**PUBLIC HEARING NOTICE**
**CITY OF RIVIERA BEACH, FLORIDA**

**The City Council of the City of Riviera Beach, Palm Beach County, Florida** will conduct a Public Hearing on Wednesday, December 16, 2009, at 6:30 PM in the Council Chambers at the Municipal Complex, 600 W. Blue Heron Blvd., Riviera Beach, Florida, to consider enactment of the below proposed Ordinance. Interested persons may appear and be heard with respect to the proposed Ordinance; and it may be examined in its entirety in the Office of the City Clerk between the hours of 8:30 AM and 5:00 PM, except holidays.

## ORDINANCE NO. 3074

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT, WITH THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2010 THROUGH 2014, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; AND PROVIDING AN EFFECTIVE DATE.**

PLEASE BE ADVISED, persons who wish to appeal any decision made by the City Council with respect to any matter considered at this hearing will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Said person shall have the responsibility at own expense.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceedings should contact the Legislative Office at 561-845-4095 no later than 96 hours prior to the proceedings. If hearing impaired, telephone the Florida Relay Services 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice) for assistance.

Carrie E. Ward, Master Municipal Clerk
City Clerk

Publish: December 8, 2009
Palm Beach Post
RBTV 18

**Item No. 13**

**ORDINANCE NO. 3074**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT, WITH THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2010 THROUGH 2014, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Florida Statutes Section 163.3177 states that the Capital Improvement Element of the Comprehensive Plan must be amended annually in order to maintain a financially feasible five year schedule of capital projects plan; and

**WHEREAS,** Florida Statutes Section 163.3177 also states that sufficient revenues must be currently available or committed to fund the first three years of the capital improvement plan and that there are planned funding sources for the fourth and fifth years of the capital improvement schedule; and

**WHEREAS,** a summary of the Five Year Capital Projects Plan is attached for approval and to be in compliance with Florida Statutes Section 163.3177.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:**

**SECTION 1**. The City Council amends the City's Comprehensive Plan with Attachment A, the Five Year Capital Projects Budget for fiscal years 2010 through 2014, which is required to be amended annually according to Florida Statutes Section 163.3177. These amendments to the Capital Plan are being recommended based on input by the City Council at the November 5, 2009 Capital Workshop. (Attachment A)

**SECTION 2.** Should any word, phrase, clause, subsection, section, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared invalid.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

**SECTION 4.** This Ordinance repeals and replaces Ordinance number 3055 approved in 2008.

**SECTION 5.** This Ordinance shall take effect upon its final passage and approval by the City Council and shall not be delivered for inclusion in the Code of Ordinances.

**PASSED AND APPROVED** on the first reading this _____ day of _____, _____.

**PASSED AND ADOPTED** on second and final reading this _____day of _____, _____.

**APPROVED:**

_____
**THOMAS A. MASTERS**
**MAYOR**

_____
**DAWN S. PARDO**
**CHAIRPERSON**

**ATTEST:**

_____
**CARRIE E. WARD**
**MASTER MUNICIPAL CLERK**
**CITY CLERK**

_____
**JUDY L. DAVIS**
**CHAIR PRO TEM**

_____
**BILLIE E. BROOKS**
**COUNCILPERSON**

_____
**TONYA DAVIS JOHNSON**
**COUNCILPERSON**

_____
**SHELBY L. LOWE**
**COUNCILPERSON**