

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, 02 AUGUST 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 at 7:34 p.m. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, Chair Pro-Tem Elizabeth Wade, Councilperson Sylvia Blue, Councilperson David Schnyer, and Councilperson Donald R. Wilson. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, MMC, City Attorney Pamala H. Ryan.

II. INVOCATION/PLEDGE OF ALLEGIANCE:

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

III. PETITIONS AND COMMUNICATIONS FOR FILING:

None.

IV. AGENDA APPROVAL:

Additions, Deletions, Substitutions

City Clerk Ward read into the record modifications to the agenda.

Adoption of Agenda

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

Upon a roll call, the vote was unanimous. APPROVED

IV. AWARDS AND PRESENTATIONS:

PRESENTATION OF PLAQUE AND RETIREMENT MOMENTO FOR JOHN E. MOORE, FIRE DIVISION CHIEF PRESENTED BY MAYOR MICHAEL D. BROWN FOR OVER TWENTY YEARS OF DEDICATED SERVICE TO THE CITIZENS OF RIVIERA BEACH.

REQUEST FOR FORFEITURE FUNDS BY RIVIERA BEACH YOUTH ATHLETIC ASSOCIATION

Motion was made by Councilperson Wilson and seconded by Chair Pro-Tem Wade to approve the association's request for a \$5,000 donation.

MOTION

Concerns were stated regarding improper/inadequate submission of items for approval. Discussion ensued.

Herman McCray (President-Riviera Beach Youth Athletic Association/2315 Avenue 'S') commented. Discussion ensued.

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

Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

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.

MINUTES

MINUTES FROM REGULAR CITY COUNCIL MEETING HELD ON JULY 19, 2000.

RESOLUTIONS

RESOLUTION NO. 118-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SETTING UP A BUDGET IN THE FIRE RESCUE SPECIAL DONATIONS FUND IN THE AMOUNT OF \$2,923.11, AUTHORIZING FIRE RESCUE TO PURCHASE ONE (1) AUTOMATED EXTERNAL DEFIBRILLATOR AND ACCESSORIES; AND AUTHORIZING THE FINANCE DIRECTOR TO SET-UP A BUDGET AND TRANSFER \$2,924.00 FROM DONATIONS ACCOUNT NO. 802-366-900 TO MACHINERY & EQUIPMENT., OTHER ACCOUNT NO. 802-0921-5260-6405; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME.

RESOLUTION NO. 119-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING STAFF RECOMMENDATION AND APPROVING THE RESURFACING OF RIVIERA BEACH OCEAN MALL PARKING LOT TO T. L. WINGATE, INC. OF WEST PALM BEACH, FLORIDA AT A TOTAL COST OF \$99,079.73. STAFF ALSO REQUESTS COUNCIL TO APPROVE \$1,486.20, PAYABLE TO PALM BEACH COUNTY CONSULTANT, THE GORIDAN GROUP, FOR USE OF SAID LICENSING FEE. ALL TERMS, CONDITIONS, AND PRICES SUBMITTED SHALL BE IN ACCORDANCE WITH PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, JOB ORDER CONTRACT (JOC) NO. 4-98-1208-D; AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS FROM THE BEACH RENOURISHMENT FUND IN THE AMOUNT OF \$68,000.00 AND TRANSFER THE REMAINING COST OF \$25,000.00 FROM THE GENERAL FUND GENERAL ADMINISTRATION BUDGET FOR SPECIAL EVENTS AND OTHER AVAILABLE FUNDS IN THE AMOUNT OF \$7,000.00 FROM THE GENERAL ADMINISTRATION BUDGET.

RESOLUTION NO. 120-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN "PAIRS" PREVENTING ABUSE IN INTIMATE RELATIONSHIPS AND THE CITY OF RIVIERA BEACH POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

A SITE PLAN APPLICATION FROM GAETA DEVELOPMENT CO., AGENTS FOR NEFF RENTAL INC., FOR A PROPOSED 9,000 SQUARE FOOT BUILDING AND CONSTRUCTION EQUIPMENT RENTAL AND STORAGE YARD. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF MARTIN LUTHER KING, JR. BOULEVARD, EAST OF CONGRESS AVENUE, PORT COMMERCE CENTER III. (Backup material provided)

A SITE PLAN APPLICATION FROM MPA ARCHITECTS, INC., AGENTS FOR THE CITY OF RIVIERA BEACH FOR THE DESIGN OF THE CITY-OWNED AQUATIC CENTER PROPOSED AT THE SOUTHWEST CORNER OF BLUE HERON BOULEVARD AND AVENUE "S" AT MARTIN LUTHER KING, JR. PARK.

Motion was made by Councilperson Schnyer and seconded by Chair Pro-Tem Wade to approve the consent agenda. MOTION

Upon a roll call, the vote was unanimous. APPROVED

END OF CONSENT AGENDA

VI. PUBLIC HEARINGS:

A SPECIAL EXCEPTION AND SITE PLAN APPLICATION FROM MOUNT OLIVE MISSIONARY BAPTIST CHURCH TO ALLOW THE CONSTRUCTION OF A PARKING LOT ON 0.56 ACRES THAT IS ZONED RS-8 SINGLE FAMILY DWELLING DISTRICT AND IS LOCATED ON THE NORTHWEST CORNER OF WEST 37TH STREET AND AVENUE "O".

City Clerk Ward read into the record the referenced request for site plan approval.

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

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCES ON SECOND READING:

ORDINANCE NO. 2862 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM RAWE ENTERPRISES, INC., WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 2.02 ACRES, LYING WEST OF GARDEN ROAD AND NORTH OF INTERSTATE PARK ROAD NORTH, 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. She stated publication as July 23, 2000, Palm Beach Post.

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

Upon a roll call, the vote was unanimous. APPROVED

At this point, City Manager Wilkins requested that the agenda be re-ordered, in order to appropriately address contracts/ordinances for the unions.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Blue re-align the agenda to accommodate provisions as stated by City Manager Wilkins. MOTION

There was consensus by Council to re-align the agenda, per City Manager Wilkins.

VII. ORDINANCES ON FIRST READING:

ORDINANCE NO. 2867 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM

BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION PLAN UNDER CLASS TITLE POLICE (NON-SWORN) BY RE-GRADING THE CLASSIFIED POSITION OF EMERGENCY COMMUNICATION OPERATOR AND BY RE-GRADING THE CLASSIFIED POSITION OF EQUIPMENT OPERATOR 1 UNDER CLASS TITLE PUBLIC WORKS SERVICES AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

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

There was no discussion.

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2868 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PAY AND SALARY SCHEDULES BY INCREASING THE SALARY OF GENERAL EMPLOYEES REPRESENTED BY THE NATIONAL CONFERENCE OF FIREMEN & OILERS COLLECTIVE BARGAINING AGREEMENT, PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

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

There was no discussion.

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2869 - AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF RML-12 LOW DENSITY MULTI-FAMILY DWELLING DISTRICT ON 3.06 ACRES OF LAND LOCATED ON THE NORTH SIDE OF LEO LANE EAST

OF MILITARY TRAIL; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE ZONING MAP AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

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

There was no discussion.

Upon a roll call, the vote was unanimous. APPROVED

VIII. CITY MANAGER'S DISCUSSION:

1. RESOLUTION NO. 121-00 - 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 LIENS ON PROPERTY LOCATED AT 1436 W. 6TH STREET, INLET CITY, BLK. 48, LT. 11-12, RIVIERA BEACH, AND 1248 W. 34TH STREET, PLEASANT HEIGHTS, BLK. 3, LT. 37-38, RIVIERA BEACH, FOR VIOLATIONS THAT WERE CITED, IN THE AMOUNT OF \$40,200.00 & \$56,700.00, RESPECTIVELY, SAID LIENS TO BE RELEASED FOR \$4,020.00 AND \$5,670.00 RESPECTIVELY; AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

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

City Manager Wilkins highlighted concerns surrounding the referenced property. Discussion ensued.

There was consensus that the lien(s) would not be released until the property met full code compliance.

Mayor Brown indicated that he would withhold his signature if, in the future, the backup materials did not improve, e.g., written explanation for review. Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

2. RESOLUTION NO. 122-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A NEW AMBULANCE TRANSPORT FEE SCHEDULE FOR RIVIERA BEACH FIRE RESCUE EMERGENCY MEDICAL SERVICES; AND PROVIDE AN EFFECTIVE DATE.

City Clerk Ward 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

RESOLUTION NO. 123-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FIRE DEPARTMENT TO PURCHASE (1) PIERCE CUSTOM CONTENDER PUMPER IN THE AMOUNT OF \$166,461.00 UNDER LAKE COUNTY BID #99-150 FROM PIERCE MANUFACTURING, INC. IN APPLETON, WISCONSIN; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$166,461.00 FROM WATER AND SEWER FUND CARRY-OVER ACCOUNT NO. 401-399-999 TO THE CAPITAL IMPROVEMENT ACCOUNT NO. 305-0920-5220-6405; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME.

City Clerk Ward 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

3. RESOLUTION NO. 124-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A TWO YEAR AGREEMENT ON BEHALF OF THE CITY BETWEEN THE NATIONAL CONFERENCE OF FIREMEN & OILERS, AN ORGANIZATION REPRESENTING CERTAIN CLASSIFIED GENERAL EMPLOYEES OF THE CITY OF RIVIERA BEACH PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

City Clerk Ward read into the record the referenced resolution.

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

Discussion ensued.

City Manager Wilkins highlighted concerns surrounding the referenced resolution. He recommended that the City abate the execution of a segment (weekly/bi-weekly pay) within the contract for one (1) year; that, the current language remain and bi-weekly pay commence effective October, 2001. He proceeded to elaborate upon provisions for impasse.

Sharon Munley (President-Local 1227) commented regarding wages and contract concerns. Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

4. RESOLUTION NO. 125-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF K-RAIN ENTERPRISES, LTD. AND/OR K-RAIN MANUFACTURING CORPORATION IN THE AMOUNT OF NOT TO EXCEED \$2,816,000.00; AUTHORIZING THE MAYOR TO EXECUTE A "NOTICE OF INTENT TO ISSUE BONDS AND REQUEST FOR WRITTEN CONFIRMATION"; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

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

City Manager Wilkins indicated that the resolution would be amended to reflect \$2.9 million, instead of the indicated amount.

Gerald Ward (31 W. 20th Street) commented in support of the referenced matter.

Mayor Brown indicated that the backup materials were inadequate for the referenced item and proceeded to elaborate upon legal necessity thereof.

Mark Raymond (Attorney for K-Rain) commented regarding provisions of the Statutes (Internal Revenue tax code) and related matter.

Mayor Brown indicated that he would like to see appropriate documentation prior to execution of the referenced matter.

Upon a roll call, the vote was unanimous. APPROVED

5. RESOLUTION NO. 126-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIRST AMENDMENT TO THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (Additional backup material provided)

City Clerk Ward read into the record the referenced resolution.

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

City Manager Wilkins commented in support of the referenced agreement and proceeded to elaborate upon additional backup materials provided for performance of the agreement. Discussion ensued.

Gerald Ward (31 W. 20th Street) commented and made recommendations regarding enforcement of the contract, of which Chairperson Rodgers indicated that City Manager Wilkins could take into consideration.

City Manager Wilkins stated certainty that the new director of Public Works (Donald

Jacobovitz) would enforce the contract in every aspect.

Upon a roll call, the vote was unanimous. APPROVED

6. RESOLUTION NO. 127-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING INSTALLATION OF A TRAFFIC SIGNAL ON MILITARY TRAIL AT LEO LANE AND APPROPRIATING FUNDING FOR SAME FROM UTILITY CARRY-OVER FUND.

City Clerk Ward read into the record the referenced resolution and stated Council's (agenda review) consensus to table the item until the second meeting in August.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Blue to table Resolution No. 127-00 until the second meeting of August 2000. MOTION TO TABLE

There was consensus by Council to table the resolution. APPROVED

7. RESOLUTION NO. 128-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO INCREASE THE LEGISLATIVE DEPARTMENT BUDGET FOR FISCAL YEAR 1999-2000 BY \$20,000.00 TO COVER INCREASED TRAVEL COSTS AND OFFICE EXPENSE.

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

City Manager Wilkins announced a hearing with the Environmental Protection Agency (EPA) regarding the matter of Solitron and urged public support of attendance. He proceeded to comment regarding restitution for contamination of the City's aquifer.

City Manager Wilkins announced the resignation of Utilities Director Derrick Paul. He commented regarding the transition of the code enforcement division and new staff in the manager's office.

8. REQUEST FOR CLOSED EXECUTIVE SESSION IN THE MATTER OF PALM BEACH SEAPORT AQUARIUM INC. VS. CITY OF RIVIERA BEACH.

The closed executive session was held August 02, 2000, 6:30 p.m. City Council Chamber.

IX. CITY ATTORNEY'S REPORT:

None.

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

None.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Mayor Brown

1. Resolution regarding Martin Luther King, Jr. Boulevard; Blue Heron Boulevard. DELETED

2. EPA Workshop

No comment.

3. Emergency Procedures regarding ammonia leaks.

Mayor Brown commented regarding catastrophic risks within the community.

Fire Chief Troy Perry commented regarding measurements of safety for protection of the community, relative to catastrophic events. Discussion ensued.

4. Black Floridians.com

Mayor Brown indicated that the publishers of Black Floridians.com would visit Riviera Beach and invited Council and staff's participation for presentation of the City to the publishers.

5. Florida East Coast (FEC) Railroad.

Mayor Brown encouraged that staff move forward to explore events relating the concerns of the railway.

Chair Pro-Tem Wade

Chair Pro-Tem Wade commented regarding the Florida League of Cities Conference, August 9-13, 2000, Fort Lauderdale, Florida. She indicated that various council members and staff would attend the meeting.

She requested written information from the police and fire departments regarding the City's readiness for the hurricane season.

City Manager Wilkins indicated that an update would be provided by the next meeting.

Councilperson Wilson

Councilperson Wilson indicated that all of the principalships in the schools within Riviera Beach had been filled.

He commented regarding clean-up efforts, within Riviera Beach, utilizing a segment of the prison population.

Councilperson Wilson commented favorably regarding ongoing pizza delivery within Riviera Beach. He expressed appreciation to staff for support of the exhibition of music and art in the amphitheater over the weekend.

City Manager Wilkins commented regarding documents to be forwarded to Council and the Education Committee for comment, relative to education issues within Riviera Beach.

Discussion ensued relating to the architecture of the new-elementary school in Riviera Beach.

Chair Pro-Tem Wade requested that staff prepare a presentation for the forthcoming MPO's agenda. Discussion ensued.

City Manager Wilkins announced the City's web address as rivierabch.com

XII. ADJOURNMENT:

There being no other business, the meeting duly adjourned at 9:35 p.m.

APPROVED:

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MICHAEL D. BROWN, MAYOR

EDWARD RODGERS, CHAIRPERSON

ATTEST:

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ewade.gif (1297 bytes)



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

ELIZABETH WADE, CHAIR PRO-TEM

dwilson.gif (865 bytes)



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

**DONALD R. WILSON
COUNCILPERSON**

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

**SYLVIA LEE BLUE
COUNCILPERSON**

dschnyer.gif (881 bytes)



DATE APPROVED: 08/16/2000

**DAVID G. SCHNYER
COUNCILPERSON**