

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JANUARY 7, 2009 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

Chairperson Thomas was present and presided. Upon a roll call by Deputy City Clerk Anthony the following were present: Mayor Thomas A. Masters; Chairperson Cedrick A. Thomas; Chair pro tem Dawn S. Pardo; and Councilperson Judy L. Davis. Also present were Interim City Manager Gloria Shuttlesworth; Deputy City Clerk Claudene Anthony and City Attorney Pamala H. Ryan.

Councilperson Hubbard and Councilperson Lowe were tardy.

Invocation/Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance led by City Attorney Ryan.

AGENDA APPROVAL:

Additions, Deletions, Substitutions

Interim City Manager Shuttlesworth stated that additional information was provided for board appointments for the Planning and Zoning Board.

Adoption of Agenda

A motion was made by **Chair pro tem Pardo** and seconded by **Councilperson Davis** to approve the agenda.

MOTION

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

MOTION APPROVED

AWARDS AND PRESENTATIONS

1. PRESENTATION OF A CERTIFICATE AND PLAQUE TO ASSISTANT CHIEF OF POLICE DANNY JONES AS PROJECT MANAGER FOR THE INTRODUCTION AND DEPLOYMENT OF THE WIRELESS MESH SYSTEM IN THE CITY OF RIVIERA BEACH.

Clarence Williams, Chief of Police, presented Assistant Chief of Police Jones with a Certificate of Appreciation for the introduction and deployment of the wireless MESH System.

Assistant Chief of Police Jones expressed words of appreciation.

COMMENTS FROM THE PUBLIC –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 silence all audio devices to avoid interference with recording equipment. Please govern yourselves accordingly.*

Gerald Ward, 31 W 20th Street, made comments regarding an advertisement that appeared in the Palm Beach Post reference abandonment on 21st Street. He also made comments reference the frequent occurrence of traffic diversion in the city.

Verdina Coleman, W 26th Street, inquired about sidewalk improvement on 26th Street in Monroe Heights. She also inquired about installation of street calming devices in the 1100 block of 26th Street.

Mike Mahoney, 2120 Broadway, made comments reference code violations against an empty lot locate on 21st Street. He also made comments reference the installation of a shell rock parking lot located on 21st Street.

Randy Graham, 1516 W 30th Street, expressed words of appreciation to Councilperson Pardo and everyone who made the efforts put forth during the Thanksgiving and Christmas holiday a success. He announced that volunteers were needed for the Martin Luther King, Jr. celebration activities. Mr. Graham made comments reference criminal activity within the community.

Solomon Burgess, 1981 Freeport Drive, made comments reference the criminal activity in Marsh Harbour.

Fane Lozman, Riviera Beach Marina, made comments reference the evaluation for the city attorney. He also made comments reference the enforcement of the saggy pants ordinance.

Margaret Shepherd, 441 W 32nd Street, stated that she would assist with raising funds for the Martin Luther King, Jr. souvenir booklet. She continued with making comments reference the Jazz After Dark activity.

Gregg Moree, C Avenue and East 21st Street, made comments reference property previously owned by various members of his personal family.

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:

NONE

RESOLUTIONS:

NONE

PETITIONS AND COMMUNICATIONS FOR FILING:

END OF CONSENT AGENDA

PUBLIC HEARINGS:

NONE

ORDINANCES ON SECOND READING:

NONE

ORDINANCES ON FIRST READING:

2. **ORDINANCE NO. 3056 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19 OF THE CITY'S CODE OF ORDINANCES ENTITLED "TRAFFIC AND MOTOR VEHICLES" BY CREATING A NEW ARTICLE VI WHICH ESTABLISHES A MOTOR VEHICLE COST RECOVERY FEE FOR COSTS INCURRED BY THE POLICE DEPARTMENT IN RESPONDING TO MOTOR VEHICLE ACCIDENTS; ALLOWING A FEE SCHEDULE TO BE ADOPTED BY RESOLUTION; PROVIDING FOR THE BILLING OF VEHICLE OWNERS AND**

INSURANCE COMPANIES FOR THE FEES; PROVIDING FOR A SEPARATE FUND AND LIMITING THE EXPENDITURE OF THE FEES COLLECTED; PROVIDING FOR THE ENGAGEMENT OF A THIRD PARTY COLLECTION AGENCY TO COLLECT THE FEES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Anthony read the aforementioned Ordinance into the record.

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to approve Ordinance No. 3056 on First Reading.

MOTION

A presentation was provided by Police Chief Williams, Lt. Freeman, and Regina Moore of Cost Recovery Corporation.

Gerald Ward, 31 W 20th Street, made comments against the proposed Ordinance.

Bonnie Larson, made comments against the proposed Ordinance.

A motion was made by **Councilperson Lowe** to table the aforementioned ordinance.

MOTION DIED FOR LACK OF SECOND

Upon a roll call vote on the main motion by Deputy City Clerk Anthony, the motion was approved with Councilperson Lowe dissenting.

MOTION APPROVED

REGULAR:

- 3. RESOLUTION NO. 1-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE DEPARTMENT HEAD JOB CLASSIFICATION LIST FOR THE POSITION OF PUBLIC WORKS DIRECTOR BY CHANGING THE PAY GRADE FROM GRADE 28 TO GRADE 30; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy City Clerk Anthony read the aforementioned Resolution into the record.

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to approve Resolution No. 1-09.

MOTION

Fane Lozman, Riviera Beach Marina, made comments against the proposed resolution.

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

MOTION APPROVED

4. **DISCUSSION: REQUEST CITY COUNCIL'S APPROVAL FOR THE POLICE DEPARTMENT TO HOLD A RED LIGHT ENFORCEMENT ORDINANCE WORKSHOP AND TO FURTHER INVESTIGATE RED LIGHT ENFORCEMENT TECHNOLOGY FOR FUTURE USE IN RIVIERA BEACH.**

A motion was made by **Councilperson Hubbard** and seconded by **Councilperson Davis** authorizing staff to conduct a workshop on red light enforcement.

MOTION

Police Chief Williams provided a presentation.

Gerald Ward, 31 W 20th Street, made comments reference outsourcing services and possible additional costs to the citizens.

Fane Lozman, Riviera Beach Marina, made comments against hosting a workshop on red light enforcement.

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

MOTION APPROVED

5. **DISCUSSION: REVISION OF THE AGENDA RELATIVE TO PLACEMENT OF COMMENTS BY THE PUBLIC.**

Bonnie Larson, W 27th Street, made comments in support of moving Public Comments to a time certain.

Mike Mahoney, 2120 Broadway, made comments in support of moving Public Comments if meetings were ended at a time certain.

Gerald Ward, 31 W 20th Street, made comments reference moving the Consent Agenda prior to Awards and Presentations. He stated that Public Comments should be placed prior to comments made by the Mayor and City Council at a time certain. Mr. Ward continued with comments in support of cancelling Agenda Review.

Margaret Shepherd, 441 W 32nd Street, made comments in support of continuing Agenda Review. She also made comments in support of moving Public Comments to a time certain.

Bobby Powell, Jr., 1442 W 32nd Street, made comments in support of moving Public Comments to a time certain. He continued with comments in opposition of cancelling Agenda Review.

Fane Lozman, Riviera Beach Marina, made comments in support of moving Public Comments to a time certain. He also made comments in support of cancelling Agenda Review.

A motion was made by **Councilperson Davis** and seconded by **Chair pro tem Pardo** to conduct Public Comments at or about 8:00 p.m.

MOTION

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

MOTION APPROVED

A motion was made by **Councilperson Davis** and seconded by **Chair pro tem Pardo** to cancel Agenda Review.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilperson Hubbard dissenting.

MOTION APPROVED

BOARD APPOINTMENT:

6. CITY COUNCIL TO APPOINT/REAPPOINT TWO (2) MEMBERS TO SERVE ON THE GENERAL EMPLOYEES PENSION BOARD FOR THREE (3) YEARS THROUGH NOVEMBER, 2011.

Mayor Masters requested that the City Council ratify the reappointment of Betty Kendrick and appointment of Cinthia Becton to the General Employees' Pension Board.

A motion was made by **Councilperson Hubbard** and seconded by **Councilperson Davis** to ratify the reappointment of Betty Kendrick and appointment of Cinthia Becton to the General Employees' Pension Board.

MOTION

Rev. Burrs, made comments in support of the proposed appointments.

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

MOTION APPROVED

7. CITY COUNCIL TO APPOINT MEMBERS TO THE ZONING BOARD OF ADJUSTMENT.

Gerald Ward, 31 W 20th Street, made comments reference the necessity in making timely board appointments.

A motion was made by **Councilperson Hubbard** and seconded by **Chair pro tem Pardo** to appoint Elizabeth Baker, Lorraine Douglas, James P. Griffin, and John-Maurice Midgette as regular members and Paul Burgess as an alternate member to the Zoning Board of Adjustments.

MOTION

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

MOTION APPROVED

8. CITY COUNCIL TO APPOINT MEMBERS TO THE PLANNING AND ZONING BOARD.

Chairperson Thomas recommended the appointment of Gary Brannen.

Chair pro tem Pardo recommended the reappointment of Edward Kunuty and Caryn St. John.

Councilperson Hubbard recommended that Pediedra James and Esmerilda Dain be moved from alternate members to regular members.

Councilperson Davis recommended the appointment of Tonya Johnson.

Gerald Ward, 31 W 20th Street, made comments the need for diversity on the board.

Nora Mahoney, 2120 Broadway, made comments reference the municipality listed on an applicant's application.

A motion was made by **Councilperson Davis** and seconded by **Chair pro tem Pardo** to reappoint Edward Kunuty, Caryn St. John, and Julius Whigham; appoint Gary Brannen and Tonya Johnson as regular members; move Pediedra James to regular; and move Esmerilda Dain to 1st Alternate to the Planning and Zoning Board.

MOTION

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

MOTION APPROVED

A motion was made by **Councilperson Hubbard** and seconded by **Councilperson Lowe** to appoint Lashea Brooks as second alternate to the Planning and Zoning Board.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilperson Pardo dissenting.

MOTION APPROVED

DISCUSSION BY THE CITY MANAGER:

Interim City Manager Shuttlesworth provided a memorandum to the Mayor and City Council requesting the scheduling of a workshop on January 12th and January 26th and requested a consensus of the City Council.

There was a consensus by the City Council to schedule a workshop for January 12th and January 26th.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS:

Councilperson Davis read a letter into the record she received from the Riviera Beach Civic Association.

Mayor Masters announced that the United States Census would be testing for census takers on January 8th at 9:00 a.m. at the Family Resource Center located on Broadway next to Miami Subs.

Councilperson Lowe requested that the City Council authorize staff to prepare a presentation agenda item for the next City Council Meeting for the key organizers of the Kaboom project and mail Certificates of Appreciation to the volunteers who made the Kaboom project a success. He requested that staff be authorized to expend \$1,500.

A motion was made by **Councilperson Lowe** and seconded by **Councilperson Hubbard** authorizing staff to prepare an agenda item for the next City Council Meeting awarding the organizers of the Kaboom project and to appropriate \$1,500 for the effort.

MOTION

Upon a roll call vote by Deputy City Clerk Anthony, the motion was approved with Councilpersons Pardo and Thomas dissenting.

MOTION APPROVED

Councilperson Davis made comments reference the Attorney Ryan's contract and provided an evaluation tool, for the city attorney, to the City Council.

A motion was made by **Councilperson Davis** and seconded by **Chair pro tem Pardo** to accept the evaluation tool provided for the city attorney.

MOTION

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

MOTION APPROVED

Councilperson Davis inquired as to when administrative policies would be presented to the City Council. She continued with comments regarding a complaint she received from a resident relating to vibration from traffic and the construction along Martin Luther King, Jr. Boulevard and Avenue S.

Chair pro tem Pardo expressed words of appreciation to those who made the toy drive a success.


Chairperson Thomas announced that an honor roll breakfast would be held January 16th at John F. Kennedy Middle School at 8:00 a.m. He also announced the Martin Luther King, Jr. festivities that would be taking place in the city.

ADJOURNMENT


There being no further discussion, the meeting was duly adjourned at 10:40 p.m.

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

APPROVED:

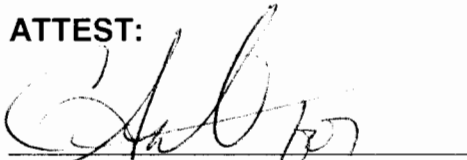


THOMAS A. MASTERS
MAYOR




CEDRICK A. THOMAS
CHAIRPERSON


ATTEST:



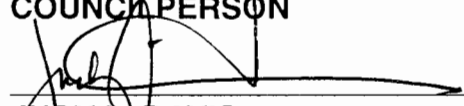
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



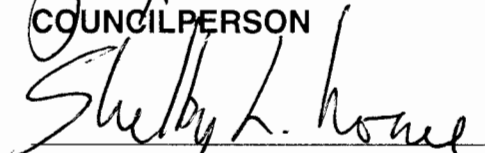
DAWN S. PARDO
CHAIR PRO TEM



LYNNE L. HUBBARD
COUNCIL PERSON



JUDY L. DAVIS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: J. DAVIS
SECONDED BY: D. PARDO

S. LOWE AYE
L. HUBBARD AYE
J. DAVIS AYE
D. PARDO AYE
C. THOMAS AYE

DATE APPROVED: 01/21/2009