

Regular City Council Meeting Agenda Marina Event Center - 190 E. 13th Street, Riviera Beach, FL 33404 September 6, 2023 6:00 PM

Be advised, that the meeting location is subject to change. The public is encouraged to visit the City's website, www.rivierabch.com, for up to date information on meeting location and information.

Mayor

Ronnie L. Felder

Chairperson

Douglas A. Lawson - District 5

Chair Pro-Tem

Shirley D. Lanier - District 3

Councilpersons

Tradrick McCoy - District 1 KaShamba Miller-Anderson - District 2 Julia A. Botel - District 4

Administration

Jonathan Evans, City Manager Tawanna Smith, Interim City Clerk Dawn S. Wynn, City Attorney

ADA Notice

This meeting is open to the Public. In accordance with the Americans with Disabilities Act of 1990, persons in need of a special accommodation to participate in the proceedings shall contact the Office of the City Clerk at 561-845-4090 no later than 2 days (48 hours) prior to the proceedings.

To request material in accessible format, sign language interpreters, hearing impaired accommodation, or any accommodation to review any document or participate in these proceedings, please contact the Florida Relay Services 1-800- 955-8771 (TDD) or 1-800-955-8770 (voice) for assistance.

Public Comments Information

If anyone wants to speak on an agenda item, please complete a public comment card located at the front desk and give it to the City Clerk staff before the City Council takes up the item for discussion and before the public comments section is announced. In no event will anyone be allowed to submit a comment card to speak on an agenda item after the title of the item is read or considered.

Consent Agenda: Total time allotted for comment on the Consent Agenda to each member of the public is three (3) minutes.

Regular Agenda: Members of the public will be given three (3) minutes to speak on any regular agenda item.

Please note that the time limit for public comment may be reduced by a vote of the City Council based on the voluminous nature of public comment cards.

<u>Civility and Decorum</u>: Please be reminded that the City of Riviera Beach is committed to civility and decorum by its officials, employees, and members of the public who attend this meeting. The City Council has adopted "Rules of Decorum Governing Public Conduct during Official Meetings", which provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Council as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, clapping, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Please mute or turn off cell phone at the start of the meeting. Failure to do so may result in being barred from the meeting.

Lobbying - Ordinance 4001 - Adopted September 2011

Lobbyist registration and reporting forms are available for you online and in print. Forms can be obtained in the Office of the City Clerk and Council Chambers. Registration and reporting forms shall be submitted to the Office of the City Clerk.

CALL TO ORDER

Roll Call

Invocation

Pledge of Allegiance

AGENDA APPROVAL

Additions, Deletions, Substitutions

Disclosures

Adoption of Agenda

Comments From the Public on Consent Agenda (Three Minutes Limitation)

CONSENT AGENDA

Routine City Council Business. The Consent Agenda is approved by a single majority vote. Items(s) may be removed for open discussion at the request of the Mayor or any City Council Member.

1. Minutes

1.a Minutes of The Special City Council Meeting held on Wednesday, August 2, 2023.

Tawanna Smith, City Clerk, 561-845-4090

Staff recommends approval of the Minutes of The Regular City Council Meeting held on August 2, 2023.

Cover Page

August 2, 2023 Regular City Council Meeting Minutes.docx

1.b Minutes of the Saturday, July 12, 2023, Budget Workshop

Tawanna Smith, City Clerk, 561-845-4090

Staff recommends approval of the Minutes of the Budget Workshop held on Saturday, July 22, 2023.

Cover Page

July 12, 2023 Utility Special District Workshop.docx

2. **Board Appointments**

3. Resolutions on Consent

3.a Resolution Number 119-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, Authorizing Settlement in the case of Brandon Maradeo v. the City of Riviera Beach, Case No. 502023CA000748; Authorizing Preferred Governmental Claims Solutions to make payment in the amount of One Hundred Ninety Thousand Dollars and Zero Cents (\$190,000.00) as full and final settlement; and providing an effective date.

Dawn Wynn, City Attorney, (561) 845-4069

Staff recommends a Motion to approve Resolution Number 119-23.

Cover Page

Resolution No.119-23- Brandon Maradeo.pdf

Settlement Agreement Release (Signed By Plaintiff).pdf

3.b Resolution Number 120-23: Approving the transfer of the Ocean Mall Lease from RH 2401 Ocean, LLC to Ocean Walk Owner, LLC

Sara K. Maxfield, Economic & Business Development Manager, (561) 882-1810

Staff recommends a Motion to approve Resolution Number 120-23.

Resolution 120-23 - Approval of the Transfer of the Ocean Mall Lease.doc

Request for City Consent - Ocean Walk - sent 6 20 2023(362924.1).pdf

BH & Related Summary.pdf

2023 Proof of Funds Letter v. 2.pdf

BH Group reference letter - 4.21.23.pdf

Isaac Toledano Recommendation Letter 2022-1028.pdf

Toledano proof of funds.pdf

(First-Last pages) - Bruce H. Weiner 2016 Family Trust dated 10 31 16.pdf

Org Chart Detailed UPDATED 8.15.23.pdf

Signed. OA. Ocean Walk Holdings, LLC..pdf

Signed. OA. Ocean Walk Owner, LLC.pdf

Signed.BH Ocean Walk LLC. OA (1).pdf

AR OA Pebb Manager LLC 010116.pdf

Resolution 182-06 Original Lease.pdf

Original Ground Lease December 2006.pdf

First Amendment to Ground Lease May 2013.pdf

Reso;ution 04-14 Second Amanedment to Ground Lease.pdf

Second Amendment to Ground Lease January 2014.pdf

Resolution 22-14 Third Amendment to Ground Lease.pdf

Third Amendment to Ground Lease March 2014.pdf

Resolution 40-16 Fourth Amendment to the Ground Lease.pdf

Fourth Amendment to Ground Lease March 2016.pdf

Resolution 34-17 Fifth Amendment to Ground Lease.pdf

Fifth Amendment to Ground Lease April 2017.pdf

FINAL Report with Exhibits (2).pdf

OCEAN MALL AGREEMENT WITH CRA 10M.pdf

3.c Resolution Number 132-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving the first amendment to the Interlocal Agreement between the Board of County Commissioners, Palm Beach County, Florida and the City of Riviera Beach, Florida; approving the decrease of the project budget by \$53,000 to a total amount not to exceed \$245,077 and reallocating \$15,000 from Case Management/Support Services to category of Operational Expenses; providing an effective date; and for other purposes.

Orie Bullard, Justice Service Center Director, (561) 840-3143

Staff recommends a Motion to approve Resolution Number 132-23.

Cover Page

Resolution Number 132-23

Reentry First Amendment Memo

RB FY 23 Amendment

3.d Resolution Number 124-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida; accepting the Parks and Recreation Amended Master Plan; and providing an effective date, and for other purposes.

Richard Blankenship, Parks and Recreation Director, 561-845-3411

Staff recommends a Motion to approve Resolution Number 124-23.

Cover Page

Resolution 124-23Acceptanceamendedmasterplan (1).doc

Rivera Beach MP 1-5 Revised amended.pdf

Riviera Beach CostEst 20230629ammended.xlsx

Inlet Grove High School Park Program Plan 20220828 (1).pdf

3.e Resolution Number 134-23: A Resolution of The City Council of The City of Riviera Beach, Palm Beach County, Florida; authorizing the temporary closure of North Ocean Avenue for several amateur athletic events; and providing an effective date.

Richard Blankenship, Parks and Recreation Director, (561) 845-3411

Staff recommends a Motion to approve Resolution Number 134-23.

Cover Page

Resolution 134-23 fall road closure. docx

3.f Resolution Number 130-23 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 interlocal agreement with Palm Beach County to accept vouchers from the county's Drowning Prevention Coalition program for redemption for payment of swimming lessons provided by the Parks and Recreation Department; and providing an effective date.

Richard Blankenship, Parks and Recreation Director, (561) 845-3411

Staff recommends a Motion to approve Resolution Number 130-23.

Cover Page

Resolution 130-23 DPC.docx

Standard Municipal Agreement Riviera 23-26DPC.pdf

3.g Resolution Number 121-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving replat application number (PA-22-0007) from the Community Development Corporation (CDC) of the City of Riviera Beach (Applicant); to allow for a proposed residential development consisting of 28 residential lots; and providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Resolution Number 121-23.

Cover Page

Resolution 121-23- Villas of Solana Re-plat.docx

Exhibit A: Villas of Solana - Plat

Combined Submittal Materials.pdf

Installation of Notification Signs.pdf

3.h Resolution Number 122-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving Site Plan Application Number (SP-22-0022) from the Community Development Corporation (CDC) of the city of Riviera Beach (Applicant); to allow for a proposed residential development consisting of 28 residential units with associated parking and amenities; with 26 of the proposed units consisting of 2-story townhomes, with one single story duplex structure accounting for the remaining two units; the plan includes 2 parking spaces per unit and 11 guest spaces; for a total of 67 spaces with a 2,416 square foot recreation area centrally located between the proposed units; and providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Resolution Number 122-23.

Cover Page

Resolution 122-23 Villas of Solana Site Plan.docx

Site Plan.pdf

Combined Submittal Materials.pdf Landscape Plan_v2.pdf Installation of Notification Signs.pdf

3.i Resolution Number 129-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving the submittal of the State Aid to Libraries Grant Application and Agreement between the State of Florida, Department of State and the City of Riviera Beach, FL.

Adam Brody, Library Director, (561) 845-4196

Staff is recommending a Motion to approve Resolution Number 129-23.

Cover Page

StateAidResolution

ApprovalofMovingForwardWithStateAidDocumentsAndAnnualPlan.2024.pdf

ExecutedStateAidGrantAgreement.2024.pdf

StateAid.2023.2024.EstimatedAwards.pdf

CertificationofFreeLibraryandHours.2024.pdf

StateAidAnnualPlan.2023.2024.pdf

CertificationOfLocalOperatingExpenditures.2024.pdf

Resolution Number 142-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving an Interlocal Agreement between the Board of County Commissioners, Palm Beach County, Florida and the City of Riviera Beach, Florida; accepting multi-year funding in the amount of \$540,000 over three (3) year period for the continuation of intervention/prevention youth services from October 1, 2023 to September 30, 2026; authorizing the Director of Finance and Administrative Services to set up a budget for the same; authorizing the Mayor and City Clerk to execute the Agreement; and providing for an effective date.

Valerie Grimsley, Assistant to the City Manager, (561) 707-8345

Staff recommends a Motion to approve Resolution Number 142-23.

Cover Page

Resolution No. 142-23.docx

vep county memo.docx

Contract Multi-Year Riviera Beach YEC 2023 08 07a with reports final.pdf

3.k Resolution Number 140-23: A Resolution of The City Council of The City of Riviera Beach, Palm Beach County, Florida, authorizing the approval of \$800,000 in additional funding from the FY 2022-2023 Budget for the City's Housing Programs for Affordable and Workforce Housing, also including a program update and providing for an effective date.

Annetta Jenkins, Director of Neighborhood Services, CRA, 561-844-3408

Staff recommends a Motion to approve Resolution Number 140-23. Cover Page
MEMORANDUM City Housing Programs 8-16-23[10841].docx
Resolution City Housing Programs 8-16-23[10840].docx

3.1 Resolution Number 127-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, to accept a State Financial Assistance Grant approved by the Florida Legislature and Executive Office of the Governor in the amount of \$600,000, for the purchase of a Mobile Command Center for the City's Police Department; authorizing the Mayor and City Clerk to execute the grant agreement; authorizing the Director of Finance and Administrative Services to set up the budget in Project 24007; and providing an effective date.

Michael Coleman, Chief of Police, (561) 845-4128

Staff recommends a Motion to approve Resolution Number 127-23.

Cover Page

RESOLUTION 127-23 Mobile Command Center Grant 08-17-2023.doc

FDLE Contract: L8012 - City of Riviera Beach - Contract.pdf

END OF CONSENT AGENDA

- 4. Unfinished Business
- 5. Petitions and Communications for Filing
- 6. **Awards and Presentations**
- 7. <u>Public Hearings</u>
- 8. Ordinances on Second and Final Reading
 - 8.a Ordinance Number 4231: An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving an application (ZA-22-0002) from Safe Harbor Marinas requesting a zoning map amendment from a "DR" Downtown Residential District Designation to a "DM" Downtown Marine District designation and a small portion of Downtown Core "DC" to Downtown Marine "DM"; and providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Ordinance Number 4231.

Cover Page
Ordinance_4231-Safe_Harbor Rezoning 7.19.23.docx
Safe Harbor-Rybovich Staff Report to City Council.docx
Final Combined Submittal Files.pdf
Protest Petition Safe Harbor Revised.pdf
Proof of Mailer Notice- Second Reading.pdf
Proof of Newspaper Ad.pdf
Affidavit of installation of notification signs 17 Aug 23.pdf

8.b Ordinance Number 4232: An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving a small-scale future land use (FLU) map amendment to the City of Riviera Beach Comprehensive Plan approving an application (LU-23-0001) from Safe Harbor Marinas requesting a land use designation from Downtown Mixed Use (DMU) to a land use designation of Working Waterfront (WW); and providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Ordinance Number 4232.

Cover Page

Ordinance 4232 Safe Harbor Ordinance Small Scale FLU 7.19.23.docx

Safe Harbor-Rybovich Staff Report to City Council.docx

Combined Application Files for Future Land Use Amendment.pdf

Proof of Newspaper Ad.pdf

Affidavit of installation of notification signs 17 Aug 23.pdf

Proof of Mailer- Second Reading.pdf

8.c Ordinance Number 4233: An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article VIII. – Florida Friendly Landscape Regulations, Section 31-609, Development Landscaping Requirements (ZA-23-0001), in order to allow working waterfront projects within the downtown marine zoning district and projects within the port future land use district to request to provide a contribution to pay in lieu of meeting landscaping requirements for consideration by city council at time of site plan consideration, with associated regulations for contribution calculation and reserve funds allocation for future landscaping expenditures; providing for applicability, conflicts, severability and codification; and providing for an effective date.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Ordinance Number 4233.

Cover Page

Ordinance 4233-Safe Harbor Landscape Amendment 7.19.23.docx

Safe Harbor-Rybovich Staff Report to City Council.docx Combined Application Files for Text Amendment.pdf Proof of Mailer- Second Reading.pdf Proof of Newspaper Ad.pdf Affidavit of installation of notification signs 17 Aug 23.pdf

8.d Ordinance Number 4234: An Ordinance of the City Council of Riviera Beach, Palm Beach County, Florida, approving a request from Safe Harbor Marinas requesting an abandonment (AB-22-0002) of the following right-of-way segments: first, a portion of Avenue C; second, a portion of East 21st Street; in Riviera Beach, Florida ("Attachment A"); and providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Ordinance Number 4234.

Cover Page

Ordinance 4234- Safe Harbor Abandonment Ordinance 7.19.23.docx

Safe Harbor-Rybovich Staff Report to City Council.docx

Combined Application Files for Abandonment.pdf

Abandonment Exhibit.jpg

Intervenor Party Request.pdf

Proof of Mailer- Second Reading.pdf

Proof of Newspaper Ad.pdf

Affidavit of installation of notification signs 17 Aug 23.pdf

9. Ordinances on First Reading

<u>COMMENTS FROM THE PUBLIC</u> - 7:30 PM Non-Agenda Item Speakers (Three-Minute Limitation)

Public Comments shall begin at 7:30 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition, if an item is being considered at 7:30 PM, then comments from the public shall begin immediately after the item has been concluded.

10. Items Tabled

REGULAR AGENDA

11. Resolutions on Regular Agenda

11.a Resolution Number 136-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving a replat, from Safe Harbor Marinas; to Replat (PA-23-0002) +/-23.99 acres of contiguous lots of record into a single parcel of property totaling approximately +/- 23.99 acres (+/- 949,000 square feet) of land area, regarding properties located from East 22nd Court North, between Broadway Street on the west and Avenue B

on the east; southward to the north property line of Moroso Park (Attachment A); and providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Resolution Number 136-23.

Cover Page

Safe Harbor Re-Plat Resolution-8.24.23.docx

Attachment A: Safe Harbor Plat

Safe Harbor-Rybovich Staff Report to City Council.docx.pdf

Proof of Mailer- Second Reading.pdf

Proof of Newspaper Ad.pdf

Affidavit of installation of notification signs 17 Aug 23.pdf

Intervenor Party Request.pdf

Plat Application Backup Combined Files.pdf

11.b Resolution Number 137-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving a Site Plan (SP-22-0014) request from Safe Harbor Marinas; to target the area from East 22nd Court North, then southward to the north property line of Moroso Park, between the Broadway corridor on the west and Avenue B on the east; this area will be combined into an overall Safe Harbor/Rybovich Campus Site Plan; include additional marine service areas, maintenance buildings, a parking garage, and contractor buildings; on approximately +/-23.99 acres of land (+/- 949,000 square feet); generally located at 1900 Broadway Street; providing for conditions of approval, providing for an effective date and for other purposes.

Clarence Sirmons, Director of Development Services, AICP, (561) 845-4062

Staff recommends a Motion to approve Resolution Number 137-23.

Cover Page

Resolution 137-23 Safe Harbor SITE PLAN

SP-22-0014 Site Plan

SP-22-0014 Landscape Plans v1 (5).pdf

Safe Harbor-Rybovich Staff Report to City Council.docx.pdf

Proof of Mailer- Second Reading.pdf

Proof of Newspaper Ad.pdf

Affidavit of installation of notification signs 17 Aug 23.pdf

Intervenor Party Request.pdf

SP-22-0014 Updated Civil Plans V2 v1 (1).pdf

Landscape-Irrigation Fee Estimate Letter v1.pdf

SP-22-0014 Combined Submittal Backup.pdf

Combined Public Feedback & Outreach.pdf

Privilege Fee Calculation.pdf

Combined Environmental Documentation.pdf

11.c Resolution Number 69-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida approving amendments to the City's adopted Five-Year Capital Projects Plan for Fiscal Years 2022/2023 through 2026/2027 to authorize the Parks Master Plan budget for project 23077 – Inlet Grove Sports Complex in the amount of \$45,000,000 and project 23082 - Dan Calloway Recreation Complex Improvements in the amount of \$6,500,000 to be added to such Five-Year Capital Projects Plan; authorizing the project funding source for such projects to be amended to capital financing; and providing for severability, repealing clauses and an effective date.

Randy M. Sherman, Director of Finance and Administrative Services, CPA, CGFO, CTP, (561) 845-4045

Staff recommends a Motion to approve Resolution Number 69-23.

Cover Page

Resolution 069-23.pdf

Inlet_Grove_High_School_Park_Program_Plan_20220828__1_.pdf
Dan Calloway Park Program Plan 20220216.pdf

11.d Resolution Number 71-23: A Resolution of the City of Riviera Beach, Palm Beach County, Florida, authorizing and directing the Director of Finance and Administrative Services to proceed toward the issuance of the City's general obligation bonds, Public Improvement Revenue Bonds or other debt obligations, in one or more series, in an aggregate principal amount not to exceed \$55,000,000 as approved by the electorate of the City or in accordance with the City's Debt Management Policy, to finance the acquisition, construction, development and equipping of the Inlet Grove Sports Complex, Dan Calloway Recreation Complex Improvements, and Parks Master Plan in the City; declaring the official intent of the City to reimburse itself for certain capital expenditures of such acquisition, construction, development and equipping by incurring debt; authorizing the officials of the City to do all things necessary or advisable in connection therewith; and providing for severability, repealing clauses and an effective date.

Randy M. Sherman, Director of Finance and Administrative Services, CPA, CGFO, CTP, (561) 845-4045

Staff recommends a Motion to approve Resolution Number 71-23.

Cover Page

Resolution 071-23.pdf

Inlet_Grove_High_School_Park_Program_Plan_20220828__1_.pdf

Dan Calloway Park Program Plan 20220216.pdf

1.k_Debt_Management_Policy_2020_02_19_Res_21-20.pdf

11.e Resolution Number 27-23: A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida providing for the issuance of not to exceed \$55,000,000 aggregate principal amount of City of Riviera Beach, Florida, General Obligation Bonds for the principal purpose of financing or reimbursing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping, renovating, replacing and improving certain parks, recreation and leisure facilities, as more fully described herein, subject to the bond referendum herein provided for and subsequent proceedings of the City Council of the City, such bonds to be payable from the full faith and credit and unlimited ad valorem taxing power of the City; providing for and calling a bond referendum of the qualified electors of the City to be held on March 19, 2024; providing for official ballots, bond referendum procedures, other related matters, and general authorizations in connection with the foregoing; and providing for severability, repealing clauses and an effective date.

Randy M. Sherman, Director of Finance and Administrative Services, CPA, CGFO, CTP, (561) 845-4045

Staff recommends a Motion to approve Resolution Number 27-23. Cover Page
Resolution_27-23.pdf
Florida_Statutes_100.201-100.3605.pdf

- 12. <u>Discussion and Deliberation</u>
- 13. <u>Discussion by City Manager</u>
- 14. <u>Discussion by City Attorney</u>
- 15. <u>City Council Committee Reports</u>
- 16. <u>Statements by the Mayor and City Council</u>

ADJOURNMENT

Appeals

If any interested person desires to appeal any decision of the City Council with respect to any matter considered at this meeting, at his or her own expense, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, F.S. The City of Riviera Beach does not prepare or provide such a record.