support necessary to benefit recipient participation of the league. Discussion ensued.

Motion was made by Councilperson Wilson and seconded by Councilperson Blue to approve a donation of \$2,500.00 to be taken from the Forfeiture Fund. MOTION

Chair Pro-Tem Wade suggested that council look at the balance prior to making a commitment. A brief discussion ensued.

Councilperson Wilson withdrew the motion. MOTION WITHDRAWN

Miss Amber (Participant/Girls World, Inc.) presented to the City of Riviera Beach their 1st place trophy won June 02-04, 2000, in Jupiter, FL.

At this point, Ms. Atkins indicated that the registration deadline for hotel accommodation would be June 23; that, for travel, the vans had been reserved. Discussion ensued.

Upon final discussion, it was indicated that a financial sheet was issued for a total of \$7,466.46 and support was requested.

Motion was made by Councilperson Wilson and seconded by Chair Pro-Tem Wade that the city would provide the unobtained balance necessary to fulfill the deadline obligation. MOTION

Upon a roll call, the vote was unanimous. APPROVED

ISABELLA CUNNINGHAM - "NEIGHBORHOOD UNITED"

Isabella Cunningham (Neighbors United...) gave accolades to all that participated in the citywide clean up. She asked for continued community clean up efforts with attention given to Avenue 'S' and Cunningham Park. Discussion ensued.

City Manager Wilkins commented regarding the transition of the code enforcement division; and, procedural processes to effect communications (code enforcement) within the community.

Councilperson Blue stated that the restricted codes would affect every resident and property owner in the city.

Chair Pro-Tem Wade indicated that the city's properties would conform to the codes as well.

Ms. Cunningham commended Mayor Brown's visions for the city.

Ms. Louise E. Buie (1409 W. 30th Street) commented regarding citywide code concerns and continued clean up efforts.

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:

MINUTES FROM REGULAR CITY COUNCIL MEETING HELD ON MAY 17, 2000.

RESOLUTIONS:

RESOLUTION NO. 89-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AUTHORIZATION TO PERFORM ENGINEERING SERVICE FOR THE REPLACEMENT OF AN AGED 8" CAST IRON FORCE MAIN

ACROSS BLUE HERON BOULEVARD AND GARDENS ROAD TO BARKER, OSHA AND ANDERSON, INC. IN AN AMOUNT NOT EXCEEDING \$10,000.00 PLUS REIMBURSABLE EXPENSES AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 402-1438-5350-4606.

RESOLUTION NO. 90-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AUTHORIZATION TO PERFORM ENGINEERING SERVICE (CONTRACT ADMINISTRATION AND ON-SITE OBSERVATION) FOR PHASE I AND II OF THE INSTALLATION OF A 16" AND 20" WATER TRANSMISSION LINE AND STORM SEWER DRAINAGE FROM 27TH STREET AND OLD DIXIE HIGHWAY; THEN PARTIALLY ALONG BOTH AVENUES "O" AND "P" TO SILVER BEACH ROAD THEN WEST TO CONGRESS AVENUE TO BARKER, OSHA AND ANDERSON, INC. IN AN AMOUNT NOT EXCEEDING \$64,000.00 PLUS REIMBURSABLE EXPENSES AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 406-1417-5360-4616.

RESOLUTION NO. 91-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE PAYMENT TO D.S. EAKINS CONSTRUCTION CORPORATION, IN THE AMOUNT OF \$4,061.50 FOR THE EMERGENCY REPAIR OF SEWER GRAVITY MAIN ON LAKESHORE DRIVE UNDER A "PIGGY-BACK" BID TO MIAMI-DADE CONTRACT S-675; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 402-1438-5350-4606.

RESOLUTION NO. 92-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PAYMENT IN THE MATTER OF WILLIE NAPIER AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$106,000.00 AS COMPLETE AND FINAL SETTLEMENT OF FURTHER LIABILITY FOR FUTURE MEDICAL BENEFITS IN THE MATTER; FURTHER AUTHORIZING THE CITY'S INSURANCE ADMINISTRATORS, GALLAGHER BASSETT SERVICES, TO PAY THIS AMOUNT TO THE CLAIMANT/CLAIMANT'S ATTORNEY FROM THE CITY'S LOSS FUND ACCOUNT NUMBER 602-0305-5130-1405.

RESOLUTION NO. 93-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PAYMENT IN THE MATTER OF CHRISTOPHER DELISO AND APPROVING THE TOTAL SETTLEMENT OF \$250,000.00 AS COMPLETE AND FINAL SETTLEMENT OF FURTHER LIABILITY FOR FUTURE MEDICAL BENEFITS IN THE MATTER; FURTHER AUTHORIZING THE CITY'S INSURANCE ADMINISTRATORS, GALLAGHER BASSETT SERVICES, TO PAY THIS AMOUNT TO THE CLAIMANT/CLAIMANT'S ATTORNEY FROM THE CITY'S LOSS FUND ACCOUNT NUMBER 602-0305-5130-1405.

RESOLUTION NO. 94-00 - 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 WITH THE FLORIDA LEAGUE OF CITIES FOR THE COLLECTION OF DELINQUENT INSURANCE COMPANY OCCUPATIONAL LICENSE TAXES.

RESOLUTION NO. 95-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DISASTER RELIEF FUNDING AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR REIMBURSEMENT OF EXPENSES ASSOCIATED WITH HURRICANE GEORGE.

RESOLUTION NO. 96-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY AUTHORIZING AND APPROVING THE SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR FISCAL YEAR 2000-2001 FOR THE BOYS AND GIRLS

CLUB IN ADDITION TO THE PREVIOUS APPLICATION SUBMITTED FOR 35TH STREET IMPROVEMENTS, RANKING THE TWO PROJECTS IN ORDER OF PRIORITY; AUTHORIZING THE CITY MANAGER TO SUBMIT THE APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Councilperson Schnyer and seconded by Councilperson Blue to approve the consent agenda. MOTION

Upon a roll call, the vote was unanimous. APPROVED

END OF CONSENT AGENDA

VI. PUBLIC HEARINGS:

RESOLUTION NO. 97-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SETTLEMENT IN THE MATTER OF ALLEN R. ANDREWS, ET AL, V. FLORIDA EAST COAST RAILWAY COMPANY AND CITY OF RIVIERA BEACH, CASE NO. CL 95-1619 AL AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$75,000.00 FROM CITY'S LIABILITY ACCOUNT NO. 602-0305-5130-4508 THROUGH GALLAGHER BASSETT SRVICES, INC., UNDER CLAIM NO. 000160-0043-GB-01 AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Deputy City Clerk Robinson read into the record the referenced resolution.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Wilson to approve. MOTION

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCES ON SECOND READING:

NONE

VII. ORDINANCES ON FIRST READING:

ORDINANCE NO. 2860 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-75(g)(1) BY ADDING SUBSECTION (e), CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICER'S PENSION PLAN TO ALLOW THE INVESTMENT OF FUND ASSETS IN REAL PROPERTY; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Deputy City Clerk Robinson read into the record, the referenced ordinance.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Blue to approve. MOTION

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2861 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING SECTION 10-31-48, ARTICLE II OF THE ENTITLED "CABLE TELEVISION FRANCHISES" AND CREATING A NEW ARTICLE II ENTITLED "CABLE TELEVISION ORDINANCE"; PROVIDING FOR SHORT TITLE; DEFINITION OF TERMS; PROVIDING FOR THE REQUIREMENT OF A FRANCHISE AND FOR CONTENT OF FRANCHISE APPLICATIONS, INCLUDING EVALUATION AND REVIEW AND NOTICE AND PUBLIC HEARINGS; PROVIDING GENERAL REQUIREMENTS, INDEMNIFICATION REQUIREMENTS AND TRANSFER, MODIFICATION AND ASSIGNABILITY RESTRICTIONS; REQUIRING COMPLIANCE

WITH APPLICABLE LAWS AND ORDINANCES AND THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING REGULATIONS FOR THE OPERATION AND MAINTENANCE OF CABLE SYSTEM, INCLUDING MINIMUM FACILITIES AND SERVICES, TECHNICAL STANDARDS AND ACCESS CHANNELS AND FACILITIES; REQUIRING SERVICE TO SCHOOLS AND PUBLIC BUILDINGS; PROVIDING FOR EMERGENCY USE OF FACILITIES PROVIDING SAFETY REQUIREMENTS; PROVIDING CONDITIONS FOR STREET OCCUPANCY; PROVIDING FOR EQUAL EMPLOYMENT PRACTICES; PROVIDING FOR CITY RIGHTS IN FRANCHISE AND RESERVATION OF RIGHTS; PROVIDING FORFEITURE AND LIQUIDATED DAMAGES PROVISIONS; PROVIDING FOR THE RENEWAL OF FRANCHISES; REQUIRING THE DESIGNATION OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL USE; PROVIDING FOR RATES AND CHARGES TO SUBSCRIBERS; REQUIRING CUSTOMER SERVICE STANDARDS AND PROVIDING FOR SUBSCRIBER PRIVACY, MANDATORY CONTINUITY OF SERVICE AND PERFORMANCE EVALUATION; REQUIRING FRANCHISE FEE, REPORTS AND RECORDS AND ADMINISTRATION; PROVIDING FOR THE REMOVAL OF FACILITIES; PROVIDING FOR SEVERABILITY CLAUSE, A FORCE MAJEURE CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Deputy City Clerk Robinson read into the record, the referenced ordinance.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Blue to approve. MOTION

Attorney Philip Cantor (Comcast Cablevision) commented regarding concerns of a resolution to the proposed ordinance.

Gerald Ward (1150 Coral Way) commented in opposition to specific concerns within the proposed ordinance. He referred to a letter, outlining suggested changes, submitted for council's consideration. Discussion ensued.

Attorney Ryan indicated that a meeting was set for Tuesday, 10:00 a.m. at city hall. Those in attendance would be reps from Comcast, Adelphia, counsel for the city, and city staff.

Upon a roll call, the vote was unanimous. APPROVED

Attorney Ila Feld (Liebowitz and Associates, P.A.) commented regarding urgencies and deadlines for the city, relating to the referenced ordinance.

VIII. CITY MANAGER'S DISCUSSION:

1. RESOLUTION NO. 98-00 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 3707 BROADWAY, PLUMOSA PARK REPLAT, BLOCK 5, LOTS 19-24, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$7,320.00; AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Wilkins highlighted events surrounding the referenced resolution.

Resolution No. 98-00 was read into the record by Deputy City Clerk Robinson.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Blue to approve. MOTION

A brief discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

2. PRESENTATION ON THE FISCAL YEAR 2000 BUDGET LEGISLATION

Thomas De Rita (State Lobbyist) commented regarding Governor Bush's veto message of 'HB 2145'. He commented regarding approved fund allocations projects in Riviera Beach, i.e., Lake Worth Lagoon improvements and road projects, etc. and further elaborated upon other projects requiring future funds such as Harbor Village and storm and wastewater projects.

3. UPDATE ON SUGARHILL CEMETERY AND REQUEST FOR CLOSED EXECUTIVE SESSION RE: CALVIN HIGHTOWER V. CITY OF RIVIERA BEACH ON TUESDAY, JUNE 13, 200, 5:00 P.M.

City Manager Wilkins commented regarding efforts by the city to protect the rights of the deceased and their surviving family members. Discussion ensued.

There was consensus that the closed session would be held Monday, June 12, 2000, 5:00 p.m. CONSENSUS

Attorney Ryan announced those in attendance would be as follows:

Attorney Don Stephens (CRB); City Attorney Pamala Ryan; City Manager William Wilkins; and the city council.

4. ANNOUNCEMENT - REPRESENTATIVE MANDY DAWSON'S TRIGGER LOCK CAMPAIGN, JUNE 10, 2-4 P.M.

City Manager Wilkins indicated that free trigger locks would be provided to the public at Martin Luther King, Jr. Park on Blue Heron Boulevard and Avenue 'S'.

5. ANNOUNCEMENT - RALLY TO RETAIN ST. MARY'S AND GOOD SAMARITAN HOSPITAL, JUNE 11, 4:00 P.M.

City Manager Wilkins commented, according to the media, regarding intentions by Intracoastal Health Provider to close St. Mary's Hospital. He indicated that a request for council and/or the mayor to attend the scheduled rally.

5. ANNOUNCEMENT - GOALS & OBJECTIVE WORKSHOP, JUNE 9TH & 10TH PIRATES COVE RESORT

City Manager Wilkins indicated that the workshop would begin on Friday, June 09, 1:00 p.m. - 9:00 p.m.; and, June 10, 8:30 a.m. - 5:00 p.m.

Mayor Brown commented regarding an outline of supportive items to establish goals and objectives; that, those items would be provided to City Manager Wilkins to be incorporated into the workshop agenda.

IX. CITY ATTORNEY'S REPORT:

None.

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Reverend Archie Davis (135 E. 29th Court) commented regarding concerns of a gospel tent within the city.

Warrie Leonard (1901 W. 23rd Street) commented regarding sidewalk concerns along Congress Avenue.

She announced enrollment information for Summer Camp 2000

Mike Mahoney (Dee's T-shirts) stated concerns for potential hazards along Blue Heron Boulevard and U.S. 1, due to frequent display of indecent exposure. Discussion ensued.

Patti Dunbar (471 W. 37th Street) commented regarding a proposed aquarium within Riviera Beach and investment concerns by the Riviera Beach Police Pension Fund. Discussion ensued.

She stated opposition to the changed (6:00 p.m.) agenda review meetings to 5:00 p.m. Discussion ensued.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

DISCUSSION - LAWSUITS AGAINST THE CITY

Chairperson Rodgers commented regarding successes by the city relating to various litigations.

DISCUSSION - UPDATE ON SOLITRON ISSUE

Mayor Brown commented regarding negotiations between Honeywell and the City of Riviera Beach for clean up issues and concerns of reimbursement. He commented regarding issues with the Environmental Protection Agency (EPA) and a proposed trip to Washington, D.C. to address concerns for resolution of the Solitron issue. Discussion ensued.

Motion was made by Councilperson Wilson and seconded by Councilperson Blue to authorize mayor and staff to proceed with necessary action to lobby in Washington, D.C. for assistance to resolve the Solitron/Honeywell issue. MOTION

Upon a roll call, the vote 4-0. APPROVED

Chair Pro-Tem Wade was out.

XII. ADJOURNMENT:

There being no other business, the meeting duly adjourned.

APPROVED:

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MICHAEL D. BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON

ATTEST:

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

ewade.gif (1297 bytes)



ELIZABETH WADE, CHAIR PRO-TEM

dwilson.gif (865 bytes)



**DONALD R. WILSON
COUNCILPERSON**

MOTIONED BY: E. Wade

SECONDED BY: D. Schnyer

E. RODGERS: aye

E. WADE: aye

D. WILSON: aye

S. BLUE: aye

D. SCHNYER: aye

DATE APPROVED: 06/21/2000

sblue.gif (791 bytes)



**SYLVIA LEE BLUE
COUNCILPERSON**

dschnyer.gif (881 bytes)



**DAVID G. SCHNYER
COUNCILPERSON**