

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, APRIL 7, 2010 AT 6:30 P.M.**

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

CITY CLERK CALLS TO ORDER

Roll Call

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

Invocation/Pledge of Allegiance

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

II. CITY CLERK SWEARS IN BY ADMINISTERING THE OATH OF OFFICE TO THE NEWLY ELECTED COUNCILPERSONS BY DISTRICT; & PRESENTS EACH OFFICE WITH AN ELECTION CERTIFICATE; THE CURRENT RIVIERA BEACH CODE OF ORDINANCES, WITH THE CITY CHARTER; THE GUIDE TO THE SUNSHINE AMENDMENT AND CODE OF ETHICS FOR PUBLIC OFFICERS; & THE FLORIDA MUNICIPAL OFFICIAL'S MANUAL TO:

1) City Council District 2

City Clerk Ward presented Councilperson elect Judy L. Davis with her Oath of Office, Election Certificate, and a copy of the Code of Ordinances which included the City Charter, the Guide to the Sunshine Amendment, and the Florida Municipal Official's Manual; and Robert's Rules of Order edition 10.

2) **City Council District 3**

City Clerk Ward presented Councilperson elect Cedrick A. Thomas with his Oath of Office, Election Certificate, and a copy of the Code of Ordinances which included the City Charter, the Guide to the Sunshine Amendment, and the Florida Municipal Official's Manual; and Robert's Rules of Order edition 10.

3) **City Council District 4**

City Clerk Ward presented Councilperson Dawn S. Pardo with her Oath of Office, Election Certificate, and a copy of the Code of Ordinances which included the City Charter, the Guide to the Sunshine Amendment, and the Florida Municipal Official's Manual; and Robert's Rules of Order edition 10.

SEATING OF THE NEWLY ELECTED COUNCIL

III. **CITY CLERK REQUESTS A MOTION OR NOMINATIONS FOR THE CITY COUNCIL CHAIR**

City Clerk Ward opened the floor requesting a motion or nominations for the City Council Chair.

Councilperson Lowe nominated Councilperson Davis as chairperson.

Councilperson Brooks nominated Councilperson Pardo as chairperson.

Upon no other nominees, the floor was closed on the 2 names. Upon a vote being taken, Councilperson Pardo received 3 votes, Councilpersons Brooks, Thomas, and Pardo; with 2 opposing, Councilpersons Lowe and Davis.

At this point City Clerk Ward relinquished the gavel to Chairperson Pardo and announced that Councilperson Pardo had been nominated as chair to serve for the next year.

IV. **NEWLY ELECTED CITY COUNCIL CHAIR REQUESTS A MOTION OR NOMINATIONS FOR CITY COUNCIL CHAIR PRO-TEM**

Chairperson Pardo opened the floor requesting a motion or nominations for Council pro-tem.

Councilperson Lowe nominated Councilperson Brooks as chair pro tem.

Councilperson Thomas nominated Councilperson Davis as chair pro tem.

Councilperson Brooks declined nomination as chair pro tem.

There being no further nominations, Councilperson Davis was appointed as the chair pro tem for the City Council to serve for the next year.

V. MAYOR AND CITY COUNCIL COMMENTS AND REMARKS

Councilperson Thomas expressed words of appreciation for the support he received during the times of campaigning and continued with words of commitment as he serve his constituents.

Chair pro tem Davis expressed words of appreciation for the support she received during her campaign. She continued by stating she along with other members of the council, the mayor and manager were in receipt of and she commenced with reading a letter of commendation received by City Clerk Ward from Susan Bucher, Palm Beach County Supervisor of Elections commending her on the professional and efficient expert services she provided in conducting the City's Municipal Election, the Run-off and Recount Elections. She then congratulated Ms. Ward for the outstanding job.

Chairperson Pardo expressed words of appreciation for the support she received during the election process.

VI. SPECIAL PUBLIC COMMENTS

Tonya Davis Johnson expressed words of appreciation to the newly elected officials and those who supported her during her campaign.

Joel Brier, Professional Firefighters Union, congratulated Chairperson Pardo and Councilperson Thomas on their electoral success.

Fred Angelo, Professional Firefighters Union, congratulated City Clerk Ward on a job well done stating he observed elections in as many as 14 other municipalities and he felt she demonstrated a high professional role while carrying out her duties in the election process. He then expressed words of support to Councilperson Cedric Thomas on his return to office and stated he felt he would prevail. He also congratulated Councilperson Pardo on her unopposed success to the elected office and back as council chair.

Janie Banks Johnson, 1551 W 9th Street, expressed words of support to her dear son, Councilperson Thomas and stated to the newly elected officials.

Councilperson Lowe commended Former Councilperson Davis Johnson for the total commitment while she served the residents in district 3 and the entire city. He further stated she is an outstanding lady.

Earl Davis, 1001 W 4th Street, expressed words of support to the newly elected officials.

Sandra Moore, 1141 W 27th Street, made comments reference false statements made regarding herself and her family by Mayor Thomas Masters during the campaigning of her son-in-law.

VII. AGENDA Approval:

Additions, Deletions, Substitutions

City Manager Jones made the following revisions to the agenda: added No. 15 – resolution reference support of the Keep America Beautiful campaign; and deleted No. 11 – ordinance reference FPL.

Disclosure By Council

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

Adoption of Agenda

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve the agenda as amended.

MOTION

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

MOTION APPROVED

VIII. CONSENT AGENDA:

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

MINUTES:

1. **MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD MARCH 3, 2010.**

RESOLUTIONS:

2. **RESOLUTION NO. 27-10 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 DR. SCOTT MCFARLAND/TEAM HEALTH SOUTHEAST FOR THE PROVISION OF MEDICAL DIRECTOR SERVICES FOR THE CITY'S PARAMEDICS, EMT'S AND LIFEGUARDS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$2,000 PER MONTH; AND PROVIDING AN EFFECTIVE DATE.**

ITEM PULLED FOR DISCUSSION

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 27-10,

MOTION

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

MOTION APPROVED

3. **RESOLUTION NO. 28-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SUBMISSION OF THE GRANT APPLICATION TO PARTICIPATE IN THE FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM COMMENCING JUNE 7, 2010 THROUGH AUGUST 13, 2010; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF RIVIERA BEACH; AND AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET IN THE AMOUNT OF \$38,127 IN THE SUMMER FOOD GRANT FUND (137); APPROVAL FOR STAFF TO PIGGYBACK OFF PALM BEACH COUNTY'S VENDOR TO SUPPLY MEALS FOR THE SUMMER FOOD SERVICE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**
4. **RESOLUTION NO. 29-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID FOR LITTLE BLUE HERON BRIDGE LIGHTING TO TORRES ELECTRICAL SUPPLY COMPANY IN THE AMOUNT OF \$125,708.41; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FOR ACCOUNT NO. 310-0716-541-1-6355; AND PROVIDING AN EFFECTIVE DATE.**

END OF CONSENT AGENDA

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

IX. **PETITIONS AND COMMUNICATIONS FOR FILING:**

NONE

X. **AWARDS AND PRESENTATIONS:**

5. **PRESENTATION TO INTRODUCE THE NEW RIVIERA BEACH LIBRARY CARD.**

Cynthia Cobb, Library Director, introduced Demetrius McCray, who assisted with the design of the new library cards and unveiled the design for the new cards.

6. **PROCLAMATION PROCLAIMING APRIL, 2010 AS LIBRARY APPRECIATION MONTH.**

Mayor Masters read the proclamation proclaiming the month of April as Library Appreciation month.

7. **PRESENTATION OF A CITY COUNCIL AWARD BY COUNCILMAN SHELBY L. LOWE TO DERRICK McCRAY, OWNER OF McCRAY'S II BACKYARD BBQ.**

Councilperson Lowe presented Derrick McCray with the Community Leader and Businessman Award for his continued success in the restaurant business.

Derrick McCray expressed words of appreciation; and provided detail information regarding the status of his business.

Herman McCray encouraged the City Council to be honest in their efforts in moving the city forward.

XI. PUBLIC HEARINGS:

ORDINANCES ON SECOND READING:

8. ORDINANCE NO. 3076 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED, "ZONING" BY AMENDING ARTICLE VI ENTITLED, "SUPPLEMENTAL DISTRICT REGULATIONS" BY INCLUDING A NEW SECTION ENTITLED, "RESIDENTIAL DOCKS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record announced that it was published in the March 28, 2010 edition of the Palm Beach Post.

A motion was made by Councilperson Brooks and seconded by Councilperson Thomas to adopt Ordinance No. 3076.

MOTION

B. G. Sykes, 333 E 24th Street, made comments reference removing certain language from the ordinance.

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

MOTION APPROVED

9. ORDINANCE NO. 3077 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING SECTION 31-63 ENTITLED, "EXPEDITED PERMITTING" TO PROVIDE FOR AN EXPEDITED PERMITTING PROGRAM FOR QUALIFIED DEVELOPMENT PROJECTS; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published March 28, 2010 edition of the Palm Beach Post.

A motion was made by Councilperson Brooks and seconded by Councilperson Thomas to adopt Ordinance No. 3077.

MOTION

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

MOTION APPROVED

10. ORDINANCE NO. 3078 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CITY'S CODE OF ORDINANCES ENTITLED,

“LICENSES AND BUSINESS REGULATIONS”, BY CREATING A NEW ARTICLE VII ENTITLED, “CERTIFICATE OF USE”; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record and announced that it was published in the March 28, 2010 edition of the Palm Beach Post.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to adopt Ordinance No. 3078.

MOTION

Bonnie Larson, W 27th Street, made comments reference how businesses have been regulated prior to the ordinance being presented to the City Council.

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

MOTION APPROVED

ORDINANCES ON FIRST READING:

11. **ORDINANCE NO. ____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF RIVIERA BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.**

ITEM DELETED

RESOLUTIONS:

12. **RESOLUTION NO. 33-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING FEES TO IMPLEMENT THE CERTIFICATE OF USE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 33-10.

MOTION

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

MOTION APPROVED

COMMENTS FROM THE PUBLIC – 8:00 PM*¹ – Non Agenda or Consent Item Speakers (Three Minute Limitation) *Please be reminded that the City Council has adopted a set of “Rules of Decorum Governing Public Conduct during Official Meetings”, which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium from the meeting and/or the building, if necessary. Please govern yourselves accordingly.*

David Thomas, 724 20th Street, extended an invitation to the E4 Sustainably Summit which would focus on reducing the global footprint of communities.

Vivian Havener, 245 E 25th Street, announced the Great American Clean Up scheduled April 17, 2010, 8:00 a.m. until 12 o'clock noon at Monroe Heights Park, 25th Street and Avenue M. Ms. Bernice Wooten 1080 W. 26th Street, continued with an invite to the residents and advised that the youth would be able to take advantage of the clean up efforts to obtain curriculum points or other required community service hours. He stated the efforts had been initiated over 10 years ago under the auspice of Ms. Isabelle Cunningham and it continues. She then provided a follow up telephone number and stated she was encouraged that the city is now involved again.

Angela Wynn, W 35th Street, announced that the Riviera Beach Civic Association would be holding a meeting on April 16th to discuss FP&L.

Mary Brabham, W 9th Street, urged the elected officials to work together for the good of the community.

Bonnie Larson, W 27th Street, made comments reference fees being collected from businesses that do not include the city's name on their advertisement. She continued with comments reference posting the minutes and agenda for the Planning and Zoning Board meetings.

Fane Lozman, 2100 Broadway, made comments reference the destruction of his floating vessel. He then commented on the status of recent activities he was involved regarding law suits with the city.

¹Public Comments shall begin at 8:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 8:00 PM, then public comments shall begin immediately after the item has been concluded.

XII. REGULAR:

- 13. RESOLUTION NO. 34-10 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 THREE (3) YEAR AGREEMENT TO PROVIDE POLICE SERVICES TO THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT; COMMENCING APRIL**

8, 2010 TO APRIL 8, 2013; AND AUTHORIZING THE FINANCE DIRECTOR TO ACCEPT QUARTERLY PAYMENTS IN THE AMOUNT OF \$22,500.87; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 34-10.

MOTION

Bonnie Larson, W 27th Street, made comments against approving the proposed Resolution.

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

MOTION APPROVED

14. **RESOLUTION NO. 35-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FOR PARTICIPATION IN AN ON-THE-JOB TRAINING PROGRAM SPONSORED BY THE DIVISION OF VOCATIONAL REHABILITATION THROUGH THE DEPARTMENT OF EDUCATION; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Thomas** and seconded by **Councilperson Brooks** to approve Resolution No. 35-10.

MOTION

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

MOTION APPROVED

15. **RESOLUTION NO. 36-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUPPORTING THE “KEEP AMERICA BEAUTIFUL” CAMPAIGN BY SPONSORING A CLEAN-UP IN MONROE HEIGHTS ON APRIL 7, 2010, TO PROMOTE LITTER REDUCTION, SUPPORT RECYCLING, PRESERVE AND PROTECT OUR ENVIRONMENT AND HELP MAKE OUR NEIGHBORHOODS MORE LIVABLE; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Brooks** and seconded by **Councilperson Thomas** to approve Resolution No. 36-10.

MOTION

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

MOTION APPROVED

XIII. BOARD APPOINTMENT(S):

NONE

XIV. DISCUSSION BY THE CITY MANAGER:

City Manager Jones announced that a City Council Workshop would be held April 12th at 6:00 p.m. to discuss healthcare plans. She stated that there was a consensus of the City Council to hold a vision retreat April 16th 5:00 p.m. until 9:00 p.m. and April 17th 9:00 a.m. until 3:00 p.m. at the Hilton Singer Island Oceanfront located at 3700 North Ocean Drive. She also stated that a memorandum would be distributed reference the sustainable energy program.

Troy Perry, Fire Chief, reviewed the logistics for Spring Bling that would be occurring April 9th at the beach.

Roseanne Brown, Chief of Staff, reviewed the activities planned to encourage participation in the 2010 Census.

XV. LEGAL DISCUSSION/REQUEST:

NONE

XVI. DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:

Chairperson Pardo read a letter into the record regarding the permitting process for the breakwater project.

Chair pro tem Davis requested that the agenda and minutes from the Planning and Zoning Board be posted to the website. She requested an update on the Code Enforcement Amnesty Program.

Councilperson Brooks urged financial contributions to the city's scholarship fund.

Councilperson Thomas expressed words of appreciation for the support he received during the election process as well as at the meeting.

Councilperson Lowe announced that the SAC meeting for Howell L. Watkins Middle School would be held in the Library Conference beginning at 6:00 p.m.


Mayor Masters read a resolution from the Youth Recreation Association of Palm Beach County Booster Club into the record regarding renaming a street after Rev. Herman McCray. He announced that a job fair would be held at the Original Tabernacle of Prayer, April 16th at 10:30 a.m.


ADJOURNMENT

There being no further business the meeting was duly adjourned at 9:40 p.m.

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


APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
CHAIR PRO TEM


BILLIE E. BROOKS
COUNCILPERSON


CEDRICK A. THOMAS
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: B. Brooks
SECONDED BY: C. Thomas

D. PARDO aye
J. DAVIS aye
B. BROOKS aye
C. THOMAS aye
S. LOWE out

DATE APPROVED: 04/21/2010