

RESOLUTION NO. 53-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE THE STARTING SALARY FOR THE NEW HIRE SENIOR PLANNER/GIS SPECIALIST IN COMMUNITY DEVELOPMENT AT A STARTING SALARY OF \$53,141; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pay Grade 18, \$42,513 - \$65,896 is the starting salary range for the Senior Planner/GIS specialist in Community Development; and

WHEREAS, the City has offered the position to a qualified applicant who is currently earning in excess of the 10% administrative limit for new employees; and

WHEREAS, the Community Development Department is requesting to hire the Senior Planner/GIS Specialist at a starting salary of \$53,141.

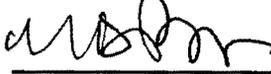
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. That the City Council authorizes the City Manager to approve the starting salary of Bradley Stein as the Senior Planner/GIS Specialist at \$53,141.

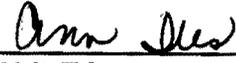
SECTION 2. That this Resolution shall take effect upon its passage.

PASSED AND APPROVED this 19 day of April, 2006

APPROVED:

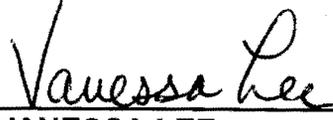


MICHAEL D. BROWN
MAYOR



ANN ILES
CHAIRPERSON

(MUNICIPAL SEAL)



VANESSA LEE
CHAIR PRO-TEM

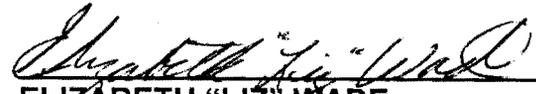


NORMA DUNCOMBE
COUNCILPERSON

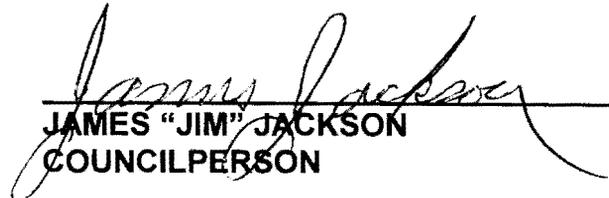
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY:

V. LEE

SECONDED BY:

N. DUNCOMBE

A. ILES:

AYE

V. LEE:

AYE

N. DUNCOMBE:

AYE

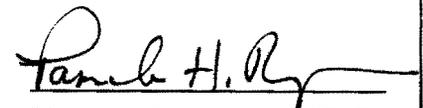
E. WADE:

AYE

J. JACKSON:

AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ATTORNEY

Date: 4/12/06

RESOLUTION NO. 52-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM ROBERT NOTHNAGLE FOR A THREE BUILDING, EIGHTEEN UNIT, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED AT 4444 LEO LANE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 31-57 of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan Low Density Multi-Family Future Land Use designation and the Land Development Regulations; and

WHEREAS, the property is zoned Low Density Multiple Family Residential (RML-12) and the proposed use is consistent with this zoning; and

WHEREAS, Staff has reviewed the proposed application and recommends approval with conditions; and

WHEREAS, the Planning and Zoning Board met March 9, 2006 to review the site plan application and made a recommendation to the City Council for approval of the site plan application; and

WHEREAS, the City Council has considered the application; the evidence submitted by the applicant and staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Site Plan application from Robert Nothnagle and Magnolia Place to build a three building, eighteen unit residential condominium development is hereby approved with the following conditions:

1. A two year landscaping bond for 110% of the value of landscaping and irrigation shall be required before certificate of occupancy is issued.
2. All future advertising must state that the property is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.

RESOLUTION NO. 52-06
PAGE 2

3. Construction must be initiated within 18 months of receiving City Council Approval.

SECTION 2. This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

SECTION 3. This Resolution shall take effect immediately upon approval.

PASSED AND APPROVED THIS 19TH DAY OF APRIL, 2006.

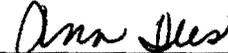
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RESOLUTION NO. 52-06

PAGE 3

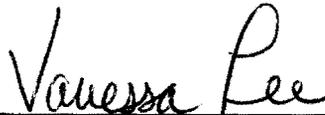
APPROVED:


MICHAEL D. BROWN
MAYOR

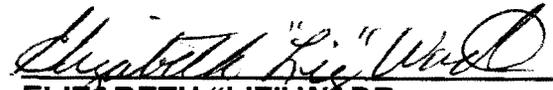

ANN ILES
CHAIRPERSON

ATTEST:

 4/19/06
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


VANESSA LEE
CHAIR PRO TEM


NORMA DUNCOMBE
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON


JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. WADE

SECONDED BY: V. LEE

A. ILES AYE

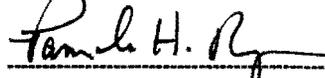
V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/12/06

RESOLUTION NO. 51-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE OFFICE OF THE ATTORNEY GENERAL - VICTIMS OF CRIME ACT (VOCA) FOR THE VICTIM ADVOCATE PROGRAM IN THE AMOUNT OF \$38,536; TO CONTINUE WITH CRISIS RESPONSE SERVICES FOCUSING IN AREAS OF HOMICIDE, DOMESTIC VIOLENCE, CHILD DEATHS, AND ELDERLY VICTIMIZATION; AUTHORIZING THE MAYOR TO EXECUTE CERTIFICATE OF ACCEPTANCE OF SUB GRANT AWARD; AUTHORIZING THE FINANCE DIRECTOR TO SET-UP THE BUDGET IN FUND 125 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Office of the Attorney General has established a Victims of Crime Act (VOCA) Grant Program; and

WHEREAS, the City of Riviera Beach has been awarded funds in the amount of \$38,536.00 which requires a twenty-five percent (25%) match which will be provided through in-kind services from the City; and

WHEREAS, these funds will be used for continuing the department's crisis response services, crisis intervention and assisting investigators.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That the City Council accepts the Grant Funds on behalf of the City, and authorizes the Mayor's execution of the Certificate of Acceptance of Sub-grant Award.

SECTION 2: The City authorizes the Finance Director to set up the budget as follows:

Fund 125	Account Number	Account Description	Amount
Revenue	125-00-334296		\$38,536.00
Expenditure	125-0817-521-0-1201	Reg. Salary & Wages	\$33,940.00
Expenditure	125-0817-521-0-1401	FICA	\$2,596.00
Expenditure	125-0817-521-0-6404	Office Equip & Furn.	\$2,000.00
		Total	\$38,536.00

SECTION 3: This Resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED AND APPROVED this 19 day of April, 2006

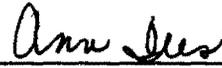
RESOLUTION NO. 51-06

PAGE 3

APPROVED:



MICHAEL D. BROWN
MAYOR



ANN ILES
CHAIRPERSON

ATTEST:



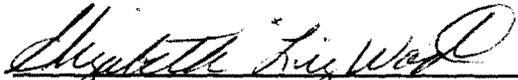
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



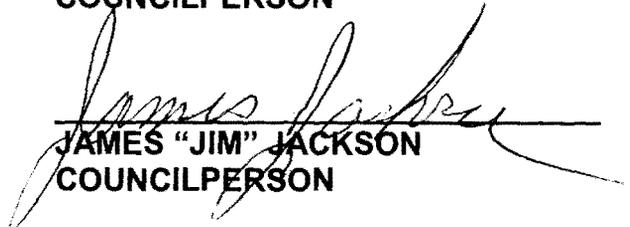
VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: V. LEE

SECONDED BY: E. WADE

A. ILES AYE

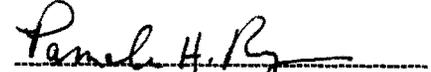
V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/12/06

RESOLUTION NO. 50-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 12106 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PURCHASE CONTRACT WITH COMMERCIAL FENCE CONTRACTORS OF ORLANDO, FLORIDA TO PROVIDE FENCING REPAIR AND REPLACEMENT SERVICES AT VARIOUS CITY OF RIVIERA BEACH GOVERNMENT FACILITIES/SITES IN AND AROUND RIVIERA BEACH, FLORIDA IN THE AMOUNT OF \$187,278.50; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the provisions of the City's Procurement Ordinance (2412), invitations to bid were publicly solicited to provide fencing repair and replacement services at various City of Riviera Beach government facilities/sites in and around Riviera Beach, Florida; and

WHEREAS, the City received three offers ranging from \$187,278.50 to \$304,088.85 and the company of Commercial Fence Contractors was determined to be the low responsive and responsible bidder satisfying the qualifications, terms and conditions of the bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:

SECTION 1. The City Council hereby accepts the bid and awards a Purchase Contract to Commercial Fence Contractors of Orlando, Florida in the amount of \$187,278.50 for fencing repair and replacement services at various City of Riviera Beach government facilities/sites in and around Riviera Beach, Florida; and authorizes the Mayor and City Clerk to execute same.

SECTION 2. The Mayor and Finance Director are authorized to make payment from Account No. 607-0203-525-1-4903.

SECTION 3. This Resolution shall take effect upon its passage and approval by the City Council.

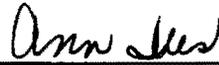
RESOLUTION NO. 50-06
PAGE 2.

PASSED AND APPROVED this 19 day of April 2006

APPROVED:



MICHAEL D. BROWN
MAYOR

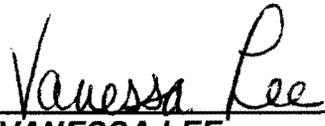


ANN ILES
CHAIRPERSON

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



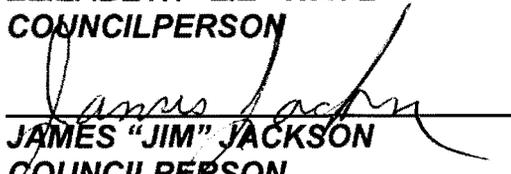
VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. WADE

SECONDED BY: V. LEE

A. ILES AYE

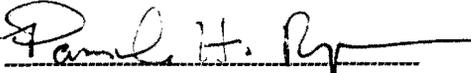
V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/12/06

RESOLUTION NO. 49-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROVING TOTAL SETTLEMENT OF THE MATTER OF JACKIE NUBIN V. CITY OF RIVIERA BEACH AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$160,000 AS COMPLETE AND FINAL SETTLEMENT OF THE WORKERS' COMPENSATION CLAIM, INCLUSIVE OF ATTORNEY'S FEES AND COSTS; AUTHORIZING THE CITY'S INSURANCE ADMINISTRATOR, GALLAGHER BASSETT SERVICES, TO MAKE PAYMENT FROM THE CITY'S WORKERS' COMPENSATION SETTLEMENT ACCOUNT NUMBER 602-0539-513-0-1405.

WHEREAS, Mr. Jackie Nubin suffered an on the job injury on July 31, 1989;
and

WHEREAS, Mr. Nubin has continuously obtained medical care over the past fifteen (15) years for his workers' compensation injury; and

WHEREAS, the City's Workers' Compensation Attorney and City staff that the City should settle this claim to avoid future liability.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

SECTION 1. That the City Council hereby authorizes settlement in the matter of Jackie Nubin v. City of Riviera Beach for payment of indemnity compensation, further liability for future medical care and rehabilitation to the claimant, inclusive of Attorney's fees and costs of the Workers' Compensation claim in the total amount of \$160,000.

SECTION 2. That the settlement amount of \$160,000 shall be paid from the City's Workers' Compensation Settlement Account No. 602-0539-513-0-1405, after Mr. Nubin executes a general release in favor of the City.

SECTION 3. This Resolution shall take effect upon its passage and approval.

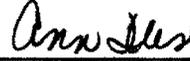
PASSED AND APPROVED THIS 19TH DAY OF APRIL, 2006

RESOLUTION NO. 49-06
PAGE -2-

APPROVED:



MICHAEL D. BROWN
MAYOR

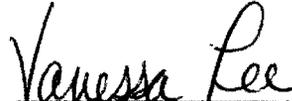


ANN ILES
CHAIRPERSON

ATTEST:

 4/19/2006

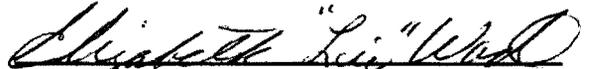
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



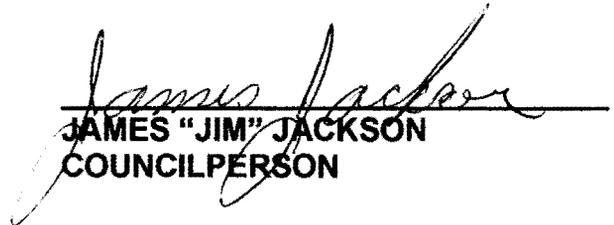
VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. WADE

SECONDED BY: V. LEE

A. ILES AYE

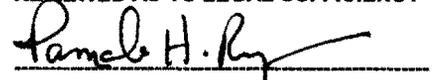
V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/19/06

RESOLUTION NO. 48-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO HOLLAND & KNIGHT, LLP PROVIDING OUTSIDE COUNSEL TO CITY FOR EMPLOYEE LABOR RELATIONS SERVICES IN THE AMOUNT OF \$3,375; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 001-0512-5190-3101; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 121-05, was approved for Mayor and City Clerk to sign the agreement between the City and Holland & Knight, LLP; and

WHEREAS, Holland & Knight, LLP provides outside counsel to the City for employee labor relation services; and

WHEREAS, this is the final quarterly payment to Holland & Knight, LLP under the attached agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS.

SECTION 1: That the City Council hereby authorizes the final payment of \$3,375 to Holland & Knight, LLP, for outside counsel to provide employee labor relations services.

SECTION 2: That the City Council authorizes the Mayor and Finance Director to make final payment for same under Account Number 001-0512-5190-3101.

SECTION 3: That this Resolution shall take effect upon its passage and approval by the City Council.

RESOLUTION NO. 48-06
PAGE NO. 2

PASSED AND ADOPTED this 19 day of April, 2006.

APPROVED:

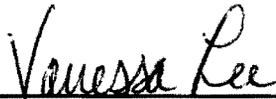


MICHAEL D. BROWN
MAYOR



ANN ILES
CHAIRPERSON

(MUNICIPAL SEAL)



VANESSA LEE
CHAIRPERSON PRO-TEM

ATTEST:



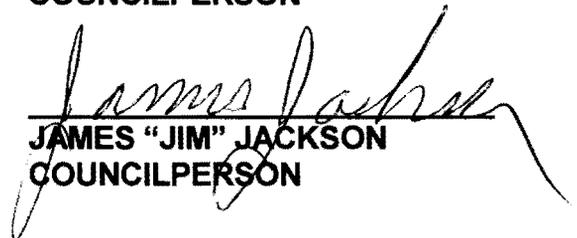
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. WADE

SECONDED BY: V. LEE

A. ILES AYE

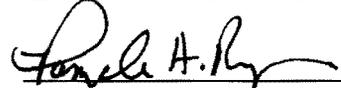
V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ATTORNEY

DATE: 4/10/06

RESOLUTION NO. 47-06

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 LEASE AGREEMENT WITH THE RIVIERA BEACH MARITIME ACADEMY CORP.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Community Redevelopment Agency (CRA) has selected Viking Inlet Harbor Properties, LLC, as the master developer for the City's redevelopment area; and

WHEREAS, Viking Yacht Company, the principal partner of Viking Inlet Harbor Properties, LLC has committed to the CRA that it will establish a Maritime charter school in the downtown redevelopment area to be operated as the Riviera Beach Maritime Academy Corp.; and

WHEREAS, the Riviera Beach Maritime Academy Corp., wishes to enter into a lease with the City for the operation of a charter school on City owned land near the former Riviera Beach Elementary School site so that the charter school can open in August 2006; and

WHEREAS, the City is amenable to entering into a short term lease (April 6, 2006-August 5, 2008) with the Academy to facilitate the opening of the school; and

WHEREAS, this site shall be a temporary location for the charter school pending the acquisition and construction of a permanent school in Riviera Beach.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That the City Council authorizes the Mayor and City Clerk to execute a lease agreement with the Riviera Beach Maritime Academy Corporation, a copy of which is attached hereto.

SECTION 2. This resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this ____ day of April, 2006.

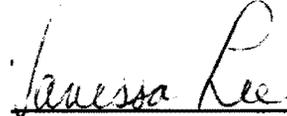
RESOLUTION NO. 47-06

PAGE -2-

APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

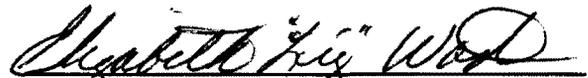
ATTEST:



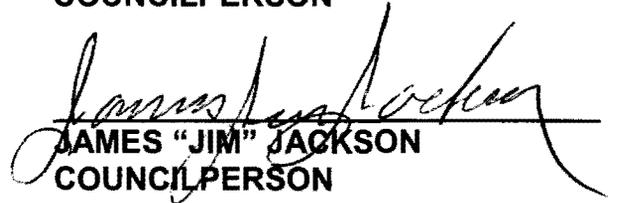
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: N. Duncombe

V. LEE: aye

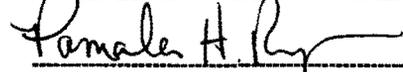
E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/4/06

RESOLUTION NO. 46-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE RESULTS OF THE MARCH 14, 2006 MUNICIPAL GENERAL ELECTION NAMING THE RECIPIENTS FOR, DISTRICT 2 AND DISTRICT 4, RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 14th day of March, 2006, a Municipal General Election was held in the City of Riviera Beach, Palm Beach County, Florida, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing qualified candidates, as provided by law for Council District Two (2); and Council District Four (4) respectively; and

WHEREAS, the polling places, clerks, inspectors and police officers of said elections held on March 14, 2006 were duly appointed by the Riviera Beach Supervisor of Elections; and

WHEREAS, on March 14, 2006 said clerks transported their returns to the Riviera Beach Supervisor of Elections, who made returns to the Supervisor of Elections of Palm Beach County and results are attached; and

WHEREAS, the Palm Beach County Supervisor of Elections found that the returns of the clerks and inspectors of the said Election were true and correct tabulations of the votes cast; and that the absentee ballots, and provisional ballots were properly canvassed; and

WHEREAS, on March 14, 2006 at the culmination of unofficial results, victory was declared to Norma Duncombe, District 2 and James "Jim" Jackson, District 4.

NOW THEREFORE, BE IT RESOLVED, by the Canvassing Board of the City of Riviera Beach, Palm Beach County, Florida,

Section 1: As a result of the certified statement of vote received from the Supervisor of Elections, Palm Beach County, the following named persons are hereby declared to be duly and lawfully elected to the following offices, to-wit:

COUNCILPERSON DISTRICT 2 – NORMA DUNCOMBE

COUNCILPERSON DISTRICT 4 – JAMES "JIM" JACKSON

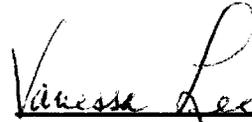
Section 2: That the City Clerk be and she is hereby directed to deliver to the persons in their respective districts, Certificates of Elections and administer the Oath of Office in accordance with the law.

RESOLUTION NO. 46-06

PAGE 2

PASSED AND APPROVED THIS 5th day of APRIL, 2006.

APPROVED:

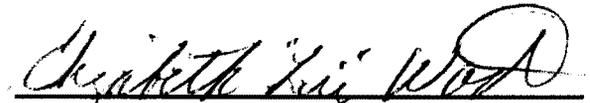


VANESSA LEE
COUNCILPERSON

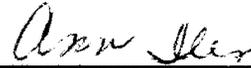
ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ELIZABETH "LIZ" WADE
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: A. Iles

V. LEE: aye

E. WADE: aye

A. ILES: aye

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

REGISTRATION & TURNOUT
Palm Beach County

Complete Precincts:	252 of 252
Total Registration	
Election Day Ballots Cast	30,960 0.00%
Absentee Ballots Cast	2,713 0.00%
Provisional Ballots Cast	107 0.00%
Total Ballots Cast	33,780 0.00%

COMM MEMBER - SEAT #2 - 2 YEAR - DELRAY BEACH

Complete Precincts:	45 of 45
Under Votes:	77
Over Votes:	3
Joe Ferrer	673 10.89%
Fred B. Fetzer	2,567 41.54%
Jayne King	476 7.70%
Nick Loeb	2,463 39.86%

COUNCILMAN GROUP IV - LAKE CLARKE SHORES(2)(M)

Complete Precincts:	2 of 2
Under Votes:	19
Over Votes:	0
David Keir	229 32.48%
Tom Mayes, Jr.	476 67.52%

SEAT C - BELLE GLADE

Complete Precincts:	7 of 7
Under Votes:	19
Over Votes:	0
Mary S. Kendall	1,293 50.81%
Michael C. Martin	1,252 49.19%

COMM MEMBER - SEAT #4 - DELRAY BEACH

Complete Precincts:	45 of 45
Under Votes:	302
Over Votes:	0
Shirley Ervin Johnson	2,532 42.50%
Brenda B. Montague	3,425 57.50%

COUNCILMAN GROUP V - LAKE CLARKE SHORES(2)(M)

Complete Precincts:	2 of 2
Under Votes:	11
Over Votes:	0
Valentin Rodriguez, Jr.	376 52.73%
Sam Schooley	251 35.20%
Patrick M. Ward	86 12.06%

SEAT D - BELLE GLADE

Complete Precincts:	7 of 7
Under Votes:	29
Over Votes:	0
Shelly S. Miller	1,281 50.53%
Steve B. Wilson	1,254 49.47%

COUNCIL SEAT 1 - GLEN RIDGE

Complete Precincts:	3 of 3
Under Votes:	0
Over Votes:	0
John 'Matthew' Hadden	31 56.36%
Boyd J. Lenkersdorf	24 43.64%

COMMISSIONER GROUP A - LAKE PARK(2)

Complete Precincts:	6 of 6
Under Votes:	18
Over Votes:	0
Chuck Ballus	321 67.86%
Lorraine Raymond	152 32.14%

SEAT E - BELLE GLADE

Complete Precincts:	7 of 7
Under Votes:	38
Over Votes:	0
Gwendolyn J. L. Asia-Williams	1,276 50.51%
Frank 'Duane' Mayo	1,250 49.49%

COUNCILMAN GROUP III - LAKE CLARKE SHORES(2)(M)

Complete Precincts:	2 of 2
Under Votes:	8
Over Votes:	0
Terry J. Glenn	315 43.99%
Robert M. W. Shalhoub	401 56.01%

COMMISSIONER GROUP C - LAKE PARK(2)

Complete Precincts:	6 of 6
Under Votes:	8
Over Votes:	0
Kelleen 'Kellee' Allen	19 3.93%
Joseph Lorelli	38 7.87%
Patricia Plasket Osterman	241 49.90%
William 'Bill' Otterson	82 16.98%
Joby Slay	103 21.33%

OFFICIAL RESULTS

Cumulative Totals

COMMISSIONER DIST NO. 2 - LAKE WORTH(1)

Complete Precincts:	15 of 15
Under Votes:	82
Over Votes:	0
George Goyanes	1,112 43.61%
Sara Jennings	741 29.06%
Andy Procyk	593 23.25%
Scott William Schaefer	104 4.08%

GROUP 3 - NORTH PALM BEACH(2)

Complete Precincts:	10 of 10
Under Votes:	20
Over Votes:	0
Manny Grinn	923 52.18%
Don Noel	846 47.82%

CITY COMMISSION GROUP II - PAHOKEE

Complete Precincts:	3 of 3
Under Votes:	17
Over Votes:	0
Allie Biggs	415 58.20%
Diane Walker	298 41.80%

COMMISSIONER DIST NO. 4 - LAKE WORTH(1)

Complete Precincts:	15 of 15
Under Votes:	63
Over Votes:	0
Barbara Aubel	549 21.37%
Edmund DeVeaux	488 19.00%
Helen K. Snider	293 11.41%
David G. Vespo	1,239 48.23%

GROUP 5 - NORTH PALM BEACH(2)

Complete Precincts:	10 of 10
Under Votes:	24
Over Votes:	0
Bill Manuel	941 53.31%
Rob Rennebaum	824 46.69%

COUNCILPERSON DIST 2 - RIVIERA BEACH

Complete Precincts:	17 of 17
Under Votes:	52
Over Votes:	0
Judy L. Davis	1,145 42.87%
Norma Duncombe	1,526 57.13%

MAYOR - LANTANA(1)

Complete Precincts:	6 of 6
Under Votes:	3
Over Votes:	0
Rosemary A. Mouring	67 16.14%
David J. Stewart	348 83.86%

MAYOR - PAHOKEE

Complete Precincts:	3 of 3
Under Votes:	12
Over Votes:	0
Alvis Davis	200 27.86%
Henrietta Johnson	171 23.82%
J. P. Sasser	347 48.33%

COUNCILPERSON DIST 4 - RIVIERA BEACH(1)(M)

Complete Precincts:	17 of 17
Under Votes:	73
Over Votes:	1
James 'Jim' Jackson	1,339 50.55%
Dennis Widlansky	1,310 49.45%

SEAT 5 - MANGONIA PARK

Complete Precincts:	2 of 2
Under Votes:	2
Over Votes:	0
Peggy H. Cook	56 47.46%
Frances M. Elien	43 36.44%
Charles R. Miller	19 16.10%

CITY COMMISSION GROUP I - PAHOKEE

Complete Precincts:	3 of 3
Under Votes:	29
Over Votes:	0
Gary McEntire	357 50.93%
Camella Slydell	344 49.07%

GROUP 1 - ROYAL PALM BEACH(2)

Complete Precincts:	15 of 15
Under Votes:	50
Over Votes:	1
David Swift	835 58.60%
Martha Webster	590 41.40%

GROUP 2 - ROYAL PALM BEACH(2)

Complete Precincts:	15 of 15		
Under Votes:	38		
Over Votes:	1		
Vern Hetherington	549	38.20%	
Barbara Isenberg	888	61.80%	

COUNCIL SEAT #3 - WELLINGTON

Complete Precincts:	22 of 22		
Under Votes:	113		
Over Votes:	0		
Peter LoFaso	985	20.80%	
Bob Margolis	2,410	50.89%	
Lorrie Miller	1,061	22.40%	
Peter D. Wein	280	5.91%	

HB - REFERENDUM

Complete Precincts:	4 of 4		
Under Votes:	0		
Over Votes:	0		
FOR PROJECT	367	82.29%	
AGAINST PROJECT	79	17.71%	

GROUP 3 - ROYAL PALM BEACH(2)

Complete Precincts:	15 of 15		
Under Votes:	32		
Over Votes:	0		
Matty Mattioli	848	58.73%	
Terri M. Wescott	596	41.27%	

DISTRICT 1 - WEST PALM BEACH

Complete Precincts:	60 of 60		
Under Votes:	20		
Over Votes:	0		
James 'Jim' Exline	1,673	59.24%	
Denise Smith-Barnes	1,151	40.76%	

ACME - REFERENDUM

Complete Precincts:	23 of 23		
Under Votes:	343		
Over Votes:	0		
YES	3,061	69.18%	
NO	1,364	30.82%	

MAYOR - WELLINGTON

Complete Precincts:	22 of 22		
Under Votes:	48		
Over Votes:	1		
Duane D. Christensen	2,097	43.69%	
Tom Wenham	2,703	56.31%	

BOCA - REFERENDUM 1

Complete Precincts:	48 of 48		
Under Votes:	35		
Over Votes:	0		
YES	3,370	63.85%	
NO	1,908	36.15%	

CC COUNCIL SEAT #2 - WELLINGTON

Complete Precincts:	22 of 22		
Under Votes:	92		
Over Votes:	0		
Lizbeth Benacquisto	2,675	56.23%	
Julio Galvez	1,422	29.89%	
Jean Lexima	660	13.87%	

BOCA - REFERENDUM 2

Complete Precincts:	48 of 48		
Under Votes:	30		
Over Votes:	0		
YES	2,377	44.99%	
NO	2,906	55.01%	

STATE OF FLORIDA
COUNTY OF PALM BEACH
I, DR. ARTHUR ANDERSON, SUPERVISOR OF ELECTIONS,
HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY
OF THE RECORDS ON FILE IN THIS OFFICE.
WITNESS MY HAND AND SEAL THIS 15th DAY OF
March 20 06

DR. ARTHUR ANDERSON
SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY, FLORIDA

By: *[Signature]*

Statement of Vote
Palm Beach County
UNI_MUNI_2006
3/16/2006

COUNCILPERSON DIST 2 - RMIERA BEACH

	Registered	Turnout	Percent	1	2
01172	1,528	29	1.90%	15	13
Precincts		29	1.90%	15	13
01174	481	1	0.21%	1	0
Precincts		1	0.21%	1	0
01192	1,535	391	25.47%	142	232
Precincts		391	25.47%	142	232
01202	1,704	389	22.83%	91	274
Precincts		389	22.83%	91	274
01208	1	0	0.00%	0	0
Precincts		0	0.00%	0	0
07008	1,283	77	6.00%	26	50
Precincts		77	6.00%	26	50
07012	140	29	20.71%	20	9
Precincts		29	20.71%	20	9
07018	1	1	100.00%	0	1
Precincts		1	100.00%	0	1
07020	1,804	265	14.69%	131	134
Precincts		265	14.69%	131	134
07021	1,506	175	11.62%	69	105
Precincts		175	11.62%	69	105
07024	2,147	271	12.62%	109	158
Precincts		271	12.62%	109	158
07026	457	67	14.66%	33	33
Precincts		67	14.66%	33	33
07028	1,923	269	13.99%	157	111
Precincts		269	13.99%	157	111
07030	1,587	127	8.00%	61	65
Precincts		127	8.00%	61	65
07031	1,347	177	13.14%	90	87
Precincts		177	13.14%	90	87
07032	2,173	292	13.44%	118	174
Precincts		292	13.44%	118	174
Provisional	0	107	0.00%	3	3
Provisional		107	0.00%	3	3
Absentee	0	1,910	0.00%	59	48
Absentee		1,910	0.00%	59	48

Statement of Vote
Palm Beach County
UNI_MUNI_2006
3/16/2006

COUNCILPERSON DIST 2 - RIVIERA BEACH

	Registered	Turnout	Percent	1	2
Voting Machine	0	803	0.00%	20	29
Absentee Walk-In		803	0.00%	20	29
	19,617	5,380	27.43%	1,145	1,526

Candidates

- 1 Judy L. Davis
- 2 Norma Duncombe

Statement of Vote
Palm Beach County
UNI_MUNI_2006
3/16/2006

COUNCILPERSON DIST 4 - RIVIERA BEACH(1)(M)

	Registered	Turnout	Percent	1	2
01172	1,528	29	1.90%	10	17
Precincts		29	1.90%	10	17
01174	481	1	0.21%	1	0
Precincts		1	0.21%	1	0
01192	1,535	391	25.47%	235	153
Precincts		391	25.47%	235	153
01202	1,704	389	22.83%	295	91
Precincts		389	22.83%	295	91
01208	1	0	0.00%	0	0
Precincts		0	0.00%	0	0
07008	1,283	77	6.00%	40	36
Precincts		77	6.00%	40	36
07012	140	29	20.71%	5	24
Precincts		29	20.71%	5	24
07018	1	1	100.00%	0	1
Precincts		1	100.00%	0	1
07020	1,804	265	14.69%	95	159
Precincts		265	14.69%	95	159
07021	1,506	175	11.62%	83	90
Precincts		175	11.62%	83	90
07024	2,147	271	12.62%	132	128
Precincts		271	12.62%	132	128
07026	457	67	14.66%	29	38
Precincts		67	14.66%	29	38
07028	1,923	269	13.99%	98	158
Precincts		269	13.99%	98	158
07030	1,587	127	8.00%	49	73
Precincts		127	8.00%	49	73
07031	1,347	177	13.14%	66	107
Precincts		177	13.14%	66	107
07032	2,173	292	13.44%	142	137
Precincts		292	13.44%	142	137
Provisional	0	107	0.00%	3	3
Provisional		107	0.00%	3	3
Absentee	0	1,910	0.00%	34	70
Absentee		1,910	0.00%	34	70

Statement of Vote
Palm Beach County
UNI_MUNI_2006
3/16/2006

COUNCILPERSON DIST 4 - RIVIERA BEACH(1)(M)

	Registered	Turnout	Percent	1	2
Voting Machine	0	803	0.00%	22	25
Absentee Walk-In		803	0.00%	22	25
	19,617	5,380	27.43%	1,339	1,310

Candidates

- 1 James 'Jim' Jackson
- 2 Dennis Widlansky

RESOLUTION NO. 45-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT – OFFICE OF CRIMINAL JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$18,500; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Florida Department of Law Enforcement has established the Edward Byrne Memorial Justice Grant (JAG) Program; and

WHEREAS, the City of Riviera Beach has been awarded funds in the amount of \$18,500 for a period of six (6) months; and

WHEREAS, these funds will be used for hiring of personnel and purchasing equipment to enhance the programs and services offered by the Civil Drug Court; and

WHEREAS, the City of Riviera Beach Civil Drug Court is willing and capable of facilitating the programs that will be created once the grant is approved.

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NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That the City Council authorizes acceptance of JAG grant funds in the amount of \$18,500.

SECTION 2: That the Finance Director is authorized to set up budget as follows:

REVENUE

148-00-334693	Civil Drug Court-JAG	\$18,500
	Total	\$18,500

EXPENDITURE

148-1618-569-2-1201	Salaries	\$12,000
148-1618-569-2-1401	FICA Taxes	\$ 918
148-1618-569-2-3101	Contract Services	\$ 1,800
148-1618-569-2-4001	Travel	\$ 2,500
148-1618-569-2-5201	Oper. Supplies	<u>\$ 1,282</u>
	TOTAL	\$18,500

SECTION 3: THAT THIS RESOLUTION SHALL TAKE EFFECT UPON ITS APPROVAL AND PASSAGE BY THE CITY COUNCIL.

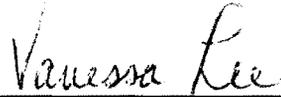
PASSED AND APPROVED this 5th day of April, 2006.

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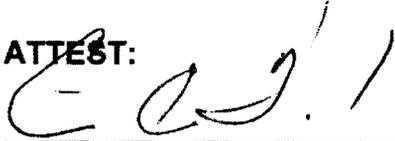


MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

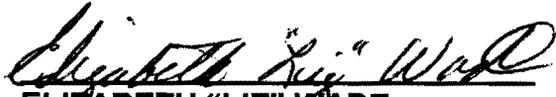
ATTEST:



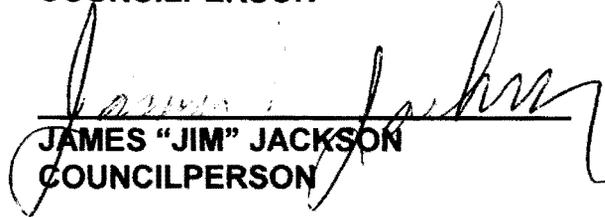
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



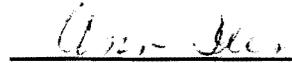
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: V. Lee

SECONDED BY: E. Wade

V. LEE: aye

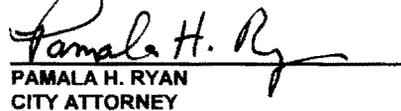
N. DUNCOMBE: aye

E. WADE: aye

J. JACKSON: aye

A. ILES: aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN
CITY ATTORNEY

DATE: 3/30/06

RESOLUTION NO. 44-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENGAGE NABORS, GIBLIN, & NICKERSON, FOR A FEE OF \$3,500.00, PLUS OUT-OF-POCKET EXPENSES NOT TO EXCEED \$1,000 TO ACT AS BOND COUNSEL TO ASSIST WITH THE PROPOSED FINANCING OF THE COMMUNITY REDEVELOPMENT AGENCY'S OUTSTANDING BOND ANTICIPATING NOTES MATURING JULY 5, 2006 AND AUTHORIZING PAYMENT OF SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution 24-06, approved by the City Council on February 15, 2006, authorized the City Manager to proceed with steps necessary for financing of the Community Redevelopment Agency's Bond Anticipation Notes (BANS); and

WHEREAS, the BANS will mature July 5, 2006; and

WHEREAS, the City, in its prudence, desires to provide funding for the payoff of these BANS in the event that the CRA is unable to satisfy the payment requirements through options available to the Agency; and

WHEREAS, the City's financial and management staff have worked with the City's financial advisors (Public Financial Management) to structure the most advantageous instrument to satisfy the debt; and

WHEREAS, the City must engage bond counsel to assist with the technical aspects of debt issuance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

SECTION 1. That the City Manager is hereby authorized to engage Nabors, Giblin & Nickerson to act as Bond Counsel to assist with the proposed financing of the Community Redevelopment Agency's outstanding Bond Anticipation Notes.

SECTION 2. That the City Manager is authorized to make payment in the amount of \$3,500.00 plus out-of-pocket expenses not to exceed \$1,000 to Nabors, Giblin & Nickerson for same.

SECTION 3. This resolution shall take effect upon its passage and approval by the City Council.

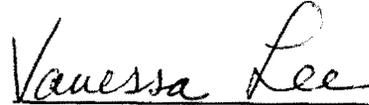
PASSED AND APPROVED this 5th day of April, 2006.

RESOLUTION NO. 44-06
PAGE 2

APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

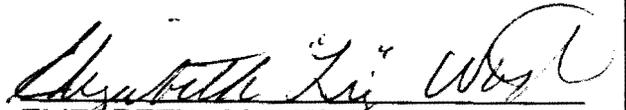
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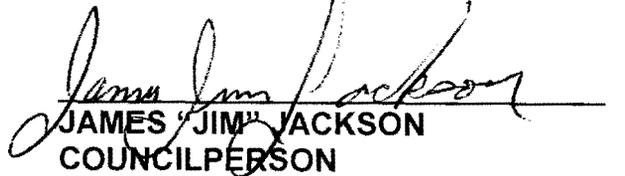
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



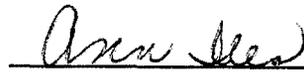
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: V. Lee

SECONDED BY: E. Wade

V. LEE: aye

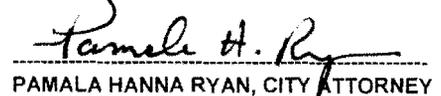
E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/30/06

RESOLUTION NO. 43-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FROM DANIEL AND ELIZABETH LLC FOR A 28,500 SQUARE FOOT TIRE RECONDITIONING AND SERVICE FACILITY LOCATED ON THE SOUTH SIDE OF 13TH STREET BETWEEN AUSTRALIAN AVENUE AND OLD DIXIE HIGHWAY; PROVIDING SPECIFIC CONDITIONS AND AN EFFECTIVE DATE.

WHEREAS, Section 31-57, of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the Planning & Zoning Board met on March 15, 2006, to review the site plan application and made a recommendation for approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Site Plan (Exhibit A) for a 28,500 square foot tire reconditioning and service facility is approved with the following conditions:

1. All outside tire storage will be restricted to the designated area behind the building using storage racks to keep the tires organized, and will be limited to a maximum stacked height of 10 feet.
2. No stored tires shall be visible from 13th Street, and stored tires shall be setback a minimum of 10 feet from the property line.
3. The maximum number of tires that can be stored outside in the designated storage area shall be 400 tires.
4. All tire shavings shall be kept in special designated containers for pick-up by pre-arranged contract for recycling/safe disposal.
5. All future advertising must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
6. Construction must be initiated within 18 months of receiving City Council Approval.
7. The owner shall provide a bond in the amount of 110% of the cost of landscape materials and installation prior to receiving a certificate of occupancy.

RESOLUTION NO. 43-06
PAGE 2

SECTION 2. This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

SECTION 3. This resolution shall take effect immediately.

PASSED and APPROVED this 5th day of April, 2006.

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APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

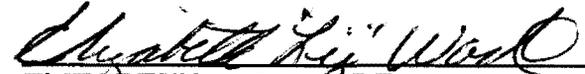
ATTEST:



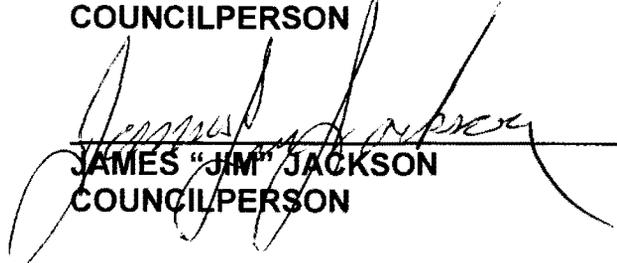
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



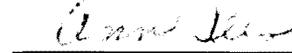
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: N. Duncombe

SECONDED BY: V. Lee

V. LEE: aye

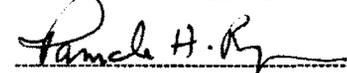
E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/30/06

RESOLUTION NO. 42-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM STEVE HOLSTE AND THE PORT COMMERCE CENTER, LLC TO BUILD TWO NEW OFFICE/WAREHOUSE BUILDINGS TOTALING 117,600 SQUARE FEET, LOCATED ON 7.23 ACRES ON THE NORTHWEST CORNER OF 13TH STREET AND OLD DIXIE HIGHWAY AND; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property is zoned General Industrial and Limited Industrial and the proposed use is consistent with this zoning; and

WHEREAS, Staff has reviewed the proposed application and recommends approval with conditions; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Site Plan application from Steve Holste and The Port Commerce Center, LLC for the property located at 1301 Old Dixie Highway is hereby approved with the following conditions:

- Landscaping bond for 110% of the value of landscaping and irrigation shall be required before certificate of occupancy is issued. The bond shall be valid for two years.
- All future advertising must state that the property is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
- Construction must be initiated within 18 months of receiving City Council Approval.

SECTION 2. That this Resolution shall be in full force and effect immediately upon its passage.

RESOLUTION NO. 42-06

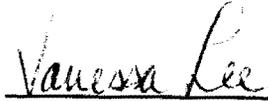
PAGE -2-

PASSED and APPROVED this 5th day of April, 2006

APPROVED:

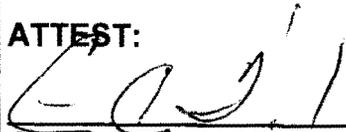


MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

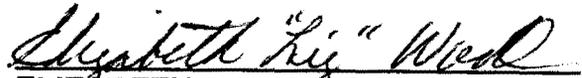
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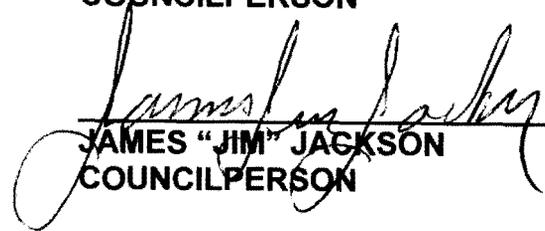
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



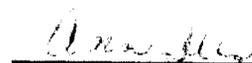
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: V. Lee

SECONDED BY: E. Wade

V. LEE: aye

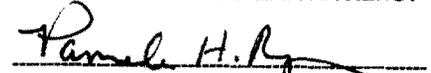
E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/29/06

RESOLUTION NO. 41-06

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIVIERA BEACH, PALM
BEACH COUNTY, FLORIDA, APPROVING
THE SITE PLAN APPLICATION FROM WAH
VENTURES FOR A 30 UNIT TOWN HOME
DEVELOPMENT LOCATED AT 4142 LEO
LANE; PROVIDING SPECIFIC CONDITIONS
AND AN EFFECTIVE DATE.**

WHEREAS, Section 31-57, of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the Planning & Zoning Board met on February 23, 2006, to review the site plan application and made a recommendation for approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Site Plan (Exhibit A) for 30 new town homes to be located at 4142 Leo Lane is approved with the following conditions:

1. All future advertising must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
2. Construction must be initiated within 18 months of receiving City Council Approval.
3. The owner shall provide a bond in the amount of 110% of the cost of landscape materials and installation prior to receiving a certificate of occupancy.
4. All new units shall be "for sale" products, and a maximum of one unit can be sold to a specific owner.

SECTION 2. This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

SECTION 3. This resolution shall take effect immediately.

PASSED and APPROVED this 5th day of April, 2006.

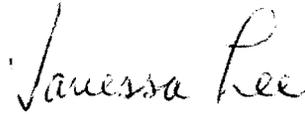
RESOLUTION NO. 41-06

PAGE 2

APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

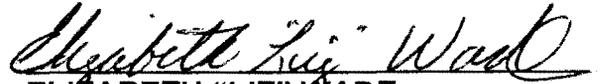
ATTEST:



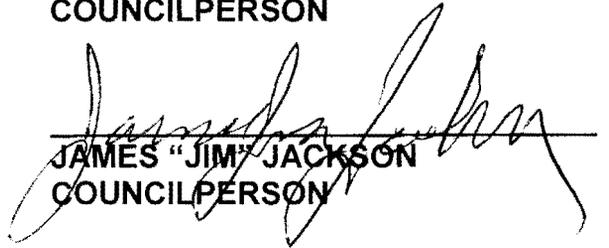
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



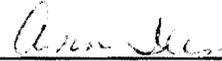
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: N. Duncombe

V. LEE: aye

E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/29/06

RESOLUTION NO. 40-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RECLASSIFYING THE CLASSIFIED POSITION OF OFFICE ASSISTANT TO THE CLASSIFIED POSITION OF OFFICE ASSISTANT, SENIOR IN THE 2005/2006 OFFICE OF THE CITY CLERK RECORDS DIVISION BUDGET; AND DELETING THE CLASSIFIED POSITION OF OFFICE ASSISTANT IN THE 2005/2006 OFFICE OF THE CITY CLERK RECORDS DIVISION BUDGET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the classified position of Office Assistant is listed in the 2005/2006 Office of the City Clerk Records Division Budget; and

WHEREAS, the duties of the classified position of Office Assistant within the department does not meet the demands of internal and external customers; and

WHEREAS, it is desirous of the Office of the City Clerk to continue to provide professional and expedient service to all; and

WHEREAS, the prospective demand for future growth and services are evident, the need for experienced and skilled staff is critical. In an effort to obtain better qualified applicants we must consider reclassifying the position.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. That the following classified position be reclassified in the 2005/2006 Office of the City Clerk Records Division Budget:

FROM

<u>SALARY SCHEDULE</u>	<u>POSITION</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
GENERAL	OFFICE ASSISTANT	3	\$20,280-\$31,433

TO

<u>SALARY SCHEDULE</u>	<u>POSITION</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
GENERAL	OFFICE ASSISTANT, SENIOR	5	\$23,414-\$36,292

SECTION 2. That the following classified position be deleted from the 2005/2006 budget of the Office of the City Clerk:

<u>SALARY SCHEDULE</u>	<u>POSITION</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
GENERAL	OFFICE ASSISTANT	3	\$20,280-\$31,433

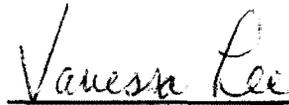
SECTION 3. That this Resolution shall take effect upon its passage and approval by City Council.

PASSED AND APPROVED THIS 5th DAY OF April,
2006.

APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

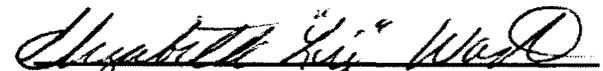
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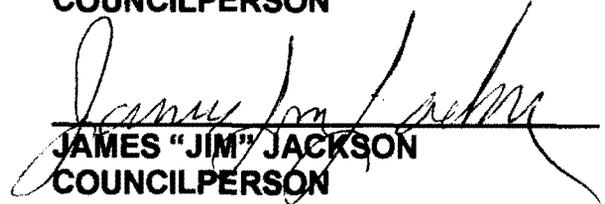
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



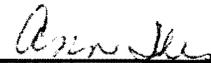
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: V. Lee

V. LEE: aye

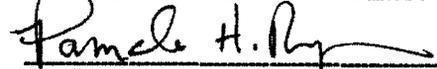
E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/31/06

RESOLUTION. NO. 39-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE LIBRARY DEPARTMENT'S 2005-2006 FISCAL YEAR BUDGET BY DELETING ONE LIBRARY ASSISTANT POSITION WITH THE NEWLY CREATED POSITION OF LIBRARY COMMUNICATIONS TECHNICIAN AND BY AMENDING THE JOB CLASSIFICATION LIST BY INCLUDING THE CLASSIFIED POSITION ON THE JOB CLASSIFICATION LIST AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is a need to utilize an individual in the Library Department to provide information regarding programs to community service groups and the general public; and

WHEREAS, this individual will also act as a liaison with the school district (GED classes) and other organizations to provide new services and programs; and

WHEREAS, this employee will plan programs and provide services relating directly to pre-teens, young adults and senior citizens; and

WHEREAS, the Library Department currently has a vacant Library Assistant position; and

WHEREAS, the Library Department recommends the creation of a new position titled Library Communications Technician; and

WHEREAS, the Classified Position of Library Communications Technician will replace one of the Library Assistant positions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, THAT:

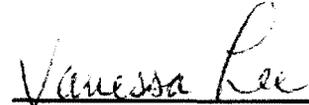
SECTION 1. That one of the 6.5 current positions of Library Assistant in the Library Department's 2005/2006 Budget be deleted as follows:

SALARY SCHEDULE	POSITION	PAY GRADE	SALARY
General	Library Assistant	6	\$24,981.56
			\$38,721.22

APPROVED:



MICHAEL D. BROWN
MAYOR



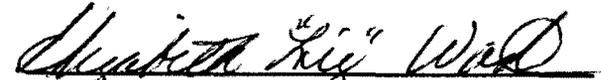
VANESSA LEE
COUNCILPERSON

ATTEST:

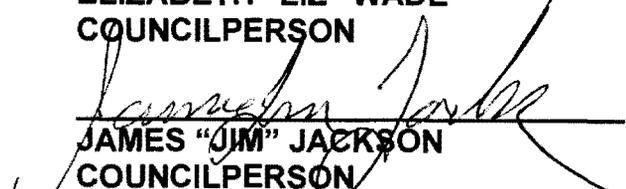

CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



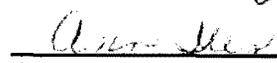
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: V. Lee

V. LEE: aye

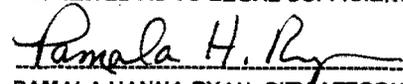
E. WADE: aye

A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/30/06

RESOLUTION NO. 38-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$12,000 FROM GENERAL FUND CONTINGENCY TO THE GENERAL FUND SPECIAL EVENT ACCOUNT NO. 001-0203-519-0-5507 TO COVER ADDITIONAL COSTS RELATED TO THE NEALIA B. CUNNINGHAM DAY CELEBRATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, staff has prepared and submitted to the Mayor and City Council, with the City Manager's approval, the schedule of activities for the 2006 Nealia B. Cunningham Day Celebration, on April 13, 2006, and ending April 14, 2006 on Peanut Island; and

WHEREAS, the City included in its adopted budget for FY 2006 \$12,000 of funds for this event in the General Fund; and

WHEREAS, additional funding in the amount of \$12,000 is required to cover the costs of purchasing tents, providing transportation and entertainment, and purchasing supplies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, THAT:

SECTION 1. The Finance Director is hereby authorized to transfer \$12,000 from the General Fund Contingency Account #001-0203-519-0-5999 as follows:

Transfer From:

General Fund Contingency 001-0203-519-0-5999 \$12,000

Transfer To:

General Fund Special Event Account 001-0203-519-0-5507 \$12,000

SECTION 2. This resolution shall take effect upon its passage and approval by the City Council.

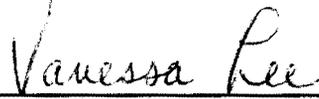
RESOLUTION NO. 38-06

-2-

APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

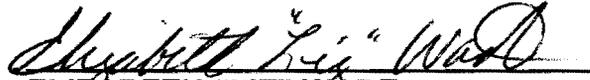
ATTEST:



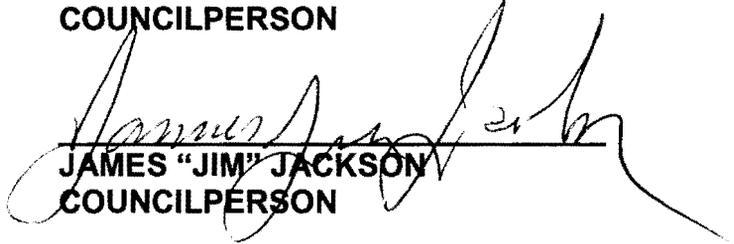
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



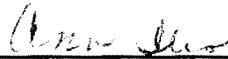
NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: V. Lee

V. LEE: aye

E. WADE: aye

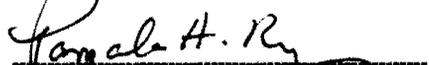
A. ILES: aye

N. DUNCOMBE aye

J. JACKSON aye

[JHH, Apr. 032806]

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/30/06

RESOLUTION NO. 37-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA; AWARDED BID NO. 11706 TO NATIONAL GENERATORS OF MIAMI FLORIDA IN THE AMOUNT OF \$133,000; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE \$167,000 FROM THE CAPITAL IMPACT FEE PUBLIC BUILDINGS ACCOUNT (303) TO FINANCE THE PURCHASE OF ONE EMERGENCY STANDBY POWER SYSTEM AND PAY RELATED COST INCLUDING INSTALLATION, A CEMENT FOUNDATION AND LANDSCAPING; ESTABLISHING A BUDGET AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach has experienced the destructive impact of three major hurricanes over the last 18 months; and

WHEREAS, these storms and their disruptive aftermath have underscored the need for our City to expand its capacity to deliver a consistent level of services under the challenges of post disaster conditions; and

WHEREAS, it is critical that essential City operations housed on the municipal campus (600 W. Blue Heron Blvd.) have the added capacity to function uninterrupted even when power from FP&L is unavailable; and

WHEREAS, an emergency standby power system will provide emergency electrical power for the municipal campus and expand the City's capacity to provide services during periods of extended electrical power interruption including natural disasters and black-outs; and

WHEREAS, the City publicly solicited bids on the project and National Generator was the lowest responsible bidder; and

WHEREAS, sufficient funds are available in the Capital Impact Fee Public Buildings account (303) and the proposed improvements are an allowable expenditure under the existing Capital Impact Fee ordinance.

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

SECTION 1. The City Council awards bid No.11706 in the amount of \$133,000 to National Generator of 7200 N.W. 77th Street, Miami, Florida; and further authorizes the use of \$34,000 to pay for installation, a cement foundation and landscaping.

SECTION 2. The City Council authorizes the appropriation of \$167,000 from the Capital Impact Fee Public Buildings account (303) to finance the purchase, installation and other related costs of an emergency standby power system for City Hall.

SECTION 3. The Finance Director is authorized to establish a budget and appropriate funds in the Capital Impact Fee Public- Building account as follows:

Revenue:

Impact Fees: Public Buildings	\$167,000	303-00-363272
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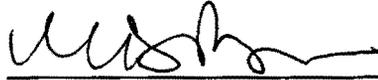
Expenditure:

Machinery and Equipment	\$155,600	303-0203-572-0-6455
Improvements other than building	<u>\$ 11,400</u>	303-0203-572-0-6351
	<u>\$ 167,000</u>	

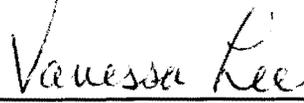
SECTION 3. This Resolution shall take effect upon its passage and approval by the City Council.

PASSED AND APPROVED this 5th day of April, 2006

APPROVED:



MICHAEL D. BROWN
MAYOR



VANESSA LEE
COUNCILPERSON

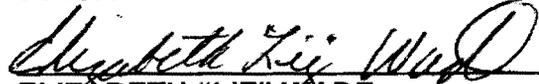
ATTEST:



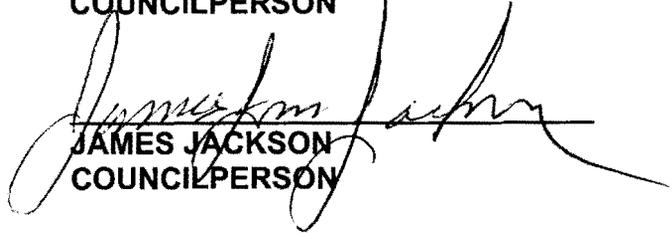
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



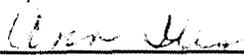
NORMA DUNCOMB
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES JACKSON
COUNCILPERSON



ANN ILES
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: V. Lee

V. LEE aye

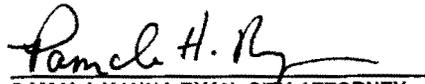
E. WADE aye

A. ILES aye

J. JACKSON aye

N. DUNCOMBE aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/24/06

PURCHASE CONTRACT FOR EMERGENCY POWER SYSTEM

THIS AGREEMENT made and entered into this 5 day of April, 2006 by and between NATIONAL GENERATORS, INC., hereinafter referred to as "Independent Contractor," whose mailing address is 7200 N.W. 77th Street, Miami, Florida, 33166 and the CITY OF RIVIERA BEACH, FLORIDA, a municipal corporation, hereinafter referred to as "City," whose address is 600 West Blue Heron Boulevard, Riviera Beach, Florida, 33404.

WHEREAS, the City posted an Invitation to Bid, to wit, Bid No.: 11706, hereinafter the "Bid" for One New 750 kW "Generac" Liquid Cooled Bi-Fueled Diesel Twin Generator Set, the specifications of which are incorporated herein by reference; and

WHEREAS, Independent Contractor was the successful low and responsible bidder.

In consideration of the mutual covenants and promises set forth herein, the parties to this Agreement do hereby agree as follows:

1. Independent Contractor agrees to be bound by all the terms and conditions as set forth in the Bid.
2. To the extent that there exists a conflict between the Bid and this Agreement, the terms, conditions, covenants, and/or provisions of this Agreement shall prevail. Wherever possible, the provisions of such documents shall be construed in such a manner as to avoid conflicts between provisions of the various documents.
3. That the City does hereby retain the services of the Independent Contractor for the purpose of purchasing one new 750 kW bi-fueled diesel generator set as set forth more fully in Exhibit "A" attached hereto and incorporated herein by reference.
4. All merchandise to be purchased under the terms of this Agreement shall be delivered to the City no later than one-hundred and five (105) days after receipt of official notice to supply such merchandise, the timely deliver of said merchandise being essential conditions of this Agreement. If the merchandise is not delivered according to the terms of this Agreement within the limits herein stipulated, the Independent Contractor shall pay the City, not as a penalty, but as liquidated damages, a sum equal to one hundred dollars (\$100) for each day elapsing between expiration of such time limit and the date of delivery, providing, however, that the time limits herein stated are subject to extension without payment of damages, as provided in section 21, herein.
6. The City agrees to compensate the Independent Contractor in accordance with the fee proposal set as forth in Exhibit "A". The total and cumulative amount of this contract shall not exceed the amount of funds annually budgeted for these services. The City shall not reimburse the Independent Contractor for any travel costs incurred as a direct result of the Independent Contractor providing deliverables to the City in pursuance of the scope of work contained in Exhibit "A".
7. Independent Contractor hereby represents that it has complied and shall continue to comply with all applicable Federal and State statutes and local ordinances. Further, Independent Contractor shall be solely responsible for obtaining and complying with all necessary permits, approvals and authorizations, required for the work to be performed pursuant to the terms of this Agreement from any federal, state, regional, county, or city agency.
8. The Independent Contractor represents that it has, or will secure at its own expense, all necessary personnel, equipment and materials required to perform the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.
9. All of the services required hereunder shall be performed by the Independent Contractor or under its supervision, and all personnel engaged in performing the services shall be fully qualified and, if required, authorized or permitted under state and local law to perform such services.

10. The Independent Contractor agrees that that it is fully responsible to the City for the acts and omissions of subcontractors and of persons either directly or indirectly employed by the Independent Contractor. Nothing contained herein shall create any contractual relationship between any subcontractor and the City.

11. All of the Independent Contractor's personnel (and all Subcontractors) while on City premises will comply with all City requirements governing conduct, safety and security.

12. The City is exempt from payment of Florida State Sales and Use Taxes. The City will sign an exemption certificate submitted by the Independent Contractor. The Independent Contractor shall not be exempted from paying sales tax to its suppliers for materials used to fulfill contractual obligations with the City, nor is the Independent Contractor authorized to use the City's Tax Exemption Number in securing such materials.

13. Prior to execution of this Agreement by the City the Independent Contractor shall provide certificates evidencing insurance coverages as required hereunder. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Certificates shall clearly indicate that the Independent Contractor has obtained insurance of the type, amount, and classification as required for strict compliance with this ARTICLE and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the City's representative. Compliance with the foregoing requirements shall not relieve the Independent Contractor of its liability and obligations under this Agreement.

14. The Independent Contractor shall maintain, during the life of this Agreement, commercial general liability, including contractual liability insurance in the amount of \$500,000 per occurrence to protect the Independent Contractor from claims for damages for bodily and personal injury, including wrongful death, as well as from claims of property damages which may arise from any operations under this Agreement, whether such operations be by the Independent Contractor or by anyone directly employed by or contracting with the Independent Contractor.

15. The Independent Contractor shall maintain, during the life of this Agreement, comprehensive automobile liability insurance in the minimum amount of \$500,000 combined single limit for bodily injury and property damages liability to protect the Independent Contractor from claims for damages for bodily and personal injury, including death, as well as from claims for property damage, which may arise from the ownership, use, or maintenance of owned and non-owned automobiles, including rented automobiles whether such operations be by the Independent Contractor or by anyone directly or indirectly employed by the Independent Contractor.

16. The Independent Contractor shall maintain, during the life of this Agreement, adequate Workers' Compensation Insurance and Employer's Liability Insurance in at least such amounts as are required by law for all of its employees per Florida Statute 440.02.

17. All insurance, other than Professional Liability and Workers' Compensation, to be maintained by the Independent Contractor shall specifically include the City as an "Additional Insured."

18. The Independent Contractor shall indemnify and save harmless and defend the City, its agents, servants, and employees from and against any and all claims, liability, losses, and/or causes of action which may arise from any negligent act or omission of the Independent Contractor, its agents, servants, or employees in the performance of services under this Agreement.

19. The Independent Contractor further agrees to indemnify, save harmless and defend the City, its agents, servants and employees from and against any claim, demand or cause of action of whatsoever kind or nature arising out of any conduct or misconduct of the Independent Contractor not included in the paragraph above and for which the City, its agents, servants or employees are alleged to be liable. Nothing contained in this provision shall be construed or interpreted as consent by the City to be sued, nor as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes.

20. The Independent Contractor shall not be considered in default by reason of any failure in performance if such failure arises out of causes reasonably beyond the control of the Independent Contractor or its subcontractors and without their fault or negligence. Such causes include, but are not limited to: acts of God; natural

or public health emergencies; labor disputes; freight embargoes; and abnormally severe and unusual weather conditions. Upon the Independent Contractor's request, the City shall consider the facts and extent of any failure to perform the work and, if the Independent Contractor's failure to perform was without it or its subcontractors fault or negligence, as determined by the City, the Agreement Schedule and/or any other affected provision of this Agreement shall be revised accordingly; subject to the City's rights to change, terminate, or stop any or all of the work at any time. If the Independent Contractor is delayed at any time in the process of the work by any act or neglect of the City or its employees, or by any other contractor employed by the City, or by changes ordered by the City or in an unusual delay in transportation, unavoidable casualties, or any causes beyond the Independent Contractor's control, or by delay authorized by the Engineer pending negotiation or by any cause which the Engineer shall decide justifies the delay, then the time of completion shall be extended for any reasonable time the City may decide. In the case of continuing cause of delay, only one (1) claim is necessary.

21. The Independent Contractor does not have the power or authority to bind the City in any promise, agreement or representation other than as specifically provided for in this Agreement.

22. The City reserves the right to make changes in the scope of work, including alterations, reductions therein or additions thereto. Upon receipt by the Independent Contractor of the City's notification of a contemplated change, the Independent Contractor shall, in writing: (1) provide a detailed estimate for the increase or decrease in cost due to the contemplated change, (2) notify the City of any estimated change in the completion date, and (3) advise the City if the contemplated change shall effect the Independent Contractor's ability to meet the completion dates or schedules of this Agreement. If the City so instructs in writing, the Independent Contractor shall suspend work on that portion of the work affected by a contemplated change, pending the City's decision to proceed with the change.

23. If the City elects to make the change, the City shall initiate an Agreement Amendment and the Independent Contractor shall not commence work on any such change until such written amendment is signed by the Independent Contractor and approved and executed by the City Manager for the City.

24. The generator set to be furnished by the Independent Contractor under this Agreement shall be guaranteed by the Independent Contractor for a period of one (1) year from the date of final acceptance thereof by the City against defects in design, workmanship, or materials. Upon receipt of notice from the City of failure or defect of any part covered under such warranty/guaranty period, the affected part, parts, or materials shall be replaced promptly with new parts or materials by the Independent Contractor at no expense to the City. In the event the Independent Contractor fails to make the necessary repairs or replacements within 30 days after notification by the City, the City may accomplish the work at the expense of the Independent Contractor.

25. The Independent Contractor shall continuously maintain adequate protection of all work from damage, and shall protect such work and the City's property from injury or loss arising during the term of the Agreement. Except for any such damage, injury, or loss which may be directly due to errors caused by the City or employees of the City, the Independent Contractor shall adequately protect adjacent property, as provided by the law, and shall provide guard fences, lights, and any other necessary materials to carry out such protection.

26. Until acceptance of the work by the City, the City's property shall be under the charge and care of the Independent Contractor and the Independent Contractor shall take every necessary precaution against injury or damage to the work by the action of elements or from any other cause whatsoever, and the Independent Contractor shall repair, restore and make good, without additional charge any work occasioned by any of the above causes before its completion and acceptance by the City.

27. This Agreement and any dispute, disagreement, or issue of construction or interpretation arising hereunder whether relating to its execution, its validity, the obligations provided herein, performance or breach shall be governed and interpreted according to laws of the State of Florida. Any and all legal action necessary to enforce the Agreement will be held in Palm Beach County.

28. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of

any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

29. If any action, whether in law, equity or otherwise, is brought for any dispute, disagreement, or issue of construction, declaration or interpretation arising hereunder whether relating to the Agreement's execution, validity, the obligations provided therein, or performance of this Agreement, or because of an alleged breach, default or misrepresentation in connection with any provisions of this Agreement, the successful or prevailing party or parties shall be entitled to recover reasonable attorney's fees, court costs and all expenses (including taxes) even if not taxable as court costs (including, without limitation, all such fees, costs and expenses incident to appeals), incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

30. Time is of the essence in all respects under this Agreement.

31. Failure of the City to enforce or exercise any right(s) under this Agreement shall not be deemed a waiver of City's right to enforce or exercise said right(s) at any time thereafter.

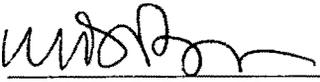
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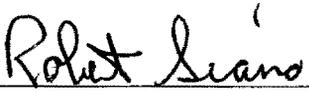
AGREEMENT WITH THE CITY OF RIVIERA BEACH

IN WITNESS WHEREOF, the Parties unto this Agreement have set their hands and seals on the day and date first written above.

CITY OF RIVIERA BEACH

INDEPENDENT CONTRACTOR

BY: 
MICHAEL D. BROWN
MAYOR

BY: 
ROBERT SIANO
PRESIDENT

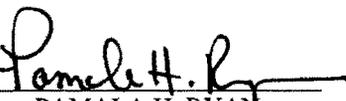
ATTEST:

(SEAL)

BY: 
CARRIE E. WARD, MMC
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

BY: 
PAMALA H. RYAN
CITY ATTORNEY

BY: _____
BENJAMIN GUY
PURCHASING DIRECTOR

DATE: 3/24/06