

RESOLUTION NO. 173-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$240,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET AND APPROPRIATE FUND BALANCE IN THE PAVING AND DRAINAGE CONSTRUCTION FUND IN THE AMOUNT OF \$260,000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 5, 2005, the City Council approved the submittal of an application to Palm Beach County for receiving funds under the Community Development Block Grant program; and

WHEREAS, County staff has recommended to the County Commission approval of the application in the amount of \$240,000; and

WHEREAS, The City and Palm Beach County desire to enter into an agreement to implement the Northwest Neighborhood Strategy Area Phase VII Project, reconstruction of West 30th and West 31st Streets from Avenue R to Avenue S.

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

SECTION 1. The agreement between the City of Riviera Beach and Palm Beach County for receiving Community Development Block Grant Fund is approved.

SECTION 2. The Mayor and City Clerk are authorized to execute the agreement.

SECTION 3. The Finance Director is authorized to appropriate fund balance from account 301-00-399999 to set up a budget in the Paving and Drainage Construction Fund in the amount of \$260,000 and set up a budget in the CDBG fund in the amount of \$240,000 for West 30th and West 31st Street Improvement as follows:

Revenue:		
108-00-337413	CDBG Grant 06	\$240,000
Expenditure:		
108-0716-541-1-6355	Street Improvement	\$240,000
Revenue:		
301-00-399999	Paving and Drainage Construction Fund Fund Balance	\$260,000
Expenditure:		
301-0716-541-1-6355	Street Improvement	\$210,000
301-0716-541-1-3106	Professional Services	\$50,000

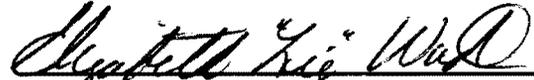
SECTION 4. This resolution shall become effective upon its passage and approval by the City Council.

PASSED AND APPROVED on this 5th day of October, 2005.

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APPROVED:

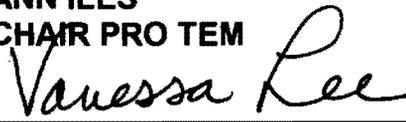

MICHAEL D. BROWN
MAYOR

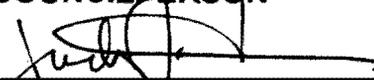

ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ANN ILES
CHAIR PRO TEM


VANESSA LEE
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: J. Davis

SECONDED BY: A. Iles

E. WADE: aye

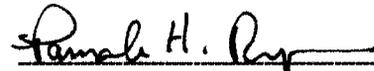
A. ILES: aye

V. LEE: aye

J. DAVIS: aye

E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/29/05

RESOLUTION NO. 174-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING AND AWARDING THE BID SUBMITTED BY ELECTRICAL CONSULTING SERVICES, INC. FOR INSTALLATION OF DECORATIVE STREET LIGHTS ON WEST 1ST STREET BETWEEN AUSTRALIAN AVENUE AND AVENUE J IN THE AMOUNT OF \$31,970.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bids for installing decorative streets lights were opened on September 9, 2005; and

WHEREAS, Electrical Consulting, Inc. is the lowest responsible bidder.

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

SECTION 1. The bid submitted by Electrical Consulting, Inc. is hereby accepted for \$31,970.00.

SECTION 2. The Mayor and City Clerk are authorized to execute the contract.

SECTION 3. That the City Manager is authorized to approve change orders up to \$5,000.00.

SECTION 4. This Resolution shall become effective upon its passage.

PASSED AND APPROVED this 5th day of October, 2005.

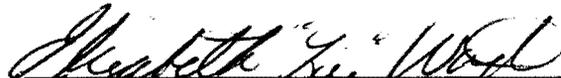
RESOLUTION NO. 174-05

PAGE -2-

APPROVED:



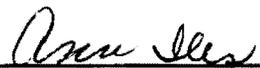
MICHAEL D. BROWN
MAYOR



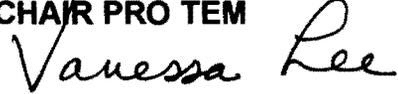
ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



VANESSA LEE
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: J. Davis

SECONDED BY: A. Iles

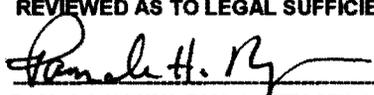
E. WADE: aye

A. ILES: aye

V. LEE: aye

J. DAVIS: aye

E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/29/05

RESOLUTION NO. 175-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF HIGHTOWER AND DAVIS VS. THE CITY OF RIVIERA BEACH, CASE NO. CA 03-004000 AN, IN THE 15TH JUDICIAL CIRCUIT IN AND OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE EXECUTION OF A STIPULATION OF SETTLEMENT AGREEMENT; AUTHORIZING STAFF TO PURCHASE PROPERTY USING FUNDS FROM THE PARKS AND RECREATION IMPACT FEE CAPITAL BUDGET; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE AND AMEND THE BUDGET IN THE PARKS & RECREATION IMPACT FEE CAPITAL BUDGET, FUND 303 IN THE AMOUNT OF \$133,000 AND MAKE PAYMENT FOR SAME; AUTHORIZING THE CITY CLERK TO RELEASE THE LOT CLEARING LIENS ON SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Calvin Hightower and Willie Davis (hereinafter "owners") are owners of property located on West 31st Street in Riviera Beach, more particularly described below, which is adjacent to a city owned cemetery; and

WHEREAS, in 2003, the owners filed a lawsuit against the City of Riviera Beach for inverse condemnation when the City refused to allow the owners to build homes on the property unless and until the owners proved there were no human remains on the property; and

WHEREAS, the owners have agreed to sell the property to the City of Riviera Beach for \$133,000; and

WHEREAS, it is the intention of the City of Riviera Beach to improve the property as a passive park by adding it to an already existing cemetery.

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 Hightower and Davis v. City of Riviera Beach, case no. CA 03-004000AN.

SECTION 2. That Don Stephens, as special counsel for the City, is authorized to execute the stipulated settlement and file the same with the court, a copy of which is attached hereto.

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SECTION 3. That the Finance Director is authorized to appropriate fund balance and amend the Parks & Recreation Impact Fee Capital Budget, Fund 303 as follows:

Revenue:		
303-00-399999	Parks & Recreation Impact Fee	\$133,000
Expenditure:		
303-1234-572-0-6101	Parks & Recreation Land Account	\$133,000

SECTION 4. That staff is authorized to purchase lots 17-24 of the Pinehill Subdivision, located on West 31st Street in Riviera Beach, Florida, and legally described as:

Lots 17 through 24 inclusive, Pinehill, according to the plat thereof on file in the office for the Clerk of the Circuit Court in and for Palm Beach County, Florida, Plat Book 23, page 204

for the sum of \$133,000.

SECTION 5. That the Mayor and Finance Director are authorized to make payment for same from the Parks and Recreation Impact Fee Land Account number 303-1234-572-0-6101.

SECTION 6. That the City Clerk is authorized to release the lot clearing liens on the property totaling \$1,383.67.

SECTION 7. That this resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this 5th DAY OF October, 2005.

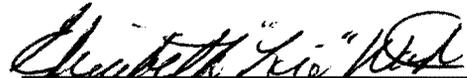
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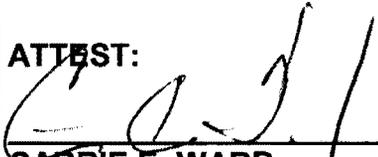
APPROVED:



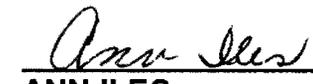
MICHAEL D. BROWN
MAYOR



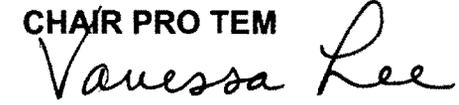
ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:


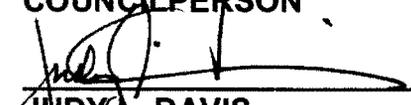
GARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



VANESSA LEE
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: J. Davis

SECONDED BY: A. Iles

E. WADE: aye

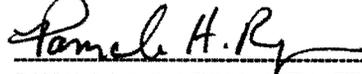
A. ILES: aye

V. LEE: aye

J. DAVIS: aye

E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/29/05

RESOLUTION NO. 176-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN ADDENDUM TO AN INTERLOCAL AGREEMENT WITH THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY PROVIDING FOR A NEW LOAN OF \$425,000; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN THE GENERAL FUND IN THE AMOUNT OF 425,000 FOR A LOAN TO THE CRA; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ADDENDUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 29, 2004, the City Council of the City of Riviera Beach, hereinafter "City", approved Resolution No. 185-04, entering into an Interlocal Agreement, hereinafter 2004 "Interlocal Agreement", with the Riviera Beach Community Redevelopment Agency, hereinafter "CRA" consolidating all previous loans the City provided to the CRA for a total \$1,218,000; and

WHEREAS, the CRA is in need of an additional loan of \$425,000, to pay a settlement in the case of Florida Acquisition and Appraisal, Inc. v. CRA, and the City is desirous of loaning said amount to be consolidated with the outstanding loan amount, bringing the new total to \$1,643,000.00.

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

SECTION 1. The City Council approves the agreement with the Community Redevelopment Agency providing for a new loan of \$425,000, bringing the total loan to \$1,643,000.

SECTION 2. The Community Redevelopment Agency will repay the loan in its entirety in the amount of \$1,643,000 as outlined in the addendum and 2004 Interlocal Agreement.

SECTION 3. That the City Council authorizes the Mayor and City Clerk to execute the agreement on behalf of the City.

RESOLUTION NO. 176-05

SECTION 4. That the Finance Director is authorized to appropriate Fund Balance in the General Fund Account No. 001-00-399999 in the amount of \$425,000.

SECTION 5. This resolution shall take effect upon its passage and approval by the City Council.

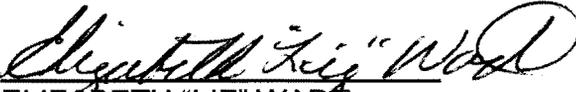
PASSED and ADOPTED this 5th day of October, 2005.

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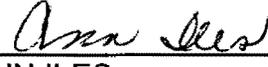
RESOLUTION NO. 176-05

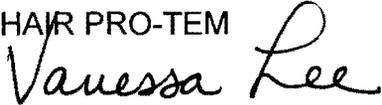
APPROVED:


MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

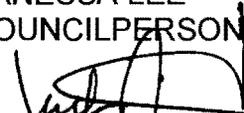
(MUNICIPAL SEAL)


ANN ILES
CHAIR PRO-TEM


VANESSA LEE
COUNCILPERSON

ATTEST


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
COUNCILPERSON

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: A. Iles

SECONDED BY: J. Davis

E.. WADE aye

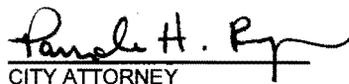
A. ILES aye

V. LEE aye

J. DAVIS aye

E. RODGERS aye

REVIEWED AS TO LEGAL
SUFFICIENCY


PAMELA H. RYAN
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 10/5/05

mmd
10/5/05

RESOLUTION NO: 177-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY MANAGER TO EXTEND THE FIRST AMENDMENT TO THE SOLID WASTE AND RECYCLING COLLECTION AGREEMENT WITH WASTE MANAGEMENT FOR A SIX (6) MONTH PERIOD COMMENCING OCTOBER 1, 2005, AND ENDING MARCH 31, 2006, AT THE CURRENT RATES AS MODIFIED BY THE APPLICABLE 3.0% CPI (CONSUMER PRICE INDEX); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City entered into a First Amendment to the Solid Waste and Recycling Collection Franchise Agreement on August 2, 2000, with Waste Management which extended the terms, modified the audit provisions and bonding amount, and increased certain services of the September 17, 1997, agreement; and

WHEREAS, the terms of the First Amendment to the Solid Waste and Recycling Collection Franchise Agreement commenced on October 1, 2000, and expires on September 30, 2005; and

WHEREAS, the parties desire to extend the terms of the First Amendment to the Solid Waste and Recycling Collection Franchise Agreement with Waste Management for a six (6) month period commencing October 1, 2005, and ending March 31, 2006.

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

SECTION 1. The City Council authorizes the City Manager to extend the First Amendment to the Solid Waste and Recycling Collection Franchise Agreement with Waste Management for a six month period commencing October 1, 2005, and ending March 31, 2006.

SECTION 2. A copy of the extension letter for the Solid Waste and Recycling Collection Franchise Agreement is attached hereto and made a part of this resolution.

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

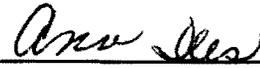
PASSED and APPROVED this 5th day October, 2005.

APPROVED:

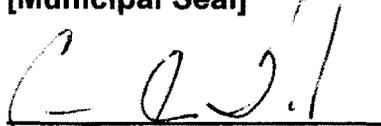

MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

[ATTEST]


ANN ILES
CHAIRPERSON PRO TEM

[Municipal Seal]


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


VANESSA LEE
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON

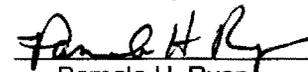
EDWARD RODGERS
COUNCILPERSON

Motioned by: J. Davis
Seconded by: A. Iles

E. WADE aye
A. ILES aye
V. LEE aye
J. DAVIS aye
E. RODGERS aye

[RS. Apr. 092805.092905]

Approved as to legal sufficiency

By: 
Pamala H. Ryan
City Attorney

Date: 9/29/05