

RESOLUTION NO. 126-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIRST AMENDMENT TO THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Riviera Beach entered into a franchise agreement with Waste Management of Palm Beach County on December 7, 1994 which was later consolidated into another agreement on September 17, 1997; and

WHEREAS, the subject agreement has an initial expiration date of September 30, 2000, subject to renewal negotiations; and

WHEREAS, the City received a written proposal dated March 25, 2000 with proposed renewal terms; and

WHEREAS, City Council, on May 3, 2000, authorized staff to negotiate with this company and bring back the terms of extension of the existing lease.

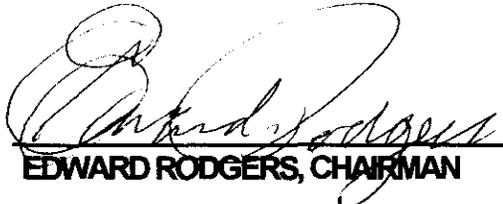
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

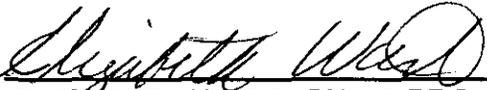
SECTION 1. That the Mayor and City Clerk are authorized to execute the attached first amendment to the Solid Waste and Recycling Collection Franchise Agreement.

PASSED AND ADOPTED this 2nd day of August, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRMAN


ELIZABETH WADE, CHAIR PRO-TEM

(MUNICIPAL SEAL)


SYLVIA LEE BLUE

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


DAVID G. SCHNYER


DONALD R. WILSON
COUNCILMEMBERS

MOTIONED BY: E. Wade

SECONDED BY: D. Wilson

E. RODGERS aye

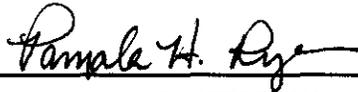
E. WADE: aye

D. WILSON: aye

S. BLUE: aye

D. SCHNYER: aye

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 7/27/00

**FIRST AMENDMENT TO THE SOLID WASTE
AND RECYCLING COLLECTION FRANCHISE AGREEMENT**

This First Amendment to Solid Waste and Recycling Collection Franchise Agreement is made this 02 day of August, 2000 by and between the City of Riviera Beach, Florida ("City") and Waste Management of Palm Beach, a division of Waste Management Inc. of Florida ("Contractor"), with its principal place of business at 651 Industrial Way, Boynton Beach, FL 33426.

WHEREAS, the City and Contractor are parties to that certain Solid Waste and Recycling Collection Franchise Agreement (the "Agreement") dated September 17, 1997; and

WHEREAS, the City and Contractor desire to amend the Agreement to extend the term, modify the audit provisions and bonding amount and increase certain services;

NOW, THEREFORE, upon material consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Article I, Section 2 Term is amended by deleting the first sentence thereof and inserting the following:

"The term of this contract shall commence on October 1, 2000, and shall expire on September 30, 2005, unless renewed as provided herein."

2. New Section 5.7 Vacant Lots shall be added to Article II as follows:

The Contractor shall collect Garbage, Trash and Yard Waste generated from vacant lots in residential neighborhoods and lots with unoccupied dwelling units, provided that same is properly placed at the curb or within Six (6) feet of the swale or right-of-way. It will not be the responsibility of the Contractor to remove or collect waste resulting from landclearing activities nor shall Contractor be obligated to remove construction and demolition debris, car parts and accessories, boats and marine components, Hazardous Waste, oil, batteries, liquid wastes, propane cylinders, tires, Industrial Waste, Infectious Waste, Biohazardous Waste and Bulk Trash.

3. Article VIII, Section 26.1 Performance Bond is amended by deleting "\$2,000,000" in the second sentence and replacing it with "750,000".

4. Article VIII, Section 30.1 Right to Review/Annual Audit & Financial Statements is deleted and replaced with the following:

"30.1 Right to Review/Quarterly Report: The City shall have the right to review all records maintained by the Contractor pertaining to the City of

Riviera Beach's residential and commercial accounts upon three (3) days' written notice. Such review shall be made during normal business hours at Contractor's facility. The Contractor shall provide to the City on a calendar quarterly basis a report concerning its commercial accounts in the City. Such report shall be provided to the City within fifteen (15) days of the end of the calendar quarter and shall include the name and address of the account, container size, frequency of service, and such other information reasonably requested by the City."

5. The Schedule I Residential Rates and Schedule II Commercial Rates attached as Appendix I to the Agreement are deleted and replaced with the new Appendix I, attached hereto.

6. All provisions not specifically modified herein remain in full force and effect.

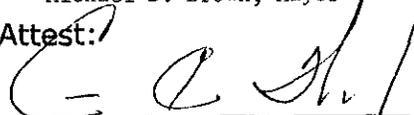
IN WITNESS WHEREOF, the parties have executed this First Amendment to Solid Waste and Recycling Collection Franchise Agreement on the day and date first above written.

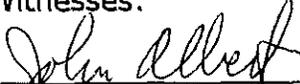
CITY OF RIVIERA BEACH,
FLORIDA

WASTE MANAGEMENT OF
PALM BEACH, A Division of
Waste Management Inc. of
Florida.

By: 
Michael D. Brown, Mayor

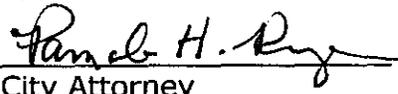
By: 
Ron Arrowood, District Manager

Attest: 
Carrie E. Ward, CMC/AEE, City Clerk

Witnesses:

John Albert

Approved as to legal sufficiency


Wendy Fiaschetti


City Attorney
Pamela Ryan

TABLED

RESOLUTION NO. _____
1-2-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING INSTALLATION OF A TRAFFIC SIGNAL ON MILITARY TRAIL AT LEO LANE AND APPROPRIATING FUNDING FOR SAME FROM UTILITY CARRY OVER FUND.

WHEREAS, the intersection of Military Trail and Leo Lane has experienced a significant increase in traffic due to recent developments on Leo Lane; and

WHEREAS, the installation of a traffic signal will provide for a safer intersection for the motorists and general public; and

WHEREAS, the Florida Department of Transportation has determined that a convertible flasher is warranted at this intersection.

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

SECTION 1. Installation of a convertible flasher on Military Trail at Leo Lane is approved.

SECTION 2. The staff of Community Development Department is authorized to request the Traffic Division of Palm Beach County Engineering and Public Works Department to design and install the signal.

SECTION 3. That Palm Beach County be reimbursed for the costs of design and construction of the signal in the total amount not to exceed \$150,000.

SECTION 4. The Finance Director is authorized to make payment for same from Utility Carry Over Fund.

RESOLUTION NO. 127-00
PAGE TWO

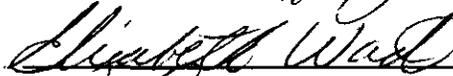
PASSED AND APPROVED this 02 day of _____ 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

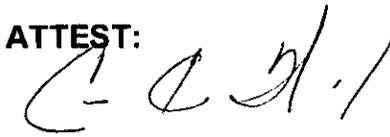

EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]

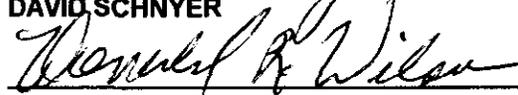

ELIZABETH WADE, CHAIRPERSON PRO-TEM


SYLVIA BLUE

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


DAVID SCHNYER


DONALD R. WILSON

COUNCIL MEMBERS

MOTIONED BY: _____

SECONDED BY: _____

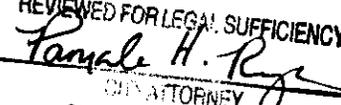
E. RODGERS _____

E. WADE _____

S. BLUE _____

D. SCHNYER _____

D. WILSON _____

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 7/24/00

RESOLUTION NO. 128-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE FINANCE DIRECTOR TO INCREASE THE LEGISLATIVE DEPARTMENT BUDGET FOR FISCAL YEAR 1999 – 2000 BY \$20,000 TO COVER INCREASED TRAVEL COSTS AND OFFICE EXPENSE.

WHEREAS, THE CITY COUNCIL APPROVED A GENERAL TRAVEL BUDGET OF \$10,000 AND GENERAL OFFICE SUPPLY BUDGET OF \$2,500 FOR FISCAL YEAR 1999 - 2000; AND

WHEREAS, THE ORIGINAL BUDGET PROVIDED FOR ONLY USUAL AND ROUTINE CONFERENCE / COMMITTEE RELATED TRAVEL AND GENERAL OFFICE SUPPLIES; AND

WHEREAS, THE NEED AROSE FOR TRAVEL RELATED TO ECONOMIC DEVELOPMENT AND STATE AND NATIONAL LOBBYING BY THE MAYOR AND CITY COUNCIL AND ADDITIONAL OFFICE EQUIPMENT / SUPPLIES TO RENOVATE OFFICE AREA FOR THE MAYOR, CITY COUNCIL, AND LEGISLATIVE STAFF.

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 FINANCE DIRECTOR IS AUTHORIZED TO INCREASE THE LEGISLATIVE DEPARTMENT BUDGET BY \$20,000 FOR FISCAL YEAR 1999 – 2000 THROUGH THE APPROPRIATION OF FUND BALANCE CARRYOVER.

SECTION 2: THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

PASSED AND APPROVED this 02 day of August 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

(MUNICIPAL SEAL)

Elizabeth Wade
ELIZABETH K. WADE, CHAIR PRO-TEM

ATTEST:

Donald R. Wilson
DONALD R. WILSON

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Sylvia Lee Blue
SYLVIA LEE BLUE

David G. Schnyer
DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: E. Wade

SECONDED BY: S. Blue

E. RODGERS aye

E. WADE aye

D. WILSON aye

S. BLUE aye

D. SCHNYER aye

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: _____

PASSED AND APPROVED this 02 day of August 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

(MUNICIPAL SEAL)

Elizabeth Wade
ELIZABETH K. WADE, CHAIR PRO-TEM

ATTEST:

Donald R. Wilson
DONALD R. WILSON

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Sylvia Lee Blue
SYLVIA LEE BLUE

David G. Schnyer
DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: E. Wade

SECONDED BY: S. Blue

E. RODGERS aye

E. WADE aye

D. WILSON aye

S. BLUE aye

D. SCHNYER aye

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: _____

RESOLUTION NO. 129-00

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO THE YOUTH RECREATION ASSOCIATION OF PALM BEACH COUNTY OF RIVIERA BEACH, FLORIDA THE SUM OF \$5,000.00 AND AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO MAKE PAYMENT FOR SAME FROM ACCOUNT NUMBER: 150-0000-5210-3106.

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

SECTION ONE. The City of Riviera Beach, Palm Beach County, Florida does hereby accept the request from the Youth Recreation Association of Palm Beach County, 1465 West 34th Street, Riviera Beach Florida 33404 for the sum of \$5,000.00.

SECTION TWO. That the Mayor and the Director of Finance are authorized to make payment for same from the Law Enforcement Trust Fund Account Number: 150-0000-5210-3106.

SECTION THREE. That this resolution shall take effect upon its passage and adoption by the City Council.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN
MAYOR

Edward Rodgers
EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

Elizabeth Wade
ELIZABETH WADE
CHAIR PRO-TEM

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Donald R. Wilson
DONALD R. WILSON

David G. Schnyer
DAVID G. SCHNYER

Sylvia L. Blue
SYLVIA L. BLUE
COUNCIL MEMBERS

MOTIONED BY: D. SCHNYER

SECONDED BY: D. WILSON

E. RODGERS AYE

E. WADE AYE

D. SCHNYER AYE

D. WILSON AYE

S. BLUE NAY

REVIEWED AS TO LEGAL SUFFICIENCY

Panel A. Ryan
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 8/8/00

RESOLUTION NO. 130-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO McGUIREWOODS, LLP, MARQUIS TWO TOWER, 285 PEACHTREE CENTER AVENUE, N. E., SUITE 2200, ATLANTA, GA 30303 -1261 IN THE AMOUNT OF \$3,123.00 FOR PROFESSIONAL LEGAL SERVICES PERFORMED BY AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 001-0512-5190-3101.

WHEREAS, McGuireWoods, LLP performed professional legal services for the City of Riviera Beach ; and

WHEREAS, McGuireWoods, LLP submitted an invoice in the amount of \$3,123.00 for performing professional legal services regarding Blasé Pfefferkorn; and

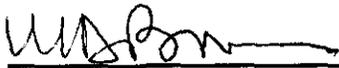
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA THAT:

SECTION 1. That the Mayor and Finance Director are authorized to make the payment in the amount of \$3,123.00 from Account #001-0512-5190-3101.

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

PASSED AND ADOPTED this 16th day of August 2000.

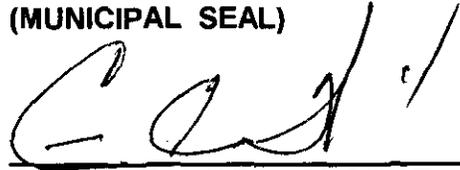
APPROVED:



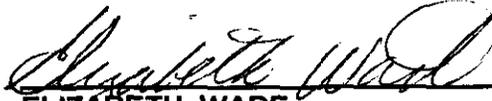
MICHAEL D. BROWN
MAYOR



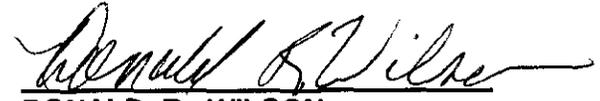
EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)


CARRIE E. WARD, CMC/AEE
CITY CLERK



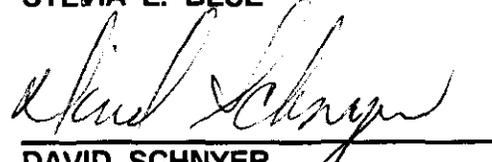
ELIZABETH WADE



DONALD R. WILSON



SYLVIA L. BLUE



DAVID SCHNYER
COUNCIL MEMBERS

MOTION BY: D. SCHNYER

SECONDED BY: E. WADE

E. RODGERS AYE

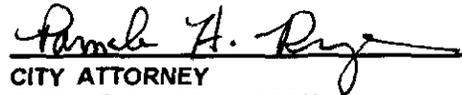
E. WADE AYE

D. WILSON AYE

S. BLUE AYE

D. SCHNYER AYE

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 8/7/00

RESOLUTION NO. 131-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUEST TO ACCEPT \$32,029 IN STATE AID FUNDS FROM THE FLORIDA STATE DEPARTMENT DIVISION OF LIBRARY AND INFORMATION SERVICES, TO ENCOURAGE THE ESTABLISHMENT AND DEVELOPMENT OF ENHANCED LIBRARY SERVICES AND INCREASING THE BUDGET FOR SAME.

WHEREAS, the City of Riviera Beach Public Library, became a member of the Library Cooperative of the Palm Beaches to provide enhanced library services for users; and

WHEREAS, each of the member libraries will receive a State Aid Grant as authorized under Chapter 257.14-257.25, Florida Statutes.

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 Finance Director to accept the \$32,029 State Aid from the Florida State Department -- Division of Library and Information Services.

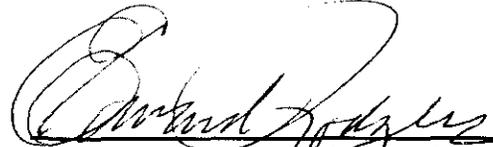
SECTION 2: That the City Council authorizes the Finance Director to set up a budget as follows:

<u>Revenues</u>		
001-334-703	State Aid Library Cooperative	\$32,029
<u>Expenditures</u>		
001-1336-5710-6404	Office Equip. & Furniture	\$32,029

PASSED and ADOPTED this 16th **day of** August **2000.**

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRPERSON


ELIZABETH WADE, CHAIR PRO-TEM


DONALD R. WILSON

(MUNICIPAL SEAL)

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA LEE BLUE

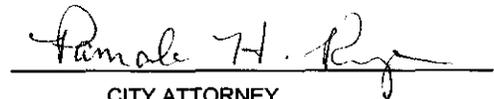

DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: D. SCHNYER

SECONDED BY: E. WADE

E. RODGERS AYE
E. WADE AYE
D. WILSON AYE
S. BLUE AYE
D. SCHNYER AYE

REVIEWED AS TO LEGAL
SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

Date: 8/7/00

RESOLUTION NO. 132-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SETTLEMENT AGREEMENT ON BEHALF OF THE CITY IN THE CASE OF *ZEDRICK BARBER V. CITY OF RIVIERA BEACH*, CASE NO. 96-3044, 4TH DCA CASE NO. 99-3772; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT OF \$12,000.00 FROM THE CITY'S SELF-INSURANCE EXCEPT 100 ACCOUNT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION ONE. That the City Council hereby authorizes the Mayor and City Clerk to execute a Settlement Agreement on behalf of the City in the case of *Zedrick Barber v. City of Riviera Beach*, Case No. 96-3044, 4th DCA Case No. 99-3772 which resolves the final issue of attorney's fees.

SECTION TWO. That the Finance Director is hereby authorized to make payment in the amount of \$12,000.00 from the City's Self-insurance Except 100 Account.

SECTION THREE. This Resolution shall take effect immediately upon its passage and adoption by the City Council.

PASSED and **ADOPTED** this 16th day of August, 2000.

RESOLUTION NO. _____

-2-

APPROVED:

Michael D. Brown
Mayor

Edward Rodgers
Chair

Attest::

Elizabeth K. Wade
Chair Pro Tem

[Municipal Seal]

Sylvia L. Blue

Carrie E. Ward, CMC/AAE
City Clerk

Donald R. Wilson

David G. Schnyer
COUNCIL MEMBERS

PHR:dpm.[080800]

Approved as to legal sufficiency

By: *Ronald H. King*

Date: *8/10/00*

RESOLUTION NO. 133-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH PALM BEACH SEAPORT AQUARIUM, INC. AND THE RIVIERA BEACH CORPORATION TO SETTLE ALL CLAIMS IN THE MATTER OF *PALM BEACH SEAPORT AQUARIUM, INC. V. CITY OF RIVIERA BEACH*, CASE NO. CL 97-9917; AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$250,000 FROM WATER & SEWER PRIOR YEAR FUND CARRYOVER TO GENERAL FUND; AND AUTHORIZING PAYMENT FROM ACCOUNT NUMBER 001-0203-5190-4508, GENERAL ADMINISTRATION - SETTLEMENT PAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE. That the City Council hereby authorizes the Mayor and City Clerk to execute an agreement with Palm Beach Seaport Aquarium, Inc. and the Riviera Beach Corporation to settle all claims in the matter of *Palm Beach Seaport Aquarium, Inc. v. City of Riviera Beach*, Case No. CL 97-9917.

SECTION TWO. That the Finance Director is hereby authorized to transfer \$250,000 from Water & Sewer Prior Year Fund Carryover to the General Fund and make payment from Account Number 001-0203-5190-4508.

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

PASSED and ADOPTED this 16th day of August, 2000.

RESOLUTION NO. 133-00

-2-

APPROVED:



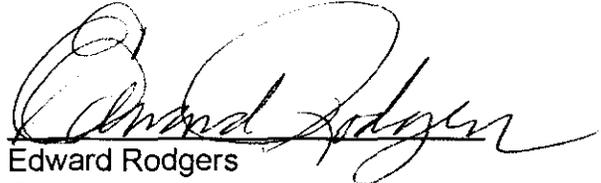
Michael D. Brown
Mayor

Attest:

[Municipal Seal]



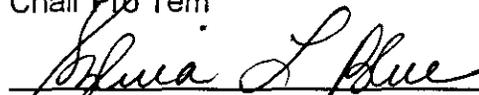
Carrie E. Ward, CMC/AE
City Clerk



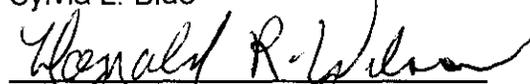
Edward Rodgers
Chair



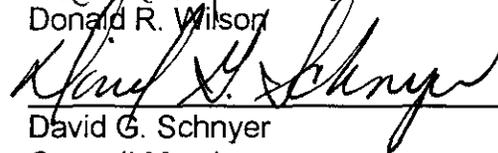
Elizabeth K. Wade
Chair Pro Tem



Sylvia L. Blue



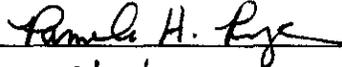
Donald R. Wilson



David G. Schnyer
Council Members

PHR:dpm.[081100]

Approved as to legal sufficiency

By: 

Date: 8/16/00

MOTIONED BY: S. BLUE

SECONDED BY: E. WADE

E. RODGERS	<u>AYE</u>
E. WADE	<u>AYE</u>
S. BLUE	<u>AYE</u>
D. SCHNYER	<u>AYE</u>
D. WILSON	<u>AYE</u>

RESOLUTION NO. 134-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SPECIAL PERMIT FOR THE 1ST ANNUAL CARIBBEAN SPLASH FESTIVAL TO BE HELD SEPTEMBER 3, 2000 AT BICENTENNIAL PARK AND APPROVING IN-KIND SERVICES OF \$5,000; AND FURTHER APPROVING THE RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH.

WHEREAS, the NUFAWI Production, Inc. is desirous of having a Caribbean Splash within the municipal boundaries of the City of Riviera Beach; and

WHEREAS, the City of Riviera Beach has agreed to be a sponsor of the Caribbean Splash; and

WHEREAS, the NUFAWI Productions, Inc. will donate 30% of its net profit after expenses to the City of Riviera Beach for in-kind services; and

WHEREAS, an agreement must be executed between the City of Riviera Beach and NUFAWI Productions, Inc. in order to formalize the City's participation in the above mentioned event.

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

SECTION 1. The Agreement between the City of Riviera Beach and NUFAWI Productions, Inc. relating to the Caribbean Splash to be held September 3, 2000 at Bicentennial Park in Riviera Beach.

SECTION 2. That NUFAWI Productions, Inc. will donate 30% of its net profits after expenses to Riviera Beach Parks and Recreation for in-kind services.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute the agreement.

SECTION 4. This resolution shall take effect immediately upon its passage.

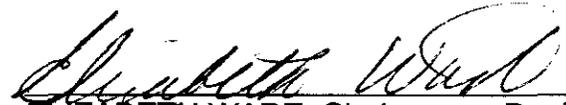
PASSED AND ADOPTED this 16th day of August, 200

APPROVED:


MICHAEL D. BROWN, Mayor

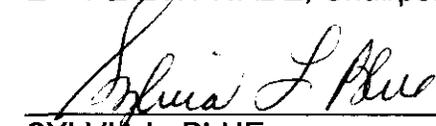

EDWARD RODGERS, Chairperson

[MUNICIPAL SEAL]


ELIZABETH WADE, Chairperson Pro-Tem

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA L. BLUE


DAVID G. SCHNYER


DONALD WILSON
COUNCIL MEMBERS

MOTIONED BY: S. BLUE

SECONDED BY: E. WADE

S. BLUE AYE

E. RODGERS AYE

D. SCHNYER AYE

E. WADE AYE

D. WILSON AYE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE TRANSFER OF \$39,200 FROM THE GENERAL FUND CARRYOVER AND \$15,000 FROM THE FINES AND FORFEITURE FUND TO THE PARKS AND RECREATION DEPARTMENT FOR THE UPDATING OF THE CITY'S LITTLE LEAGUE FOOTBALL PROGRAM TO RAISE THE LEAGUE'S LEVEL OF STANDARDS AND TO HAVE COMPETITIVE STANDARDS WITH THAT OF NEIGHBORING MUNICIPALITIES; AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM THE GENERAL FUND CARRYOVER AND FINES AND FORFEITURE ACCOUNT. THE RECREATION ACCOUNT NO. 001-1232-572-0-5504.

WHEREAS, the City of Riviera Beach will approve the transfer of funds in the amount of \$54,200 to the Parks and Recreation Department providing additional funds for the City's Little League Football Program;

WHEREAS, the funds will be transferred from the General Fund Carryover and Fines and Forfeiture Account to Parks and Recreation Account.

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

SECTION 1. The City of Riviera Beach will transfer the amount of \$54,200 for the City of Riviera Beach Fundamental Youth Football League.

SECTION 2. The City of Riviera Beach will make the transfer of the Funds from the General Fund Carryover Account and the Fines and Forfeiture Account.

SECTION 3. The Finance Director is hereby authorized to transfer the amount of \$54,200 to the Parks and Recreation Department Account 001-1232-572-0-5504.

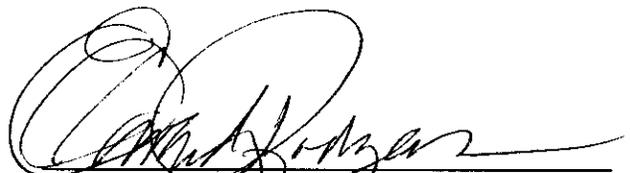
SECTION 4. This Resolution shall take effect upon its passage and adoption by the City Council.

PASSED AND ADOPTED this 16th day of August, 2000

APPROVED:



MICHAEL BROWN, Mayor


EDWARD RODGERS, Chairperson

[MUNICIPAL SEAL]

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Elizabeth Wade
ELIZABETH WADE, Chairperson Pro-Tem

Sylvia L. Blue
SYLVIA L. BLUE

David G. Schnyer
DAVID G. SCHNYER

Donald R. Wilson
DONALD WILSON
COUNCIL MEMBERS

MOTIONED BY: D. WILSON

SECONDED BY: S. BLUE

S. BLUE AYE

E. RODGERS AYE

D. SCHNYER AYE

E. WADE AYE

D. WILSON AYE

REVIEWED FOR LEGAL SUFFICIENCY
Pamela H. Ray
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/10/00

RESOLUTION NO. 136-00

A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE SALARY SCHEDULE BY REGRADING THE CLASSIFIED POSITION OF ACCOUNTANT FROM G-30 to G-34 UNDER CLASS TITLE FINANCE & ACCOUNTING AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the position of Accountant has remained vacant since May, 2000; and

WHEREAS, the position of Accountant has been advertised by the Human Resources Department on two occasions with no response from qualified interested applicants; and

WHEREAS, a salary survey for this position was conducted and determined that the pay was not commensurate to the duties of this position as indicated on the survey; and

WHEREAS, the duties of this position are vital and necessary to the operations of the Finance Department.

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

F R O M			
CLASS TITLE	POSITION	RANGE	SALARY
Finance & Accounting	Accountant	G-30	\$27,914- \$41,626

T O			
CLASS TITLE	POSITION	RANGE	SALARY
Finance & Accounting	Accountant	G-34	\$33,741- \$50,395

SECTION 1. That the City council approve to amend the 1999 - 2000 Finance Department Budget for regrading the position of Accountant.

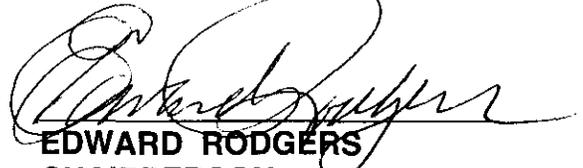
SECTION 2. That this resolution shall take effect upon its passage and adoption by City Council.

PASSED AND ADOPTED this 16TH day of AUGUST, 2000.

APPROVED:

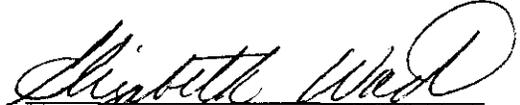


MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

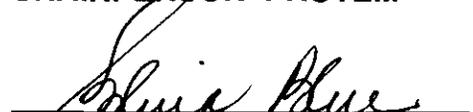


ELIZABETH WADE
CHAIRPERSON PROTEM

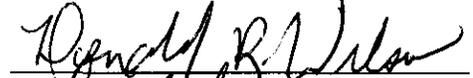
ATTEST



CARRIE E. WARD, CMC/AEE
CITY CLERK



SYLVIA BLUE



DONALD R. WILSON



DAVID SCHNYER
COUNCIL MEMBERS

MOTIONED BY: D. WILSON

SECONDED BY: D. SCHNYER

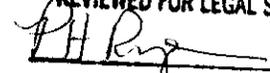
E. RODGERS AYE

E. WADE NAY

S. BLUE NAY

D. WILSON AYE

D. SCHNYER NAY

REVIEWED FOR LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 8/7/00

RESOLUTION NO. 137-00

A RESOLUTION OF THE CITY COUNCIL OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THAT THE 1999-2000 BUDGET OF THE POLICE DEPARTMENT BE AMENDED BY CHANGING THE CLASSIFIED POSITION OF CLERICAL ASSISTANT II TO THE CLASSIFIED POSITION OF SENIOR STAFF ASSISTANT UNDER CLASS TITLE CLERICAL AND RELATED AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, request was made by administrative staff of the Police Department for additional clerical support; and

WHEREAS, the lateral transfer of the classified position of Senior Staff Assistant was made regarding this request; and

WHEREAS, a clerical support position became available to change the classification without increasing the number of budgeted positions; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA TO AMEND THE POLICE DEPARTMENT'S BUDGET BY CHANGING THE CLASSIFICATION AS FOLLOWS:

F R O M

CLASS TITLE	POSITION	RANGE	SALARY
CLERICAL & RELATED	Clerical Assistant II	G-15	\$17,520-\$25,971

T O

CLASS TITLE	POSITION	RANGE	SALARY
CLERICAL & RELATED	Senior Staff Assistant	G-27	\$24,242-\$36,093

SECTION 1. That the City Council approve the amended 1999-2000 Police Department Budget to fund the additional position of Senior Staff Assistant.

SECTION 2. That this resolution shall take effect upon its passage and adoption by City Council

PASSED AND ADOPTED this 16 day of August, 2000.

APPROVED:



MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)



CARRIE E. WARD, CMC/AEE
CITY CLERK



ELIZABETH WADE



DONALD R. WILSON



SYLVIA L. BLUE



DAVID SCHNYER
COUNCIL MEMBERS

MOTION BY: S. BLUE
SECONDED BY: E. WADE

E. RODGERS AYE

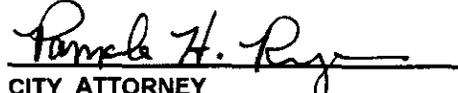
E. WADE AYE

D. WILSON AYE

S. BLUE AYE

D. SCHNYER AYE

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 8/9/00

RESOLUTION NO. 138-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY EXTENDING THE COMPLETION DATE FOR THE NORTHWEST NEIGHBORHOOD STRATEGY AREA PHASE II PROJECT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

WHEREAS, on February 15, 2000, the City of Riviera Beach entered into an agreement with Palm Beach County to receive fund in the amount of \$189,750.00 to reconstruct West 33rd Street between Avenue "O" and Old Dixie Highway; and

WHEREAS, the current agreement expires on September 30, 2000; and

WHEREAS, The City and Palm Beach County desire to amend the said agreement.

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

SECTION 1. The amended agreement between the City of Riviera Beach and Palm Beach County to extend the project completion date to December 31, 2000, is approved.

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

SECTION 3. This resolution shall take effect immediately upon approval by the City Council.

RESOLUTION NO. 138-00

PAGE TWO

PASSED AND APPROVED this 16th day of August 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH WADE, CHAIRPERSON PRO-TEM

Sylvia Blue
SYLVIA BLUE

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AEE
CITY CLERK

David Schnyer
DAVID SCHNYER

Donald R. Wilson
DONALD R. WILSON

COUNCIL MEMBERS

MOTIONED BY: D. WILSON

SECONDED BY: E. WADE

E. RODGERS AYE

E. WADE AYE

S. BLUE AYE

D. SCHNYER AYE

D. WILSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
CITY ATTORNEY

DATE: 8/7/00

RESOLUTION NO. 139-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERIM FRANCHISE AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND FPL FIBERNET, INC.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is in the process of updating its Telecommunications Ordinance; and

WHEREAS, FPL Fibernet wishes to construct, install, and maintain telecommunication facilities within the public rights-of-way of the City; and

WHEREAS, the City wishes to enter into an interim franchise agreement with FPL Fibernet until such time as the City adopts a new telecommunications ordinance.

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

SECTION ONE. That the City Council hereby authorizes the Mayor and City Clerk to execute an Interim Franchise Agreement with FPL Fibernet, Inc. entitled, "Interim Agreement between City of Riviera Beach and FPL Fibernet, Inc."

SECTION TWO. This Resolution shall take effect immediately upon its passage and adoption by the City Council.

PASSED and ADOPTED this 16th day of August, 2000.

APPROVED:

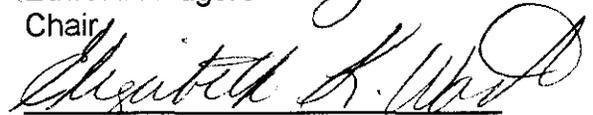


Michael D. Brown
Mayor



Edward Rodgers
Chair

Attest:

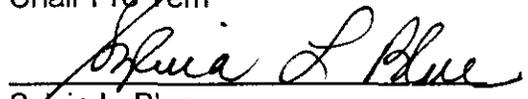


Elizabeth K. Wade
Chair Pro Tem

[Municipal Seal]



Carrie E. Ward, CMC/AE
City Clerk



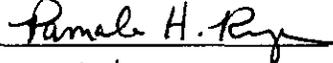
Sylvia L. Blue


Donald R. Wilson


David G. Schnyer
Council Members

PHR:dpm.[080800]

Approved as to legal sufficiency

By: 

Date: 8/9/00

MOTIONED BY: E. WADE
SECONDED BY: S. BLUE

E. RODGERS AYE
E. WADE AYE
S. BLUE AYE
D. SCHNYER AYE
D. WILSON AYE

INTERIM AGREEMENT BETWEEN CITY OF RIVIERA BEACH
AND FPL FIBERNET, INC.

THIS FRANCHISE AGREEMENT entered into this 16 day of August, 2000, by and between CITY OF RIVIERA BEACH, FLORIDA, hereinafter referred to as "City", and FPL FIBERNET, INC., hereinafter referred to as FPL FIBERNET,

WITNESSETH:

WHEREAS, the City of Riviera Beach is in the process of drafting an ordinance that would govern access to the public rights-of-ways for telecommunications providers; and

WHEREAS, it is appropriate to have an interim agreement that will allow FPL FIBERNET, INC. (hereinafter "FPL FIBERNET") to have interim access to the public rights-of-way,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The City grants FPL FIBERNET an interim franchise allowing FPL FIBERNET access to the public rights-of-way of the City under the conditions established in the attached document entitled: "City of Riviera Beach, Florida Telecommunications Ordinance", and FPL FIBERNET agrees to comply with all the provisions established in said attached document, except as provided herein.

2. Because this franchise agreement is an interim agreement only, FPL FIBERNET is not required at this time to comply with Sections 4, 6F, and 14 of the attached document. It is understood by all parties, however, that FPL FIBERNET will be required to comply with those provisions or their successor provisions when and if the City enacts an ordinance governing telecommunications franchises.

3. This agreement is an interim agreement only. It will lapse upon the earlier of one (1) year or the passage by the City of an ordinance governing telecommunications franchises. Upon enactment of such ordinance, FPL FIBERNET must comply with all ordinance provisions, including but not limited to provisions governing franchise applications and applications fees. Provided FPL FIBERNET applies for a franchise under the ordinance within sixty (60) days of enactment, FPL FIBERNET may continue to operate its system pursuant to this interim franchise agreement until such time that the City grants or denies its application.

4. It is understood that this interim franchise agreement grants no rights to FPL FIBERNET, vested or otherwise, that would excuse FPL FIBERNET from full compliance with any future City ordinance governing telecommunications licenses or any other City ordinance, state statute, or federal law.

5. Both the City and the Franchisee reserve and may seek any and all remedies available at Law or equity. Neither the City nor the Franchisee shall be deemed to have waived any rights or remedies at Law or equity by virtue of executing this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed on their behalf as of the date first above written.

ATTEST:

FPL FIBERNET, INC.

By: 

Name

Assistant Secretary



Name S.L. STAMM

Title CONTROLLER

8/14/00

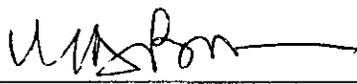
(Seal)

ATTEST:

CITY OF RIVIERA BEACH, FLORIDA, a political subdivision of the State of Florida

By: 

City Clerk

By: 

(Name) Michael D. Brown
(Title) MAYOR

Approved by City Attorney as to form and legal sufficiency.



RESOLUTION NO. 140-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PAYMENT TO CHAZ EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$23,293.26 FOR WORK DONE ON AN EMERGENCY BASIS TO REPLACE AN 8" SEWER FORCE MAIN LOCATED AT THE INTERSECTION OF WEST BLUE HERON BOULEVARD AND GARDEN ROAD; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 402-1437-5330-4606.

WHEREAS, the 8" Sewer Force Main that crosses the intersection of West Blue Heron Boulevard and Garden Road broke due to the deterioration of the cast iron and cement asbestos pipe; and

WHEREAS, Chaz Equipment Co., Inc. has submitted an invoice in the amount of \$23,293.26 for an emergency 12" Sewer Force Main replacement at the intersection of West Blue Heron Boulevard and Garden Road. This emergency water main replacement is necessary because of the deteriorating state of the pipe; and

WHEREAS, staff recommends that City Council approve payment to Chaz Equipment Co, Inc. for work done on an emergency basis to replace an 8" Sewer Force Main at the intersection of West Blue Heron Boulevard and Garden Road.

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 accepts the invoiced amount submitted by Chaz Equipment Co., Inc. and approves said payment to Chaz Equipment Co., Inc. in the amount of \$23,293.26 for the replacement of an 8" sewer force main replacement at the intersection of West Blue Heron Boulevard and Gardens Road.

Section 2: The Mayor and Finance Director are authorized to make payment for same under Account No. 402-1437-5330-4606.

Section 3: This Resolution shall take effect upon its passage and adoption by the City Council.

PASSED AND ADOPTED THIS 6th DAY OF SEPTEMBER, 2000.

APPROVED

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

ATTEST:

Elizabeth Wade
ELIZABETH WADE
CHAIRPERSON PRO-TEM

(MUNICIPAL SEAL)

Donald R. Wilson
DONALD R. WILSON

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Sylvia Lee Blue
SYLVIA LEE BLUE
David G. Schnyer
DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: S. Blue

SECONDED BY: D. Wilson

E. RODGERS aye

E. WADE absent

D. WILSON aye

S. BLUE aye

D. SCHNYER aye

REVIEWED AS TO LEGAL
SUFFICIENCY

DATE: _____

RESOLUTION NO. 141-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT IN THE AMOUNT OF \$150,000 FOR THE NEW RIVIERA BEACH AQUATIC CENTER AND THE CITY AGREES TO MATCH SAID GRANT IN THE AMOUNT OF \$150,000; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID GRANT AGREEMENT; AND FURTHER AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR SAID PURPOSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection via the Florida Recreation Development Assistance Program (FRDAP) grant was awarded to the City of Riviera Beach in the amount of \$150,000 for the new Aquatics Center.

WHEREAS, the City of Riviera Beach accepts the Florida Recreation Development Assistance Grant and agrees to match said grant in the amount of \$150,000.

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

SECTION 1. That the Mayor and the City Clerk are authorized to execute the FRDAP Program Grant Agreement for the New Family Aquatic Center.

SECTION 2. That the City Council directs the Finance Director set up a Budget for this purpose as follows:

Revenue:
124-334-702

Expenditure:
124-1233-519-06301

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

PASSED AND ADOPTED this 6th day of September, 2000.

APPROVED:

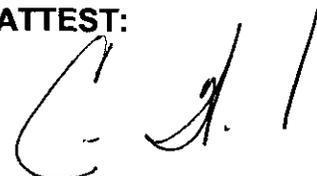

MICHAEL D. BROWN, Mayor

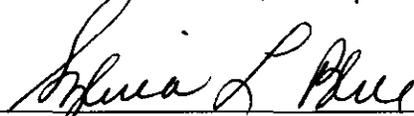

EDWARD RODGERS, Chairperson

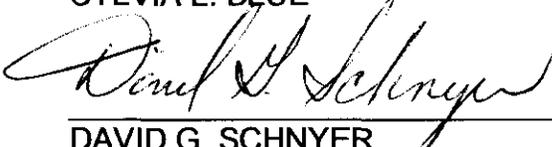
[MUNICIPAL SEAL]

ELIZABETH WADE, Chairperson Pro-Tem

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA L. BLUE


DAVID G. SCHNYER


DONALD WILSON
COUNCIL MEMBERS

MOTIONED BY: S. Blue

SECONDED BY: D. Wilson

S. BLUE aye

E. RODGERS aye

D. SCHNYER aye

E. WADE absent

D. WILSON aye

REVIEWED FOR LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/25/00

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM
Project Grant Agreement - Development

This Agreement is made and entered into this 5th day of January, 2001, by and between the State of Florida, DEPARTMENT of Environmental Protection, hereinafter called the DEPARTMENT, City of Riviera Beach, hereinafter called the GRANTEE, in furtherance of an approved public outdoor recreation project. In consideration of the mutual covenants contained herein and pursuant to ss. 375.021 and 375.075, Florida Statutes, and Chapter 62D-5, Part V, Florida Administrative Code, the parties hereto agree as follows:

1. This Agreement shall be performed in accordance with ss. 375.021 and 375.075, Florida Statutes, and Chapter 62D-5, Part V, Florida Administrative Code, hereinafter called the RULE. The GRANTEE shall comply with all provisions of the RULE, which is incorporated into this Agreement by reference, as if fully set forth herein. It is the intent of the DEPARTMENT and the GRANTEE that none of the provisions of Section 163.01, Florida Statutes, shall have application to this Agreement.

2. Failure to comply with the provisions of the RULE or the terms and conditions of this Agreement will result in cancellation of the Agreement by the DEPARTMENT. The DEPARTMENT shall give the GRANTEE in violation of the RULE or this Agreement a notice in writing of the particular violations stating a reasonable time to comply. Failure to comply within the time period stated in the written notice shall result in cancellation of the Agreement and may result in the imposition of the terms in Paragraph 19.

3. The DEPARTMENT has found that public outdoor recreation is the primary purpose of the project known as Family Aquatics Center (Phase II) (Florida Recreation Development Assistance Program, FRDAP Project Number F01228), hereinafter called the PROJECT, and enters into this Agreement with the GRANTEE for the development of that real property, the legal description of which shall be submitted to the DEPARTMENT as described in the Florida Recreation Development Assistance Program Development Project Pre-reimbursement/Commencement Documentation Form, DEP Form FPS-A034.

4. If the DEPARTMENT determines that site control is not sufficient under the RULE the DEPARTMENT shall give the applicant a notice in writing and a reasonable time to comply. If the deficiency cannot be reasonably corrected within the deficiency period or within the time specified in the letter, whichever is later, the DEPARTMENT shall cancel this AGREEMENT.

5. The GRANTEE shall construct, or cause to be constructed, certain public outdoor recreation facilities and improvements consisting of the following PROJECT elements which may be modified by the DEPARTMENT if GRANTEE shows good cause: Waterslide, Playground, Picnic Facilities, Parking, Security Lighting, Parking, Landscaping and Other Related Support Facilities.

6. Prior to commencement of PROJECT land development, the GRANTEE shall submit the documentation required by the Florida Recreation Development Assistance Program Development Project Pre-reimbursement/Commencement Documentation Form, DEP Form FPS-A034, referenced in S. 62D-D.058(6)(f) of the RULE, to the DEPARTMENT upon determining that the documentation complies with the RULE, the DEPARTMENT will give notice to GRANTEE to commence the development.

7. The DEPARTMENT shall pay, on a reimbursement basis, to the GRANTEE, funds not to exceed \$150,000, which will pay the DEPARTMENT'S share of the cost of the PROJECT. DEPARTMENT fund limits are based upon the following:

DEPARTMENT Amount	<u>\$150,000</u>	<u>50%</u>
GRANTEE Match	<u>\$150,000</u>	<u>50%</u>
Type of Match	<u>Cash and/or In-Kind Services</u>	

The PROJECT reimbursement request shall include all documentation required by the DEPARTMENT for a proper pre-audit

and post-audit review. Within sixty (60) days after receipt of the request, the DEPARTMENT'S Contract Manager shall review the completion documentation and payment request from the GRANTEE for the PROJECT. If the documentation is sufficient and meets the requirements of the Florida Recreation Development Assistance Program Completion Documentation Form, DEP Form FPS-A037, referenced in s. 62D-5.058(6)2(g), the DEPARTMENT will approve the request for payment.

8. Prior to commencement of PROJECT construction, the GRANTEE shall submit for DEPARTMENT approval the documentation described in the Florida Recreation Development Assistance Program Development Project Pre-reimbursement/Commencement Documentation Form, Form FPS-A034, referenced in s. 62D-5.058(7)(c) of the RULE, the DEPARTMENT will approve the request for payment.

9. The Grantee shall obtain all required local, state and federal environmental construction permits and approvals prior to commencement of project construction and shall certify to the Department by completing the Permitting Certification, FPS-A034, referenced in s. 62D-5.058(7)(c) of the RULE.

10. The GRANTEE agrees to comply with the Division of Recreation and Parks' Grant and Contract Accountability Procedure, hereinafter called the PROCEDURE and incorporated into this Agreement by reference as if fully set forth herein. All purchases of goods and services for accomplishment of the PROJECT

shall be secured in accordance with the GRANTEE'S adopted procurement procedures. Expenses representing the PROJECT costs, including the required matching contribution, shall be reported to the DEPARTMENT and summarized on certification forms provided in the PROCEDURE. The DEPARTMENT and GRANTEE agree to use the PROCEDURE guidelines accounting for FRDAP funds disbursed under the PROJECT. The parties further agree that the principles for determining the eligible costs, supporting documentation and minimum reporting requirements of the PROCEDURE shall be used.

11. The GRANTEE shall retain all records supporting PROJECT costs for three (3) years after the fiscal year in which the final PROJECT payment was released by the DEPARTMENT or until final resolution of matters resulting from any litigation, claim or audit that started prior to the expiration of the three-year retention period. The DEPARTMENT, State Auditor General, State Comptroller and other agencies or entities with jurisdiction shall have the right to inspect and audit the GRANTEE'S records for said PROJECT within the three year retention period.

12. PROJECT funds may be reimbursed for eligible preagreement expenses (as defined in s. 62D-5.054(29) of the RULE) incurred by GRANTEE prior to execution of this Agreement as set forth in s.62D-5.055(9) of the RULE. The DEPARTMENT and the GRANTEE fully understand and agree that there shall be no reimbursement of PROJECT

funds by the DEPARTMENT for any expenditure made prior to the execution of this Agreement with the exception of those expenditures which meet the requirements of the foregoing sections of the RULE.

13. This Agreement shall become effective upon execution and the GRANTEE shall complete construction of all PROJECT elements on or before JAN 31, 2003. The completion date may be extended by the DEPARTMENT for good cause at the written request of the GRANTEE and such request must be made prior to the PROJECT completion date.

14. The DEPARTMENT'S Contract Manager for the purpose of this Agreement shall be responsible for ensuring performance of its terms and conditions and shall approve all reimbursement requests prior to payment. The GRANTEE'S Liaison Agent, as identified in the PROJECT application, or successor, shall act on behalf of the GRANTEE relative to the provisions of this Agreement. The GRANTEE'S Liaison Agent, shall submit to the DEPARTMENT signed PROJECT status reports every ninety (90) days summarizing the work accomplished, problems encountered, percentage of completion, and other information which may be requested by the DEPARTMENT. Photographs to reflect the construction work accomplished shall be submitted when the DEPARTMENT requests them.

15. All monies expended by the GRANTEE for the purpose contained herein shall be subject to pre-audit review and approval by

the Comptroller of Florida in accordance with s. 17.03, Florida Statutes.

16. Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of s. 768.28, Florida Statutes.

17. The GRANTEE shall comply with all federal, state and local rules and regulations in acquiring and developing this PROJECT. The GRANTEE acknowledges that this requirement includes compliance with all federal, state and local health and safety rules and regulations. The GRANTEE further agrees to ensure that the GRANTEE'S contract will include the requirements of this paragraph in all subcontracts made to perform this Agreement.

18. The DEPARTMENT has the right to inspect the PROJECT and any and all records related thereto at any reasonable time.

19. This Agreement may be unilaterally canceled by the DEPARTMENT in the event the GRANTEE refuses to allow public access to all documents, papers, letters or other materials made or received in conjunction with this Agreement pursuant to the provisions of Chapter 119, Florida Statutes.

20. Following receipt of an audit report identifying

any reimbursement due the DEPARTMENT for the GRANTEE'S non-compliance with this Agreement, the GRANTEE will be allowed a maximum of thirty (30) days to submit additional pertinent documentation to offset the amount identified as being due the DEPARTMENT. The DEPARTMENT, following a review of the documentation submitted by the GRANTEE, will inform the GRANTEE of any reimbursement due the DEPARTMENT.

21. The DEPARTMENT shall also have the right to demand a refund, either in whole or in part, of the FRDAP funds provided to the GRANTEE for non-compliance with the material terms of this Agreement.

The GRANTEE, upon such written notification from the DEPARTMENT, shall refund, and shall forthwith pay to the DEPARTMENT, the amount of money demanded by the DEPARTMENT. Such refund shall include interest calculated at two (2) percent over the prevailing prime rate as reported by the Federal Reserve on the date the DEPARTMENT calculates the amount of refund due. Interest shall be calculated from the date(s) of payment(s) to the GRANTEE by the DEPARTMENT to the date repayment is made by GRANTEE.

22. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Florida Legislature.

23. Allowable indirect costs shall not exceed 15% of the GRANTEE'S eligible wages and salaries. Indirect costs that exceed 15%

must be approved in advance by the DEPARTMENT to be considered eligible PROJECT expenses.

24. If asphalt paving is required for the PROJECT it shall conform to the Florida Department of Transportation's specifications for road and bridge construction. Bid specifications, contracts and/or purchase orders of the GRANTEE must specify thickness of asphalt and square yards to be paved.

25. Prior to final reimbursement, the GRANTEE must erect a permanent information sign on the PROJECT site which credits PROJECT funding or a portion thereof, from the Florida Department of Environmental Protection and the Florida Recreation Development Assistance Program.

26. Land owned by the GRANTEE, which is developed or acquired with FRDAP funds, shall be dedicated in perpetuity as an outdoor recreation site by the GRANTEE for the use and benefit of the public as stated in Administrative Rule 62D-5.059(2). The dedication must be recorded in the public property records by the GRANTEE. Land under control other than by ownership of the GRANTEE such as by lease, shall be dedicated as an outdoor recreation area for the use and benefit of the general public for a minimum period of twenty-five (25) years from the completion date set forth in the PROJECT completion certificate. The dedications must be recorded in the public property records by the GRANTEE. Such PROJECT shall be open at reasonable times

and shall be managed in a safe and attractive manner appropriate for public use.

27. The employment of unauthorized aliens by any GRANTEE is considered a violation of s. 274A(e) of the Immigration and Nationality Act. If the GRANTEE knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. The GRANTEE shall be responsible for including this provision in all subcontracts with private organizations made to perform this Agreement.

28. No person on the grounds of race, creed, color, national origin, age, sex, marital status or ability level, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

29. This Agreement strictly prohibits the expenditure of FRDAP funds for the purpose of lobbying the Florida Legislature, the judicial branch, or a state agency.

30. Any local governmental entity, nonprofit organization, or for-profit organization that is awarded funds from a grants and aids appropriation by a state agency shall:

(a) If the amounts received exceed \$100,000, have an audit performed in accordance with the rules of the Auditor General promulgated pursuant to s. 11.45, Florida Statutes; or

(b) If the amounts received exceed \$25,000, but do not exceed \$100,000, have an audit performed in accordance with the rules of the Auditor General promulgated pursuant to s. 11.45, Florida Statutes, or have a statement prepared by an independent certified public accountant which attests that the receiving entity or organization has complied with the provisions of this Agreement; or

(c) If the amounts received do not exceed \$25,000, have the head of the entity or organization attest, under penalties of perjury, that the entity or organization has complied with the provisions of this Agreement.

31. Pursuant to s. 215.422, Florida Statutes, the DEPARTMENT's Project Manager shall have five (5) working days, unless otherwise specified herein, to inspect and approve the payment requests for payment. The DEPARTMENT must submit a request for payment to the Florida DEPARTMENT of Banking and Finance within twenty (20) days; and the DEPARTMENT of Banking and Finance has fifteen (15) days to issue a warrant. Days are calculated from the date the invoice is received or the date the services are received, inspected, and approved, whichever is later. Invoice payment requirements do not start until a complete and correct invoice has been received. Invoices which have to be returned to the GRANTEE for correction(s) will result in a delay in the payment. A Vendor Ombudsman has been established within the Florida DEPARTMENT of Banking and Finance who

may be contacted if a contractor is experiencing problems in obtaining timely payment(s) from a State of Florida agency. The Vendor Ombudsman may be contacted at 850/488-2924 or 1-800-848-3792.

32. In accordance with s. 215.422, Florida Statutes, the DEPARTMENT shall pay the GRANTEE interest at a rate as established by s. 55.03(1), Florida Statutes, on the unpaid balance, if a warrant in payment of an invoice is not issued within 40 days after receipt of a correct invoice and receipt, inspection, and approval of the goods and services. Interest payments of less than \$1 will not be enforced unless the GRANTEE requests payment. The interest rate established pursuant to s. 55.03(1), Florida Statutes, by Comptroller's Memorandum No. 11 (1998-99) dated December 2, 1999, has been set at 10.0% per annum or .02740% per day. The revised interest rate for each calendar year beyond 1999 for which the term of this Agreement is in effect can be obtained by calling the DEPARTMENT of Banking and Finance, Vendor Ombudsman at the telephone number provided above or the DEPARTMENT's Contracts Section at 850/922-5942.

33. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not perform work as a grantee, contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017, Florida Statutes, or Category

Two, for a period of 36 months from the date of being placed on the convicted vendor list.

34. In addition, a copy of the audit or attestation as required in paragraph 27, shall be submitted to the DEPARTMENT within one (1) year from the PROJECT completion date as set forth in the PROJECT completion certificate.

35. This Agreement is not intended nor shall it be construed as granting any rights, privileges or interest in any third party without mutual written agreement of the parties hereto.

36. It is understood by the parties that the amount of this Agreement may be reduced should the Governor's Budget Office declare a revenue shortfall and assess a mandatory reserve. Should a shortfall be declared, the amount of this Agreement may be reduced by the same percentage as the DEPARTMENT is assessed for the mandatory reserve.

37. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly executed by each of the parties hereto, and attached to the original of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on the day and year first above written.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

CITY OF RIVIERA BEACH

By: 
Division Director (or Designee)
Division of Recreation and Parks

By: 

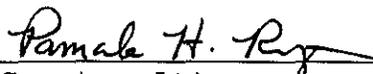
Title: Mayor

Address:
Bureau of Design and Recreation Services
Division of Recreation and Parks
3900 Commonwealth Boulevard
Mail Station 585
Tallahassee, Florida 32399-3000

Address:
600 West Blue Heron Boulevard
Riviera Beach, FL 33404


DEP Contract Manager

Approved as to Form and Legality:
This form has been pre-approved as to
form and legality by Suzanne Brantley,
Assistant General Counsel, on
April 20, 2000, for use for one year.


Grantee Attorney

FPS-A046
Revised 05/99

RESOLUTION NO. 142-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA ACCEPTING FUNDS IN THE AMOUNT OF \$8,079 FROM THE SOLID WASTE AUTHORITY, PALM BEACH COUNTY UNDER THE RECYCLING AND EDUCATION GRANT PROGRAM AND AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME.

WHEREAS, the Solid Waste Authority (SWA), Palm Beach County established the Recycling and Education Grant Program; and

WHEREAS, the grant program will fund requests for the purchase of recycling materials and conduct education related programs; and

WHEREAS, the City of Riviera Beach has applied for a grant to purchase thirty (30) igloo drum covers, thirty (30) 55-gallon drums two (2) push carts for collection and one (1) front load dumpster for back-end services; and

WHEREAS, the City has been awarded grant funds in the amount of \$8,079.

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 staff is authorized to accept grant funds in the amount of \$8,079 from the Recycling and Education Grant Program.

SECTION 2. That the Finance Director is also authorized to set up a budget for the Recycling and Education Grant Program as follows:

Revenue

001-334-294	SWA Grant	\$8,079
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Expenditures

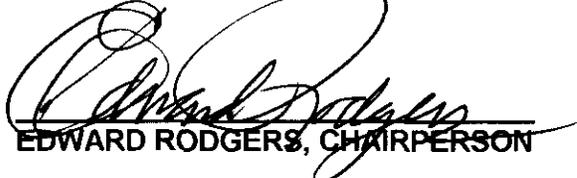
001-1123-5340-5206	Operational Supplies – Other	\$8,079
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SECTION 3. That the staff is authorized to purchase thirty (30) igloo drum covers, thirty (30) 55-gallon drums two (2) push carts for collection and one (1) front load dumpster for back-end services.

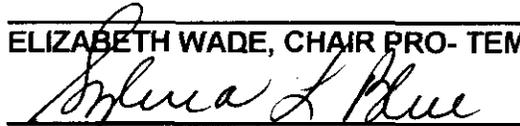
PASSED AND APPROVED this 6th day of September, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]

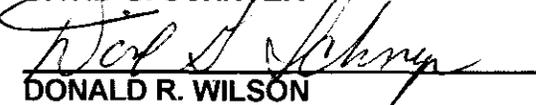

ELIZABETH WADE, CHAIR PRO- TEM

ATTEST:

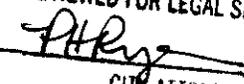

SYLVIA L. BLUE


CARRIE E. WARD, CMC/AAE
CITY CLERK


DAVID G. SCHNYER


DONALD R. WILSON
COUNCIL MEMBERS

MOTIONED BY:	<u>S. Blue</u>
SECONDED BY:	<u>D. Wilson</u>
E. RODGERS	<u>aye</u>
E. WADE	<u>absent</u>
S. BLUE	<u>aye</u>
D. SCHNYER	<u>aye</u>
D. WILSON	<u>aye</u>

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 8/18/00

RESOLUTION NO. 143-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR RECYCLING AND GRANT MANAGEMENT BETWEEN THE CITY OF RIVIERA BEACH AND SOLID WASTE AUTHORITY OF PALM BEACH COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has established a grant program for recycling and education projects; and

WHEREAS, the above named parties entered into an Interlocal Agreement for Municipal Recycling and Grant Management on or about July 6, 1994; and

WHEREAS, the parties desire to terminate said agreement and enter into this new Agreement.

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

SECTION 1. That the Mayor and City Clerk are authorized to execute the Interlocal Agreement for Municipal Recycling and Grant Management for the collection of recyclable materials.

SECTION 2. That the City agrees to cooperate with the Authority in making a grant application to the State of Florida.

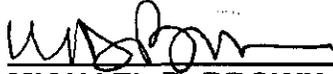
SECTION 3. This Resolution shall take effect upon its passage and adoption by the City Council.

PASSED AND APPROVED this 6th day of September, 2000.

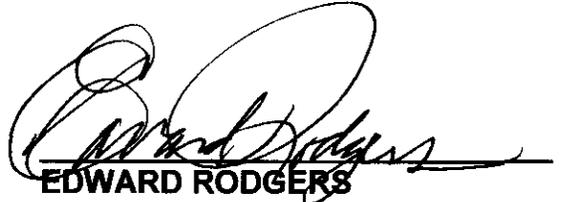
RESOLUTION NO. 143-00

PAGE: 2

APPROVED:



MICHAEL D. BROWN,
MAYOR

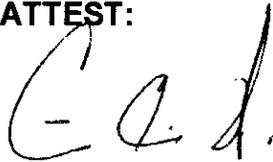


EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

ELIZABETH WADE
CHAIR PRO-TEM

ATTEST:



CARRIE E. WARD, CMC/AAE



DONALD R. WILSON



SILVIA LEE BLUE



DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: S. Blue

SECONDED BY: D. Wilson

E. RODGERS aye

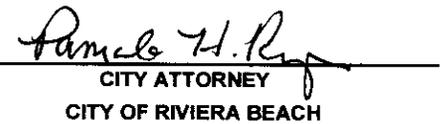
E. WADE absent

D. WILSON aye

S. BLUE aye

D. SCHNYER aye

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/23/00

RESOLUTION NO. 144-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO TRANSFER FUNDS IN THE AMOUNT OF \$145,000 FROM THE GENERAL FUND GENERAL ADMINISTRATION MACHINERY & EQUIPMENT OTHER ACCOUNT NO. 001-0203-519-0-640 TO THE CAPITAL IMPROVEMENT FUND RECORDS MACHINERY & EQUIPMENT OTHER ACCOUNT NO. 305-0409-512-0-6405 TO COVER THE COST TO IMPLEMENT A DOCUMENT MANAGEMENT SYSTEM.

WHEREAS, The City Clerk requested funding to implement a State of the Art Records Management Program during budget sessions Fiscal Year 99/00; and

WHEREAS, The request was approved and the City Manager appropriated funds in the General Fund General Administration, Machinery & Equipment Other Account # 001-0203-519-0-6405 and earmarked for a "Digital Imaging System"; and

WHEREAS, The process is now in place to implement said program. The City Manager is requesting a transfer be completed for the balance of these funds to accommodate the purchase of a document management system.

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

SECTION 1. That the Finance Director is authorized to transfer funds as follows:

Transfer from:

GENERAL FUND GENERAL ADMINISTRATION MACHINERY & EQUIP. -OTHER	001-0203-519-0-6405	\$145,000
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Transfer to:

CAPITAL IMPROVEMENT FUND RECORDS MACHINERY & EQUIP. OTHER	305-0409-512-0-6405	\$145,000
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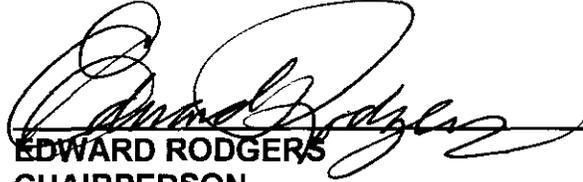
SECTION 2. This resolution shall take effect upon its passage and adoption by the city council.

PASSED AND APPROVED this 6th day of September, 2000.

APPROVED:



MICHAEL D. BROWN,
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

ELIZABETH WADE
CHAIR PRO-TEM

ATTEST:



CARRIE E. WARD, CMC/AE
CITY CLERK



DONALD R. WILSON



SYLVIA L. BLUE



DAVID G. SCHNYER
COUNCILMEMBERS

MOTIONED BY: S. Blue

SECONDED BY: D. Wilson

E. RODGERS aye

E. WADE absent

D. WILSON aye

SYLVIA BLUE aye

DAVID SCHNYER aye

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/31/00

RESOLUTION NO. 2000- 145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF ITS \$2,900,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (K-RAIN MANUFACTURING PROJECT), SERIES 2000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MANUFACTURING FACILITY OWNED AND OPERATED BY K-RAIN MANUFACTURING CORPORATION; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT, TRUST INDENTURE AND UNDERWRITING AGREEMENT AND APPROVING THE FORM OF AN OFFICIAL STATEMENT; AWARDED THE SALE OF THE BONDS BY A NEGOTIATED SALE; APPROVING A TRUSTEE FOR THE BONDS; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Riviera Beach, Florida (the "Issuer") is a political subdivision of the State of Florida and is empowered by the provisions of the Florida Constitution and Chapter 159, Part II, Florida Statutes (the "Act"), to issue obligations for the purpose of financing manufacturing facilities; and

WHEREAS, the Issuer has determined to issue its Industrial Development Revenue Bonds, (K-Rain Manufacturing Project), Series 2000 in the principal amount of \$2,900,000 (the "Bonds") as further provided herein; and

WHEREAS, of even date herewith the Issuer has conducted a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the issuance of the Bonds; and

WHEREAS, the Issuer and K-Rain Manufacturing Corporation (the "Borrower") have received a proposed form of Underwriting Agreement (the "Bond Purchase Agreement") from Banc of America Securities LLC (the "Underwriter") to purchase the Bonds on the basis of the terms and provisions therein; and

WHEREAS, the Issuer and the Borrower agree to such terms and provisions; and

WHEREAS, it is necessary and desirable to approve the form of a Trust Indenture, an Official Statement and a Loan Agreement in connection with the issuance of the Bonds, and to provide a method to specify the interest rate(s), maturity date(s), redemption provisions and other details for the Bonds; and

WHEREAS, the issuance of the Bonds and the sale thereof to the Underwriter will, in the judgment of the Issuer, serve the intended public purpose and in all respects conform to the provisions and requirements of the Act;

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

Section 1. Definitions. Unless the context otherwise requires, terms used herein in capitalized form and not otherwise defined herein shall have the meanings specified therefor in the Indenture of Trust attached hereto as Exhibit "A" (the "Indenture"). Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

Section 2. Authority for this Resolution. This resolution, herein called the "Resolution," is adopted pursuant to the Act.

Section 3. Findings. It is hereby ascertained, determined and declared as follows:

A. The Project is appropriate to the needs and circumstances of, and will make a significant contribution to the economic growth of the Issuer, will provide and preserve gainful employment, and will serve a public purpose, consistent with Article VII, Section 10(c) of the Florida Constitution, by advancing the economic prosperity and the general welfare of the Issuer, the State, and the people thereof, and in particular, the issuance of the Bonds is in the interest of the people of the City of Riviera Beach, Florida. Based upon the factors enumerated in Part II, Chapter 159, Florida Statutes, the Borrower is financially responsible and fully capable of and willing to fulfill any obligations which it may incur in connection with the financing of the Project as contemplated by this Resolution. The Issuer will be able to cope satisfactorily with the impact of the Project and will be able to provide, or cause to be provided when needed, the public facilities, including utilities and public services, that will be necessary for the construction, operation, repair and maintenance of the Project and on account of any increases in population or other circumstances resulting therefrom.

B. The Issuer hereby finds that the Agreement makes adequate provision for the operation, repair and maintenance of the Project at the expense of the Borrower and for the payment of the principal and interest on the Bonds and all other costs incurred by the Issuer in connection with the Bonds and the Project.

C. The Bonds herein authorized will not be a debt, a pledge of full faith and credit or lending power of the Issuer, the State of Florida or any political subdivision or agency thereof, and none of the Issuer, the State of Florida nor any political subdivision or agency

thereof will be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor in the Indenture.

Section 4. Authorization of Bonds. The Issuer hereby approves the Bonds for purposes of Section 147(f) of the Code. Subject and pursuant to the provisions hereof and of the Indenture, for the purpose of financing the Project, the issuance of revenue bonds of the Issuer under the authority of the Act in the principal amount of not to exceed \$2,900,000 is hereby approved. The Mayor is hereby authorized to award the sale of the Bonds in an aggregate principal amount sufficient, together with other available funds, to finance the Project and the costs associated with issuance of the Bonds, as requested by the Borrower, provided that the aggregate principal amount of the Bonds shall not exceed \$2,900,000, the interest rate on the Bonds shall not exceed the lesser of the Maximum Rate, as defined in the Indenture, and the purchase price shall equal the principal amount of the Bonds, all as approved by the Borrower and set forth in the Bond Purchase Agreement.

Subject to the foregoing, the Bonds shall be dated, shall bear interest at such rates, mature on such dates, be subject to redemption on such dates and in such amounts and at such price and have such other details, terms and conditions all as set forth in the Indenture.

Section 5. Authorization of Execution and Delivery of the Indenture. As security for the payment of the principal of and interest on the Bonds, the Indenture, in substantially the form thereof attached hereto as Exhibit "A," with such changes, alterations and corrections as may be approved by the City Council, such approval to be presumed by the execution thereof by the Mayor, is hereby approved by the Issuer, and the Issuer hereby authorizes and directs the Mayor to execute the Indenture and the Clerk to attest thereto under the official seal of the Issuer, and to deliver the Indenture to the Trustee all of the provisions of which, when executed and delivered by the Issuer as authorized herein, shall be deemed to be a part of this Resolution as fully and to the same extent as if incorporated verbatim herein.

Section 6. Authorization of Execution and Delivery of the Loan Agreement. The Loan Agreement, in substantially the form thereof attached hereto as Exhibit "B," with such changes, alterations and corrections thereto as may be approved by the City Council, such approval to be presumed by the execution thereof by the Mayor, is hereby approved by the Issuer, and the Issuer authorizes and directs the Mayor, to execute the Loan Agreement and the Clerk to attest thereto under the official seal of the Issuer, and to deliver the Loan Agreement to the Borrower, all of the provisions of which, when executed and delivered by the Issuer as authorized herein shall be deemed to be a part of this Resolution as fully and to the same extent as if incorporated verbatim herein.

Section 7. Sale of Bonds: Execution and Delivery of the Bond Purchase Agreement. The Bonds are hereby awarded to the Underwriter upon the terms and conditions set forth in the Bond Purchase Agreement. The Bond Purchase Agreement, in substantially the form thereof attached hereto as Exhibit "C," with such changes, alterations and corrections thereto as may be approved by the City Council, such approval to be presumed by the execution thereof by the Mayor, is hereby approved by the Issuer, and, upon execution thereof by the

Borrower, the Issuer authorizes and directs the Mayor to execute the Bond Purchase Agreement and the Clerk to attest thereto under the official seal of the Issuer, and to deliver the Bond Purchase Agreement to the Underwriter, all of the provisions of which, when executed and delivered by the Issuer as authorized herein shall be deemed to be a part of this Resolution as fully and to the same extent as if incorporated verbatim herein. The Issuer hereby determines that a negotiated sale of the Bonds is in the best interest of the Issuer, the Borrower and the citizens and inhabitants of the City of Riviera Beach by reason of the limited market for bonds such as the Bonds (due, among other reasons, to the fact that the Bonds are limited obligations of the Issuer payable only from the sources provided therefor in the Indenture) and because revenue bonds such as the Bonds are typically sold by negotiated sale. Prior to the execution of the Bond Purchase Agreement by the Issuer, the Underwriter shall file with the Issuer the disclosure required by Section 218.385, Florida Statutes, and competitive bidding for the Bonds is hereby waived.

Section 8. Appointment of Trustee. The Bank of New York is hereby appointed Trustee to act under the Indenture.

Section 9. Official Statement. The Issuer hereby approves the form and content of the Official Statement relating to the Bonds attached hereto as Exhibit B, with such changes, alterations and corrections thereto as may be approved by the City Council, such approval to be evidenced by the execution of the Loan Agreement by the Mayor. The Issuer hereby authorizes the use and distribution of the Official Statement by the Underwriter.

Section 10. No Personal Liability. No covenant, stipulation, obligation or agreement herein contained or contained in the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Bonds, or any instrument contemplated thereby shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, member, agent or employee of the Issuer in his or her individual capacity, and no member of the City Council of the Issuer executing the Bonds or other documents herein mentioned shall be liable personally thereon or be subject to any personal accountability by reason of the issuance or execution thereof.

Section 11. No Third Party Beneficiaries. Except as herein or in the documents herein mentioned otherwise expressly provided, nothing in this Resolution or in such documents, express or implied, is intended or shall be construed to confer upon any Person other than the Issuer, the Borrower, the Owners of the Bonds, the Underwriter, the issuer of the Letter of Credit and the Trustee any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof or of such documents; this Resolution and such documents being intended to be and being for the sole and exclusive benefit of such parties.

Section 12. Prerequisites Performed. All acts, conditions and things relating to the passage of this Resolution and required by the Constitution or laws of the State of Florida to happen, exist and be performed precedent to and in the passage hereof have happened, exist and have been performed as so required.

Section 13. General Authority. The Mayor, the Clerk and the members of the City Council of the Issuer are hereby authorized to do all acts and things required of them by this Resolution, the Agreement, the Bond Purchase Agreement, or the Indenture, or desirable or consistent with the requirements hereof or thereof, for the full punctual and complete performance of all terms, covenants and agreements contained in the Bonds, the Loan Agreement, the Bond Purchase Agreement, the Indenture and this Resolution.

Section 14. General Authorizations. The Mayor and any member of the City Council of the Issuer, the Clerk, the City Attorney, the Finance Director and the City Manager, are hereby each authorized to execute, publish, file and record such other documents, instruments, notices, and records and to take such other actions as shall be necessary or desirable to accomplish the purposes of this Resolution, and to comply with and perform the obligations of the Issuer under the Indenture, the Loan Agreement, and the Bond Purchase Agreement.

Section 15. Resolution Constitutes a Contract. The Issuer covenants and agrees that this Resolution shall constitute a contract between the Issuer and the Owners from time to time of the Bonds and that all covenants and agreements set forth herein and in the Loan Agreement and the Indenture to be performed by the Issuer shall be for the equal and ratable benefit and security of all Owners of the Bonds.

Section 16. Severability. If any one or more of the covenants, agreements, or provisions contained herein or in the Bonds shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements, or provisions hereof and thereof and shall in no way affect the validity of any of the other provisions of this Resolution or of the Bonds.

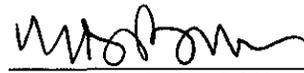
Section 17. Repealer. All resolutions or parts thereof of the Issuer in conflict with the provisions herein contained are, to the extent of any such conflict, hereby superseded and repealed.

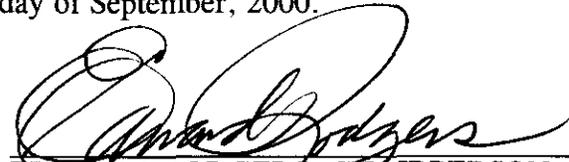
Section 18. Limited Nature of Approval. The approval given herein shall not be construed as an endorsement of the creditworthiness of the Borrower or the financial viability of the Project, a recommendation to any prospective purchaser to purchase the Bonds, an evaluation of the likelihood of the repayment of the debt service on the Bonds or approval of any necessary zoning or land use approval or other regulatory approval required with respect to the Project, and the Issuer shall not be construed by reason of its adoption of this Resolution to have made any such endorsement, finding, recommendation or to have waived any right of the Issuer that it may have in that regard.

Section 19. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED and APPROVED this 6th day of September, 2000.

APPROVED:

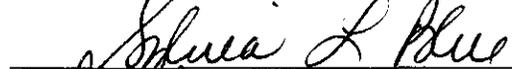

MICHAEL D. BROWN, MAYOR

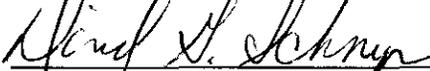

EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]

ELIZABETH WADE, CHAIRPERSON
PRO-TEM


DONALD R. WILSON, COUNCIL MEMBER


SYLVIA L. BLUE, COUNCIL MEMBER


DAVID G. SCHNYER, COUNCIL MEMBER


CITY CLERK
Carrie E. Ward, CMC/A&E

MOTIONED BY: S. Blue
SECONDED BY: D. Schnyer

E. Rodgers	<u>aye</u>
E. Wade	<u>absent</u>
D. Wilson	<u>aye</u>
S. Blue	<u>aye</u>
D. Schnyer	<u>aye</u>

EXHIBIT "A"

TRUST INDENTURE

EXHIBIT "B"

LOAN AGREEMENT

EXHIBIT "C"

BOND PURCHASE AGREEMENT

EXHIBIT "D"

OFFICIAL STATEMENT

RESOLUTION NO. 146-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF ATTORNEY'S FEES ON BEHALF OF THE CITY IN THE CASE OF ZEDRICK BARBER V. CITY OF RIVIERA BEACH, CASE NO. 96-3044, 4TH DCA CASE NO. 99-3772; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT OF \$12,000.00 FROM THE CITY'S SELF-INSURANCE EXCEPT 100 ACCOUNT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION ONE. That the City Council hereby authorizes settlement of attorney's fees on behalf of the City in the case of *Zedrick Barber v. City of Riviera Beach*, Case No. 96-3044, 4th DCA Case No. 99-3772 which resolves the case and the final issue of attorney's fees.

SECTION TWO. That the Finance Director is hereby authorized to make payment in the amount of \$12,000.00 from the City's Self-insurance Except 100 Account.

SECTION THREE. This Resolution shall take effect immediately upon its passage and adoption by the City Council.

PASSED and ADOPTED this 6th day of September, 2000.

RESOLUTION NO. 146-00

-2-

APPROVED:



Michael D. Brown
Mayor

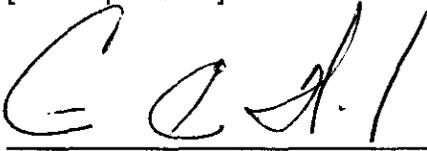


Edward Rodgers
Chair

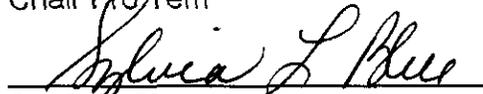
Attest:

Elizabeth K. Wade
Chair Pro Tem

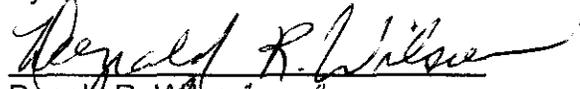
[Municipal Seal]



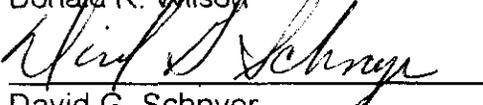
Carrie E. Ward, CMC/AE
City Clerk



Sylvia L. Blue



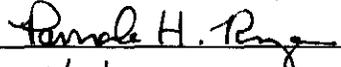
Donald R. Wilson



David G. Schnyer
COUNCIL MEMBERS

PHR:dpm.[080800]

Approved as to legal sufficiency

By: 

Date: 9/1/00

MOTIONED BY: S. BLUE
SECONDED BY: D. WILSON

E. RODGERS	<u>AYE</u>
E. WADE	<u>ABSENT</u>
S. BLUE	<u>AYE</u>
D. WILSON	<u>AYE</u>
D. SCHNYER	<u>AYE</u>

RESOLUTION NO. 147-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, OPPOSING THE WATERMARK COMMUNITIES, INC., MINING OPERATION LOCATED SOUTH OF DYER BOULEVARD AND WEST OF HAVERHILL ROAD IN THE CITY OF WEST PALM BEACH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Riviera Beach was notified on October 27, 1999, concerning a proposed mining operation in the City of West Palm Beach located south of Dyer Boulevard and west of Haverhill Road; and

WHEREAS, The property is approximately 324 acres and is owned by Watermark Communities, Inc.; and

WHEREAS, Of the 324 acres approximately 294 acres is proposed to be mined for a period of twenty (20) years for fill material; and

WHEREAS, The City of Riviera Beach is very concerned with the negative impacts associated with the proposed mining operation; and

WHEREAS, The City of Riviera Beach has water wells located within the area being proposed for the mining operation which may cause possible contamination to the City's drinking water; and

WHEREAS, The proposed mining operation will have a negative impact on the residents of Lone Pine Estates resulting from truck traffic, noise pollution, and dust associated with mining operation; and

WHEREAS, The City of Riviera Beach adamantly opposes the mining operation on the 324 acres owned by Watermark Communities, Inc., located south of Dyer Boulevard and west of Haverhill Road in the City of West Palm Beach.

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 of Riviera Beach adamantly opposes the mining operation west of Haverhill Road and south of Dyer Boulevard in the City of West Palm Beach.

Section 2. This resolution shall take effect upon its passage and adoption by the City Council.

PASSED AND APPROVED this 6th day of September, 2000.

PASSED AND APPROVED this 6TH day of SEPTEMBER, 2000

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

{MUNICIPAL SEAL}

ELIZABETH WADE, CHAIR PRO-TEM

David Schnyer
DAVID SCHNYER

ATTEST:

C. E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Sylvia Blue
SLYVIA BLUE

Donald R. Wilson
DONALD WILSON
COUNCIL MEMBERS

Motioned By: S. BLUE

Seconded By: D. WILSON

E. Rodgers: AYE
E. Wade: ABSENT
D. Schnyer: AYE
S. Blue: AYE
D. Wilson: AYE

Reviewed as to Legal Sufficiency

Panel H. King
City Attorney
City of Riviera Beach

Date: 8/31/00

RESOLUTION NO. 148-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SELL SCRAP METAL (APPROXIMATELY \$250.00) TO TRADEMARK METALS RECYCLING AT A RATE OF \$25.00 PER TON AND \$0.35 PER POUND FOR ALUMINUM DELIVERED TO THEIR FACILITY AT 4661 DYER BOULEVARD, RIVIERA BEACH, FL AND DEPOSIT SAID MONEY FROM SALE INTO PUBLIC WORKS ACCOUNT NUMBER 001-1127-5410-5206.

WHEREAS, the Public Works Department solicited to several vendors for the sale of approximately seven or eight tons of scrap metal and approximately 20 pounds of aluminum and Trademark Metals Recycling was selected out of the two vendors that responded.

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

SECTION 1. That the City Council hereby authorizes the sale of scrap metal from the Department of Public Works to Trademark Metals Recycling of Riviera Beach.

SECTION 2. That the Finance Director is authorized to deposit funds into Public Works Account Number 001-1127-5410-5206.

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

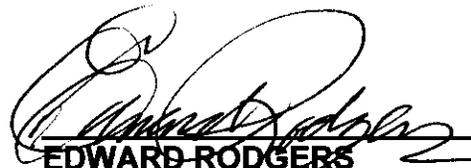
PASSED AND APPROVED this 6th day of September, 2000.

RESOLUTION NO. 148-00
PAGE: 2

APPROVED:



MICHAEL D. BROWN,
MAYOR



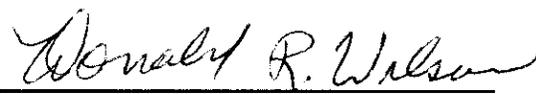
EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

ELIZABETH WADE
CHAIR PRO-TEM

ATTEST:


CARRIE E. WARD, CMC/AEE



DONALD R. WILSON



SYLVIA LEE BLUE



DAVID G. SCHNYER
COUNCILMEMBERS

MOTIONED BY: S. BLUE

SECONDED BY: D. WILSON

E. RODGERS AYE

E. WADE ABSENT

D. WILSON AYE

S. BLUE AYE

D. SCHNYER AYE

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/22/00

RESOLUTION NO. 149-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO McGUIREWOODS, LLP, MARQUIS TWO TOWER, 285 PEACHTREE CENTER AVENUE, N. E., SUITE 2200, ATLANTA, GA 30303 -1261 IN THE AMOUNT OF \$16,217.58 FOR PROFESSIONAL LEGAL SERVICES PERFORMED BY AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 001-0512-5190-3101.

WHEREAS, McGuireWoods, LLP performed professional legal services for the City of Riviera Beach ; and

WHEREAS, McGuireWoods, LLP submitted invoices in the amount of \$16,217.58 for performing professional legal services regarding Blasé Pfefferkorn and Police Benevolent Association; and

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

SECTION 1. That the Mayor and Finance Director are authorized to make the payment in the amount of \$16,217.58 from Account #001-0512-5190-3101.

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

PASSED AND ADOPTED this 20th day of September 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

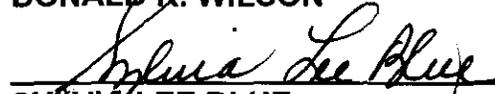

EDWARD RODGERS, CHAIRPERSON

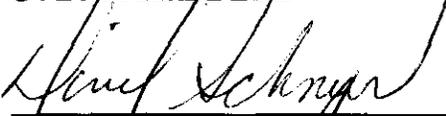

ELIZABETH WADE, CHAIR PRO-TEM

DONALD R. WILSON

ATTEST:


CARRIE WARD, CMC/AAE
CITY CLERK


SYLVIA LEE BLUE


DAVID SCHNYER
COUNCIL MEMBERS

MOTIONED BY: D. Schnyer

SECONDED BY: E. Wade

E. RODGERS aye

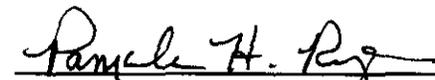
E. WADE aye

D. WILSON absent

S. BLUE aye

D. SCHNYER aye

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 9/15/00

RESOLUTION NO. 150-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE APPROVAL TO PURCHASE A ROOFTOP AIR CONDITIONING UNIT FOR THE POLICE DEPARTMENT FROM FARMER & IRWIN CORPORATION IN THE AMOUNT OF \$ 164,338 AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NUMBER 305-0817-5190-6405.

WHEREAS, the existing A/C unit located at the Police Department needs to be replaced. The unit is twenty-one (21) years old, the coils are rusted and at present is in need of replacement; and

WHEREAS, staff requested that Farmer & Irwin submit a revised proposal based on Bid No. 01998 that was opened May 28, 1999 for the A/C unit for the Police Department. Farmer & Irwin was the sole bidder on this bid; and

WHEREAS, staff recommend Farmer & Irwin supply labor and material to install the unit at the Police Department in the amount of \$ 164,338.

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

SECTION 1: That the City Council approve the purchase of a Trane Rooftop Multizone Air Conditioning unit for the Police Department to Farmer & Irwin Corporation, of Riviera Beach, Florida in the amount of \$ 164,338.

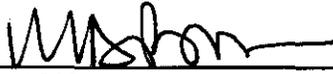
SECTION 2: That the Mayor and Finance Director are authorized to make payment for same.

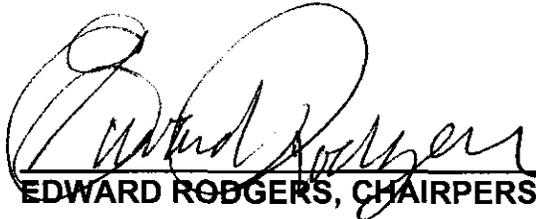
SECTION 3: This Resolution shall take effect upon its passage and adoption by the City Council.

PASSED and APPROVED this 20th **day of** September **2000.**

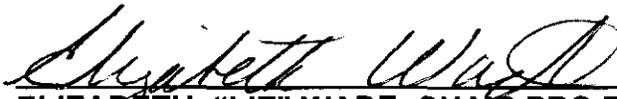
RESOLUTION NO. 150-00
PAGE 2

APPROVED:


MICHAEL D. BROWN, MAYOR

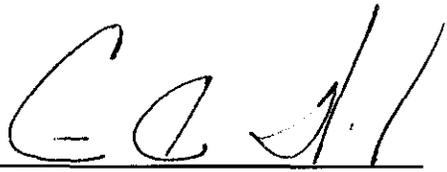

EDWARD RODGERS, CHAIRPERSON

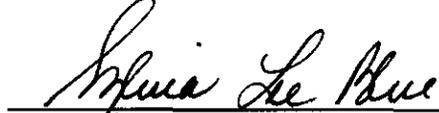
(MUNICIPAL SEAL)


ELIZABETH "LIZ" WADE, CHAIR PRO-TEM

ATTEST:

DONALD R. WILSON


CARRIE E. WARD, CMC/AE


SYLVIA LEE BLUE


DAVID G. SCHNYER
COUNCILMEMBERS

MOTION BY: D. Schnyer

SECOND BY: E. Wade

E. RODGERS aye

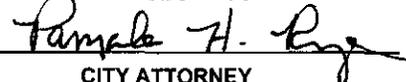
E. WADE aye

D. WILSON absent

S. BLUE aye

D. SCHNYER aye

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: 9/14/00