

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 4, 2000 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 7:30 p.m. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, Chair Pro-Tem Elizabeth Wade, Councilperson Sylvia Blue, Councilperson Donald R. Wilson, and Councilperson David Schnyer. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, CMC/AEE, 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

City Manager Wilkins read into the record modifications to the agenda. Discussion ensued.

Adoption of Agenda

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

MOTION

Upon a roll call, the vote was unanimous. APPROVED

IV. AWARDS AND PRESENTATIONS:

PRESENTATION TO MAYOR MICHAEL BROWN - COUNCILPERSON DONALD WILSON

Councilperson Wilson commented regarding a conference he and David Wright attended in New Orleans that addressed concerns of global warming, greenhouse gasses, fossil fuel, increased urbanization, waste materials (land fills), and transportation. He commented regarding ICLEI (International Council for Local Environmental Initiatives), indicating that the ICLEI 2-Star Awards were given to three (3) municipalities, i.e., Los Angeles, California; Laurel, Maryland; and, Riviera Beach, Florida. He then presented the City's award/plaque to Mayor Brown.

MILLION FAMILY MARCH - JAMES HOWARD

James Howard (3721 Avenue 'H', East) commented regarding a letter, requesting support/endorsement by the City for members of the community to attend the Million Family March scheduled for October 14-15, 2000, in Washington, D.C. He indicated that the event would address families plagued by crime.

City Manager Wilkins commented regarding the unavailability of the City's bus; however, he recommended support of the worthwhile cause; that, he would present their request to the Urban League as well. Discussion ensued.

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 SEPTEMBER 20, 2000.

RESOLUTIONS:

RESOLUTION NO. 171-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO THE LAW FIRM OF HOLLAND & KNIGHT, LLP, IN THE AMOUNT OF \$12,629.99 FOR PROFESSIONAL SERVICES RENDERED IN THE REDEVELOPMENT OF THE OCEAN MALL PROJECT; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 305-0202-512-0-3106; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 172-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT TO THE LAW FIRM OF LEWIS, LONGMAN & WALKER, P.A., IN THE AMOUNT OF \$11,392.36 FOR PROFESSIONAL SERVICES RENDERED IN DEVELOPING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, PORT, AND COUNTY AS IT RELATES TO 13TH STREET EXPANSION; SAID PAYMENT TO BE MADE FROM GENERAL FUND BALANCE CARRYOVER; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Chair Pro-Tem Wade 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 HEARING:

None.

ORDINANCES ON SECOND READING:

ORDINANCE NO. 2876 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 22, ARTICLE II, ENTITLED BUILDING AND TECHNICAL CODES OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES BY UPDATING AND REVISING SECTION 22-31, CODES ADOPTED, SECTION 22-32, MODEL COUNTYWIDE AMENDMENTS ADOPTED, SECTION 22-33, SCHEDULE OF PERMIT FEES, AND SECTION 22-34, CONSTRUCTION NOT IN COMPLIANCE WITH CODES PROHIBITED, AND PROVIDING

FOR CODIFICATION AND ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance and stated publication as September 24, 2000, Palm Beach Post.

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

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2877 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING SECTION 21-112, SCHEDULE OF MAXIMUM FARES FOR TAXICABS OF CHAPTER 21 OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance and stated publication as September 24, 2000, Palm Beach Post.

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

Upon a roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2878 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A MORATORIUM ON THE ISSUING OF PERMITS FOR THE SITING AND CONSTRUCTION OF BARS, SALOONS, TAVERNS, AND NIGHTCLUBS (WITH AND WITHOUT ENTERTAINMENT) WITHIN THE CITY LIMITS FOR A 180-DAY PERIOD; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance and stated publication as September 24, 2000, Palm Beach Post.

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

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

Upon a roll call, the vote was unanimous. APPROVED

VII. ORDINANCES ON FIRST READING:

ORDINANCE NO. 2879 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-76 ENTITLED "RENTAL RATES AND MISCELLANEOUS CHARGES; 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

Upon a roll call, the vote was unanimous. APPROVED

VIII. CITY MANAGER'S DISCUSSION:

1. A SITE PLAN AMENDMENT APPLICATION FROM KILDAY AND ASSOCIATES FOR VIKING YACHTS, INC., FOR A PREVIOUSLY APPROVED FACILITY AT THE FORMER OLD SLIP MARINA SITE LOCATED ON THE EAST SIDE OF AVENUE "C" NORTH OF

BICENTENNIAL PARK.

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

Mary McKinney (CRB Community Development) commented and stated staff's recommendation for approval of the site plan.

Upon a roll call, the vote was unanimous. APPROVED

2. RESOLUTION NO. 173-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE UNDERGROUND INSTALLATION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES ON U.S. HIGHWAY ONE (BROADWAY) WITHIN THE CITY OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

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

Upon a roll call, the vote was unanimous. APPROVED

3. RESOLUTION NO. 174-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED THE ANNUAL AUDIT CONTRACT TO HAAS DIAZ & COMPANY FOR AN AMOUNT NOT TO EXCEED \$49,500.00 FOR FISCAL YEAR ENDED SEPTEMBER 30, 2000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

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

POINT OF CLARIFICATION: Dennis Widlansky (Finance Director/CRB) stated that the referenced 4-year agreement would carry through 2003; that, this resolution awards the cost for the first year of the agreement; and, the schedule of fees could be reviewed in the proposed agreement. Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

4. RESOLUTION NO. 175-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A FRANCHISE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND COMCAST CABLEVISION OF WEST PALM BEACH, INC., FOR THE PROVISION OF CABLE TELEVISION SERVICES INCLUDING THE OPERATION AND MAINTENANCE OF A CABLE TELEVISION SYSTEM IN THE CITY OF RIVIERA BEACH; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SAME; 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 Attorney Pamala Ryan prefaced the referenced item by introducing a letter, presented by Comcast, contesting 2-segments of the franchise agreement. She indicated that Attorney Ila Feld would comment.

Phillip Kantor (Bienstock & Clark, P.A./Comcast Cable) stated concerns related to language within the referenced franchise agreement. Discussion ensued.

Ila Feld (Liebowitz & Associates/CRB) commented for clarification and recommended adoption of the referenced agreement as presented.

Gerald Ward (1150 Coral Way) commented. Discussion ensued.

Upon a roll call, the vote was unanimous. APPROVED

5. RESOLUTION NO. 176-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE TRANSFER OF THE COMCAST CABLEVISION OF WEST PALM BEACH, INC., CABLE TELEVISION FRANCHISE TO CENTURY NEW MEXICO CABLE TELEVISION CORP. (d/b/a Adelphia); PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

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

6. RESOLUTION NO. 177-00 - 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 INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH, 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. DELETED

7. DISCUSSION OF TWO (2) APPOINTMENTS TO FIRE PENSION BOARD.

Motion was made by Chair Pro-Tem Wade to allow the present members continue to serve until respective-council-district appointments were made. MOTION FAILED

City Manager Wilkins indicated that district appointments were not an option and proceeded to elaborate. Discussion ensued.

City Manager Wilkins stated that Mr. Bobby Brooks and Mr. Donald Winner indicated willingness to continue to serve on the Fire Pension Board. Discussion ensued.

Motion was made by Councilperson Blue and seconded by Councilperson Schnyer to reappoint Mr. Bobby Brooks and Mr. Donald Winner to the Fire Pension Board. MOTION

Upon a roll call, the vote was unanimous. APPROVED

Chair Pro-Tem Wade requested that the criteria for board appointments be provided to council or that a workshop be scheduled.

8. DISCUSSION OF ONE (1) APPOINTMENT TO POLICE PENSION BOARD.

Chairperson Rodgers nominated Ms. Billie Brooks; and, Councilperson Wilson nominated Ms. Norma Duncombe for appointment.

The vote was (4-1) that Ms. Billie Brooks would serve on the Police Pension Board.
BOARD APPOINTMENT

Councilperson Wilson dissented.

9. RESOLUTION NO. 178-00 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE EXTENSION AGREEMENT ON BEHALF OF THE CITY OF RIVIERA BEACH WITH DR. PETER LAMELAS/EMSA FOR THE PROVISION OF MEDICAL DIRECTION SERVICES FOR THE CITY'S PARAMEDICS, EMTS, AND LIFEGUARDS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$1,500.00 PER MONTH AND NOT TO EXCEED \$9,000.00 OVER A SIX MONTH PERIOD FOR SAME; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

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

REQUEST TO TABLE UNTIL NOVEMBER 15, 2000, MATTERS REGARDING 13TH STREET INTERLOCAL WITH THE PORT OF PALM BEACH; RESOLUTION NO. 167-00 (W. 26TH COURT); AND, REQUEST FOR SATISFACTION OF LIEN (FATHOMS LOUNGE).

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

Upon a roll call, the vote was unanimous. APPROVED

REQUEST TO TABLE UNTIL MEETING OF OCTOBER 18, 2000 - REQUEST TO RELEASE LIEN (\$1.3 MILLION) AT 2425 BEACH COURT.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Wilson table until meeting of October 18; that, staff provides necessary back-up information by Friday (10/6/00).

MOTION TO TABLE

Upon a roll call, the vote was 3-2. APPROVED

Councilperson Schnyer and Councilperson Blue dissented.

IX. CITY ATTORNEY'S REPORT:

1. REQUEST FOR CLOSED EXECUTIVE SESSION IN THE MATTER OF WILLIAM J. HUNTER v. THE CITY OF RIVIERA BEACH.

There was consensus that the closed executive session would be held October 16, 2000 at 6:00 p.m. Present at the meeting would be City of Riviera Beach City Council, City Manager William Wilkins, Attorney Don Stephens, Mayor Michael Brown, and City Attorney Pamala Ryan.

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Gerald Ward (31 W. 20th Street) commented regarding MPO concerns and other roadway/funding matters in Riviera Beach.

Martha Babson (E. 21st Street) stated concerns regarding municipal authorization and codes throughout the City. She questioned if municipal individuals could arbitrarily allow certain disciplines without process.

City Manager Wilkins indicated that he was not aware of the matter related to Ms. Babson's concerns; however, he would review it.

Chair Pro-Tem Wade requested a copy of the review.

Richard Van Munster (28 E. 16th Street) commented regarding the plight of minority fishermen. He requested a letter of support or resolution from the City for presentation to the Department of Justice, as it relates to the ADA. Discussion ensued.

There was consensus that the City (via City Manager Wilkins) would provide a letter of support referencing a previous resolution.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Chairperson Rodgers provided follow-up information related to concerns of a community food program and its participants in Riviera Beach.

BUSINESS AND PROFESSIONAL PERSONS' LUNCHEON

Chairperson Rodgers indicated that the 500-invitations to the business luncheon resulted approximately 150-attendees; that, 60-attendees displayed interest in a business and professional association in Riviera Beach. He stated that efforts would be made to further the process.

Councilperson Wilson gave accolades to staff at the public works department for a forthcoming breakfast, in the light of good public relations. He gave accolades to Chief of Staff Roseanne Brown and Assistant Police Chief Harris for their efforts to counteract concerns related to schools in the northerly community.

Metropolitan Planning Organization (MPO) PROCESS

Mayor Brown commented regarding a request of the City to make a presentation on October 19, 2000, (9:00 a.m., Palm Beach County Governmental Center, 12th Floor) to the MPO regarding additional roadway funds for U.S. Highway One. He indicated that all proposals and site plans must be presented to the MPO by Friday, October 06, 2000. He encouraged Council's attendance.

STATE OF THE CITY DINNER

Mayor Brown requested that Council conceptually approve a First Annual State of the City Dinner in the City of Riviera Beach; that, the event continues annually in November. He proceeded to elaborate.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Schnyer to approve the conceptual process to establish a First Annual State of the City Dinner in Riviera Beach.

MOTION

Upon a roll call, the vote was unanimous. APPROVED

Chair Pro-Tem Wade strongly encouraged workshop prior to the meeting of October 19.

City Manager Wilkins indicated that a meeting with the City's traffic/civil consultants would equip staff with a formal readiness for the referenced MPO meeting; that, information would be provided to Council prior to October 18.

Chair Pro-Tem Wade restated her concerns to workshop the presentation.

City Manager Wilkins indicated that communications by Mayor Brown with the MPO were reflective of a master plan for development in Riviera Beach. He stated that the referenced-improved plan had not been adopted, but would be presented at the meeting of October 19. He proceeded to elaborate and indicated that Council would be fully

apprised in due course.

XII. ADJOURNMENT:

There being no other business, the meeting duly adjourned at 9:15 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**

ewade.gif (1297 bytes)



ELIZABETH WADE, CHAIR PRO-TEM

dwilson.gif (865 bytes)



**DONALD R. WILSON
COUNCILPERSON**

sblue.gif (791 bytes)



MOTIONED BY: D. Wilson
SECONDED BY: D. Schnyer

**SYLVIA LEE BLUE
COUNCILPERSON**

dschnyer.gif (881 bytes)



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

**DAVID G. SCHNYER
COUNCILPERSON**

DATE APPROVED: 10/18/2000