

CITY OF RIVIERA BEACH CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: 12/07/2011

AGENDA ITEM SUMMARY NO. M11-121-1

[XX] CONSENT [] AWARDS/PRESENTATIONS/PETITIONS [] RESOLUTION
 [] PUBLIC HEARING [] ORDINANCE ON FIRST READING [] DISCUSSION
 [] ORDINANCE ON SECOND READING

SUBJECT: MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 16, 2011

RECOMMENDATION/MOTION: APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 16, 2011

INTER-DEPARTMENTAL REVIEW & DATE

CITY ATTORNEY N/A	MARINA N/A
• CITY CLERK <i>OK</i>	POLICE N/A
COMMUNITY DEVELOPMENT N/A	PUBLIC WORKS N/A
FINANCE N/A	PURCHASING N/A
FIRE N/A	RECREATION & PARKS N/A
HUMAN RESOURCES N/A	WATER & SEWER N/A
LIBRARY N/A	OTHER N/A

APPROVED BY CITY MANAGER: *Paul O'Connell* DATE: 11-30-11

ORIGINATING DEPT. <i>OK</i> OFFICE OF THE CITY CLERK	COSTS: \$0.00 CURRENT FY:	CITY COUNCIL ACTIONS: [] APPROVED [] APPROVED W/CONDITIONS [] DENIED [] TABLED TO [] REFERRED TO STAFF
USER DEPT. CITYWIDE	FUNDING SOURCE: [] CAPITAL IMPROVEMENT [] OPERATING [] OTHER	
ADVERTISED: DATE: PAPER: [XX] NOT REQUIRED AFFECTED PARTIES [] NOTIFIED [] NOT REQ'D	BUDGET ACCOUNT NUMBER:	ATTACHMENTS: 1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 16, 2011

BACKGROUND/SUMMARY:

EXHIBIT A-1

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20_12	2013	20__	20__	20__
Capital Expenditures	<u>NA</u>	<u>NA</u>	_____	_____	_____
Operating Costs	<u>NA</u>	<u>NA</u>	_____	_____	_____
External Revenues	<u>NA</u>	<u>NA</u>	_____	_____	_____
Program Income (City)	<u>NA</u>	<u>NA</u>	_____	_____	_____
In-Kind Match (City)	<u>NA</u>	<u>NA</u>	_____	_____	_____
NET FISCAL IMPACT	<u>NA</u>	<u>NA</u>	_____	_____	_____

**NO. ADDITIONAL FTE
POSITIONS (Cumulative)**

Is Item Included In Current Budget? Partial XX Yes ___ No. ___

Budget Account No.: Fund _____ Dept/Division _____ Org _____ Object _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. Finance Department and/or Purchasing/Intergovernmental Relations/Grants Comments:

Finance Department

Purchasing and Grants

B. Other Department Review:

Department Director

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, NOVEMBER 16, 2011 AT 6:30 P.M.
MUNICIPAL COMPLEX CITY COUNCIL CHAMBERS**

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE LEGISLATIVE ASSISTANT PRIOR TO THE BEGINNING OF THE MEETING. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.

CITY CLERK CALLS TO ORDER

Roll Call

Chairperson Davis was present and presided. Upon a roll call by City Clerk Ward, the following were present: Mayor Thomas A. Masters; Chairperson Judy L. Davis, Chair pro tem Billie E. Brooks; Councilperson Cedrick A. Thomas; Councilperson Dawn S. Pardo; and Councilperson Shelby L. Lowe; Also present were: City Manager Ruth C. Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala Ryan.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by Councilperson Pardo.

AGENDA Approval:

Additions, Deletions, Substitutions

NONE

Disclosure By Council

(If any Council Member has anything to disclose regarding any item on the Agenda, please do so at this time.)

Adoption of Agenda

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve the agenda.

MOTION

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

MOTION APPROVED

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 COUNCILPERSON 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.

MINUTES

1. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD, NOVEMBER 2, 2011.

RESOLUTIONS

2. RESOLUTION NO. 154-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE AMENDMENT TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG); AND PROVIDING AN EFFECTIVE DATE.
3. RESOLUTION NO. 155-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TRANSFER OF \$29,173 FROM GENERAL FUND CONTINGENCY FOR FY2009 AND FY2010 EXPENDITURES; AND APPROVING THE PAYMENTS OF \$29,173 AND \$14,587 TO BANK ATLANTIC FROM ACCOUNT NUMBER 001-0822-521-0-4402; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

PETITIONS AND COMMUNICATIONS FOR FILING

NONE

AWARDS AND PRESENTATIONS

4. **PRESENTATION ON THE COMPLETION OF HOME IMPROVEMENTS FOR MR. CLEVE DIXON.**

John Green, the City's Housing Coordinator, provided an update on repairs made to Mr. Dixon's house. He also provided a slide presentation on the house as it appeared prior to repairs and the final improvements after repairs. He advised that Mr. Dixon was very pleased and happy to be back in his home and send a warm thank you to all involved.

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

5. **ORDINANCE NO. 4007 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE IV, SECTION 11-174(8), ENTITLED "EXPLOSIVES, FIREARMS AND SIMILAR DEVICES" AND AMENDING CHAPTER 12, ARTICLE I, SECTION 12-9, ENTITLED "DISCHARGING FIREARMS" OF THE CITY'S CODE OF ORDINANCES TO COMPLY WITH THE STATE'S NEW GUN LAW; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record, and announced it had been properly advertised for final reading.

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to adopt Ordinance No. 4007.

MOTION

Mayor Masters stated for the record that he felt that the state law was horrible and that he was not in accord with it and that he felt that it was a bad law. He stated that he was going to take a look at it and possibly veto it and that he would advise the city attorney. He inquired as to what would happen if he vetoed the ordinance.

City Attorney Ryan stated that Palm Beach County was challenging the constitutionality of the state law so there may be something forthcoming regarding the issue. She stated that as for as vetoing the ordinance, state law makes a person personally liable for violating the law.

Discussion ensued amongst the mayor, council, and staff regarding the validity of the intent for the ordinance as prescribed by the state.

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

MOTION APPROVED

6. **ORDINANCE NO. 4008 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF EAST 20ST STREET, A PORTION OF AVENUE B AND A PORTION OF AVENUE C EXHIBITED ON THE "REVISED PLAT OF COCOANUT LODGE" IN GOVERNMENT LOT 4, SECTION 28, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LOCATED WITHIN THE CITY OF RIVIERA BEACH, FLORIDA, CONTAINING 25,284 SQUARE FEET, 0.6 ACRES, MORE OR LESS; PROVIDING CONDITIONS; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned ordinance into the record, and announced it had been properly advertised for final reading.

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to adopt Ordinance No. 4008.

MOTION

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

MOTION APPROVED

ORDINANCES ON FIRST READING

NONE

COMMENTS FROM THE PUBLIC – 8:00 PM*1– Non Agenda or Consent Item Speakers (Three Minute Limitation).

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

Terrence Davis, W 31st Street, expressed words of appreciation for the appointment of Rodney Roberts to the Riviera Beach Housing Authority Board and congratulated Councilperson Thomas on the 1st Annual 5th Grade Fun Day. He stated that it had been brought to his attention that Kindred Hospital had been located in the city for four years and had not paid for any water services to the city and if the information was correct then whomever was responsible needed to be held accountable. He requested that the City Council explore his findings and provide him and the residents with an update.

Bonnie Larson, W 27th Street, stated that a consultant was hired in 2008 to review the various drainage problems within the city. She stated that she submitted photos in 2008 of how her street looks after a rain storm and she was submitting current photos of the street after five minutes of rainfall. She stated that the potholes were filled but that did not negate the problem and that money needed to be spent to fix the drainage problem and street properly rather than doing patchwork.

Tama Reno, Riviera Beach YouthBuild, announced that the annual fundraiser would be held December 10, 2011 at Two Drunken Goats beginning at 10:00 a.m. She announced that the young man that was present at the previous City Council Meeting was currently taking his GED test which was a testament to how the program changes lives.

Public Comments shall begin at 8:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 8:00 PM, then public comments shall begin immediately after the item has been concluded.

REGULAR

7. **RESOLUTION NO. 156-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RECLASSIFYING THE CLASSIFIED POSITION OF OCCUPATIONAL LICENSE SPECIALIST TO THE CLASSIFIED POSITION OF BUSINESS TAX RECEIPT SPECIALIST UNDER THE GENERAL EMPLOYEES SALARY SCHEDULE AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Chair pro tem Brooks** to approve Resolution No. 156-11.

MOTION

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

MOTION APPROVED

8. **RESOLUTION NO. 157-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REVISING THE COMMUNITY BENEFITS POLICY FOR THE EXPENDITURE OF FUNDS DONATED BY WASTE MANAGEMENT INC. OF FLORIDA; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO DEPOSIT AND APPROPRIATE FUNDS CONTRIBUTED BY WASTE MANAGEMENT INTO THE DONATIONS FUND ACCOUNT #130-00-366945; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Pardo** and seconded by **Councilperson Thomas** to approved Resolution No. 157-11.

MOTION

A lengthy discussion ensued amongst the city attorney and city council as to establishing a policy and procedure that would be in compliance with the opinion rendered by the Palm Beach County Commission on Ethics.

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

MOTION APPROVED

9. **RESOLUTION NO. 158-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE REVISION TO THE COMMUNITY BENEFITS SECTION 23.3 OF THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Thomas** to approve Resolution No. 158-11.

MOTION

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

MOTION APPROVED

BOARD APPOINTMENT(S)

10. **CITY COUNCIL TO APPROVE THE MAYOR'S APPOINTMENT OF A NEW MEMBER OR RE-APPOINTMENT OF HYACINTHIA BECTON TO SERVE ON THE GENERAL EMPLOYEES PENSION BOARD.**

A motion was made by **Chair pro tem Brooks** and seconded by **Councilperson Thomas** to reappoint Hyacinthia Becton to the General Employees Pension Board.

MOTION

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

MOTION APPROVED

11. **CITY COUNCIL TO APPROVE THE MAYOR'S APPOINTMENT OF RODNEY ROBERTS TO SERVE ON THE RIVIERA BEACH HOUSING AUTHORITY BOARD.**

Mayor Masters stated that he was appointing Mr. Roberts to the Riviera Beach Housing Authority Board to complete the term of the late Emma Bates.

DISCUSSION BY THE CITY MANAGER

City Manager Jones wished everyone a happy and safe Thanksgiving.

LEGAL DISCUSSION/REQUEST

City Attorney Ryan stated that the complaint against the county regarding the inspector general expenditures was filed on November 15th and that the city had entered into a stipulation to abate the proceeding because governmental agencies had to go through a dispute resolution process. She stated that a copy of the complaint was provided to each elected official and that she would keep the mayor and city council abreast of the progress.

CITY COUNCIL COMMITTEE REPORT(S)

12. COMMUNITY BENEFITS REQUEST.

A. CITY OF RIVIERA BEACH LEGISLATIVE OFFICE - \$7,000.00 – CEDRICK A. THOMAS

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** approving the request of \$7,000 from the Community Benefits Fund.

MOTION

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

MOTION APPROVED

**13. FIRST ANNUAL COUNCILMAN CEDRICK A. THOMAS' 5TH GRADE FUN DAY.
LOCATION: JOHN F. KENNEDY MIDDLE SCHOOL
DATE: DECEMBER 2, 2011
TIME: 9:00 A.M. – 11:00 A.M.**

Councilperson Thomas provided an overview on the purpose of this planned event. He stated that funding efforts were currently being conducted to cover the expenses of the event which would be deposited into the city account and expenditures would be paid through the city.

A motion was made by **Councilperson Thomas** and seconded by **Chair pro tem Brooks** to approve the proposed event.

MOTION

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

MOTION APPROVED

STATEMENTS BY THE MAYOR AND CITY COUNCIL

Chairperson Davis stated that the turkey giveaway sponsored by the Zachary Group would be held on November 21st beginning at 10:00 a.m. at Wells Gym. Chairperson Davis stated that she spoke with Lt. Governor Jennifer Carroll at a recent event and she had nothing but positive comments regarding the city. She also stated that the new business spotlight was done in an effort to inform the residents and other business owners of what was taking place in the city.

Councilperson Thomas expressed words of appreciation to City Clerk Ward for the support she has provided to him and his family during their time of bereavement. He announced that the third annual turkey giveaway would be held November 21st at TD Bank on the corner of Blue Heron Blvd and Congress Avenue.

Councilperson Pardo stated that the Lagoons Commission Steering Committee was having a boat tour of the lagoon on December 2nd at 10:30 a.m. She announced that Mingle and Jingle Toy Drive would be held December 8th at Johnny Longboats. Councilperson Pardo expressed words of appreciation to the Boys and Girls Club for providing approximately 200 Christmas cards that would be distributed to the soldiers in Afghanistan. She inquired about the status of the littering ordinance.

City Attorney Ryan stated that the ordinance was completed but a meeting needed to be held with Police Chief Williams regarding enforcement and the ordinance may be placed on the agenda for the December or January City Council Meeting.

Mayor Masters stated that he was against the bumping policy currently in the union contracts. He then requested that Ms. Isaacs, his aide, provide the information on the job fair scheduled for November 17, 2011.

Debbie Isaacs, Aide to the Mayor, stated that the Office of the Mayor would be assisting with the hiring for telecommunication positions at a call center located at 155 Blue Heron Boulevard Ste 200.

At this point a motion was made by **Councilperson Lowe** and was seconded by **Councilperson Pardo** authorizing the 2nd Annual Mayor and City Council Turkey Dinner Giveaway that was previously discussed.

MOTION

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

MOTION APPROVED

Chair pro tem Brooks expressed words of appreciation to Interim Public Works Director Brynt Johnson for assisting with a call from a business owner. She stated that she had spoke with Ms. Perry, Human Resources Director, regarding having a Shero Recognition during the Martin Luther King, Jr. Celebration Activities and stated that she would like for female veterans to also be recognized.

City Manager Jones stated that news about the businesses located within the city would be indicated in the upcoming newsletter. She requested that the December 21st Regular City Council Meeting be cancelled.

There was a consensus to cancel the December 21, 2011 Regular City Council Meeting.

ADJOURNMENT

There being no further business, the meeting was duly adjourned at 7:55 p.m.

PLEASE NOTE: A COMPLETE AGENDA PACKAGE AND RECORDING IS ON FILE IN THE OFFICE OF THE CITY CLERK.

APPROVED:

THOMAS A. MASTERS
MAYOR

JUDY L. DAVIS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

BILLIE E. BROOKS
CHAIR PRO TEM

CEDRICK A. THOMAS
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

J. DAVIS _____

B. BROOKS _____

C. THOMAS _____

D. PARDO _____

S. LOWE _____

DATE APPROVED: 12/07/2011