

**CITY OF WEST PALM BEACH**  
**OFFICE OF THE CITY CLERK**  
**REGULAR CITY COMMISSION MEETING**  
**SEPTEMBER 22, 2008**

The City Commission of the City of West Palm Beach met in regular session on Monday, September 22, 2008 at 4:05 p.m., at City Hall, with the following persons present:

Mayor Lois J. Frankel, President of the Commission Geraldine Muoio, Commissioner Molly Douglas, Commissioner Kimberly Mitchell, Commissioner William Moss [arrived at 4:09], Commissioner Isaac Robinson, Jr., Deputy City Administrator Dorritt Miller, Deputy City Attorney Nancy Urcheck, City Clerk Blane Kauthen and Deputy Clerk Lisa Hedge [left at 5:00 p.m.].

**INVOCATION / PLEDGE OF ALLEGIANCE:**

The President of the Commission offered a moment of silence in honor of all the men and women serving overseas and Commissioner Robinson led the Pledge of Allegiance.

**ADDITIONS/DELETIONS/REORGANIZATION OF AGENDA:**

Deputy City Administrator Dorritt Miller announced that the applicant asked that item #40 be continued to October 20, 2008.

**REORDERED AGENDA:**

**OTHER BUSINESS:**

40. Appeal of the Historic Preservation Board decision in Case No. 08-31 – The Mayor announced that without objection, the appeal of the Historic Preservation Board decision in Case No. 08-31, denying the request for alterations completed without historic approval at 3502 Washington Road, within the Prospect Park/Southland Park Historic District, would be continued to October 20, 2008.

**CONSENT CALENDAR:**

Commissioner Muoio pulled item #16 from the Consent Calendar for discussion. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to approve the following Consent Calendar:

1. Minutes of the Regular City Commission Meeting held August 25, 2008.
2. Resolution No. 347-08 authorizing the Mayor to execute a Special Event License Agreement between the City of West Palm Beach and Full - A Vybez, Inc. to produce a Reggae Festival on October 18, 2008 from 2:00 p.m. to 10:00 p.m.
3. Resolution No. 403-08 approving an Ad Valorem Tax Exemption and Completed Work Application for the property located at 282 Barcelona Road.
4. Resolution No. 404-08 approving an Ad Valorem Tax Exemption and Completed Work Application for the property located at 2421 S Flagler Drive.
5. Resolution No. 405-08 approving an Ad Valorem Tax Exemption and Completed Work Application for the property located at 736 New York Street.
6. Resolution No. 364-08 authorizing the assessment of City liens in the total amount of \$4,532.65 for unpaid demolition lien charges.
7. Resolution No. 365-08 authorizing the assessment of City liens in the total amount of \$18,249.51 for unpaid board and secure charges.
8. Resolution No. 366-08 authorizing the assessment of City liens in the total amount of \$11,400.36 for unpaid lot clearing charges.
9. Resolution No. 370-08 authorizing the Mayor to execute a Grant Award to the City of West Palm Beach from the U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office in the amount of \$150,000.00 to fund the City's Weed and Seed Program.
10. Resolution No. 425-08 authorizing the Mayor to execute a Second Amendment to the Interlocal Agreement between the City of West Palm Beach and Palm Beach County to continue the Federal Weed and Seed Program in the area bounded by Banyan Boulevard, Australian Avenue, 59th Street and the Intracoastal Waterway for an additional year, and providing for additional funding.
11. Resolution No. 375-08 authorizing approval of an Amendment to a Grant Agreement with the Florida Inland Navigation District (FIND) providing for an extension of time for the Downtown Waterfront Project - Phase III.

12. Resolution No. 399-08 authorizing the Mayor to execute an Interlocal Agreement between the City of West Palm Beach and Palm Beach County for the 2009 Drowning Prevention Coalition's Learn to Swim Program that distributes vouchers to the public which may be redeemed for swimming lessons at designated aquatic facilities within Palm Beach County.
13. Resolution No. 391-08(F) authorizing additional funding for the construction phase of the Executive Center Drive Force Main Replacement project.
14. Resolution No. 406-08(F) amending the General Fund and various funds budgets to provide changes in estimated revenues and expenditures for Fiscal Year 2007/2008.
15. Resolution No. 394-08 authorizing the waiver of performance and payment bond requirements pursuant to Florida Statutes 255.05 for D.S. Eakins Construction Corp. for Amendment No. 2 to the Annual Contract for Utility Construction Services.
17. Resolution No. 411-08(F) providing appropriations for additional funding for the Ombres Park Project.
18. Resolution No. 412-08 authorizing the disposal of certain inoperative and economically irreparable vehicles and authorizing the Mayor to execute all documents relating to the disposal, recycling and/or scrapping of the vehicles.
19. Resolution No. 260-08 authorizing the Mayor to suspend the Mandatory Water Restriction Surcharges as of October 1, 2008.

and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Muoio and Robinson; Absent: Commissioner Moss. Motion therefore carried unanimously.

**CONSENT CALENDAR CONTINUED:**

16. Resolution No. 398-08 – Deputy City Attorney Nancy Urcheck responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt Resolution No. 398-08 renewing the Consulting Agreement with Diversified Circle, Inc., for an additional year and providing a fee increase; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Muoio and Robinson; Absent: Commissioner Moss. Motion therefore carried unanimously.

**RESOLUTIONS:**

20. Resolution No. 348-08 – Director of Finance Randy Sherman responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt Resolution No. 348-08, amended to include directive that any proceeds from the sale of these parcels go to the fire stations, declaring the Haverhill West, Paradise West, Herndon West and Haverhill Sites Tract A & B parcels surplus, and authorizing the properties to be disposed of by Invitation To Negotiate ("ITN") for the sale of five (5) vacant property sites in the City's western boundaries; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
21. Resolution No. 390-08 – Deputy City Administrator Dorritt Miller, Director of Finance Randy Sherman and Director of Human Resources Patrick Cooney responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to adopt Resolution No. 390-08 authorizing the execution of a Successor Collective Bargaining Agreement between the City of West Palm Beach and the Palm Beach County Police Benevolent Association ("PBA"), Certified Unit No. 145 and Certified Unit No. 825, for the period October 1, 2008 - September 30, 2009; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nay: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.
22. Resolution No. 389-08 – Director of Human Resources Patrick Cooney and Director of Finance Randy Sherman responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Resolution No. 389-08 authorizing the execution of a Successor Collective Bargaining Agreement between the City of West Palm Beach and the International Association of Fire Firefighters (IAFF) Local 727, Battalion Chief Unit, for the period October 1, 2008 - September 30, 2009; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nay: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.
23. Resolution No. 400-08 – Interim Fire Chief Phillip Webb responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt Resolution No. 400-08 authorizing ratification of a change to the current City of West Palm Beach and the International Association of Fire Firefighters (IAFF) Local 727, Rank & File Unit, for the period October 1, 2006 - September 30, 2009, through a Memorandum of Agreement (MOA) between The

City of West Palm Beach and International Association of Fire Firefighters (IAFF) Local 727, Rank & File Unit, which changes Article 26 Promotions, Section 4.1.B. Operations Lieutenant Eligibility Requirements and Section 4.2.B Operations Captain Requirements for promotional opportunities; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

24. Resolution No. 387-08 – Director of Finance Randy Sherman responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 387-08 authorizing the execution of a Successor Collective Bargaining Agreement between the City of West Palm Beach and the Professional Managers and Supervisors Association (“PMSA”), Certified Unit No. 1073, for the period October 1, 2008 - September 30, 2009; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nay: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.
25. Resolution No. 388-08 – Director of Finance Randy Sherman and Director of Human Resources Patrick Cooney responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 388-08 authorizing the execution of a Successor Collective Bargaining Agreement between the City of West Palm Beach and the Service Employees International Union (SEIU), Florida Public Services Union, CTW, CLC (“SEIU”), Certified Unit No. 401, for the period October 1, 2008 - September 30, 2009; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nay: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.
26. Resolution No. 395-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Resolution No. 395-08 establishing the City's Salary Plan for Fiscal Year 2008/2009; and thereafter it was voted as follows; Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nay: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.

**PUBLIC HEARING:**

27. Public Hearing and Second Reading of Ordinance No. 4112-08 – Raphael Clemente of the Downtown Development Authority responded to Commission questions. Public comment: Marianne Saber. The Mayor announced that without objection,

Ordinance No. 4112-08 enlarging the boundaries of the downtown area for purposes of regulating the conduct of business by peddlers and mobile food vendors on public streets and sidewalks, was continued until October 6, 2008.

28. Public Hearing and Second Reading of Ordinance No. 4183-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Ordinance No. 4183-08 amending the Rules of Procedure to require civility at public meetings; thereupon Ordinance No. 4183-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
29. Public Hearing and Second Reading of Ordinance No. 4160-08 – Assistant City Attorney Lisa Conforti responded to Commission questions. Public comment: Gail Levine. It was moved by Commissioner Douglas, seconded by Commissioner Mitchell, to adopt Ordinance No. 4160-08 amending Chapter 74 (Solid Waste), Article I (In General), and Article IV (Enforcement) of the City Code to declare the dumping of litter and/or refuse in the City to be a public nuisance, establishing requirements to further control public nuisances relating to solid waste, to control littering and refuse, and prescribing penalties and remedies for noncompliance; thereupon Ordinance No. 4160-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
30. Public Hearing and Second Reading of Ordinance No. 4167-08 – It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Ordinance No. 4167-08. The motion died due to lack of a vote. Commissioner Robinson declared a Point of Order, noting that this Ordinance has a pre-drafted motion.

After further discussion, It was moved by Commissioner Moss, seconded by Commissioner Robinson, to adopt Ordinance No. 4167-08, [this motion is based upon the factual testimony presented, the application submitted and the staff report, which constitute competent, substantial evidence, along with the finding that the Amendment Standards of Section 94-32 of the Zoning and Land Development Regulations have been met], a request by Emily O'Mahoney, of Gentile, Holloway, O'Mahoney, and Associates, on behalf of Waterside Building, LTD., for a text amendment to Chapter 94 (Zoning and Land Development Regulations) of the City's Code of Ordinances to amend Article II, (Organization, Administration, and Enforcement), Section 94-38 (Variances), to provide for concurrent expiration dates when variances and/or waivers are required to approve a site

plan review or Development of Significant Impact; thereupon Ordinance No. 4167-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Absent: Commissioner Mitchell. Motion therefore carried unanimously.

31. Public Hearing and First Reading of Ordinance No. 4176-08 – City Urban Designer Ana Maria Aponte made a presentation and responded to Commission questions. Attorney Gregory Kino, on behalf of the applicant, provided a handout for public record and responded to Commission questions. John Quinn of Meridian NCP, LLC responded to Commission questions. Public comment: Gail Levine. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve Ordinance No. 4176-08, [approving a text amendment to the Fern Street Corridor Overlay reducing the minimum size required for the public open space. This motion is based upon the application submitted and the staff report, along with the finding that the applicable amendment standards contained in Section 94-32(a) of the Zoning and Land Development Regulations have been met], a request by Gregory S. Kino, Esq., on behalf of American Heritage, LLC, for a text amendment to the Fern Street Corridor Overlay reducing the minimum size required for the public open space; thereupon Ordinance No. 4176-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
32. Public Hearing and First Reading of Ordinance No. 4172-08 – Procurement Official Nora Laudermilk [a] made a presentation; [b] announced that the 2008 Palm Beach Partners Business Matchmaker Conference and Exposition event will be held on Wednesday, September 24, 2008 at the Palm Beach County Convention Center; and [c] responded to Commission questions. It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to approve Ordinance No. 4172-08 amending the Small Business Ordinance; thereupon Ordinance No. 4172-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
33. Public Hearing and First Reading of Ordinance No. 4177-08 – City Urban Designer Ana Maria Aponte responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve Ordinance No. 4177-08, approving an extension of the Zoning in Progress for

the Downtown Master Plan area; thereupon Ordinance No. 4177-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

34. Public Hearing and First Reading of Ordinance No. 4179-08 – City Comprehensive Planner Denise Malone [a] made a presentation; [b] announced that Ordinance No. 4182-08 approving the amendments to the Future Land Use Element relating to the Regional Activity Center in accordance with the EAR recommendations as part of Amendment Round 08-2, was withdrawn; and [c] responded to Commission questions. Commissioner Mitchell asked for a copy of the Storm Water Retrofit program. The Mayor and Commissioners Douglas and Moss commended Planning Staff for their efforts regarding this Ordinance.

[The Mayor passed the gavel to the President of the Commission and left the meeting at 5:44 p.m.]

It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve Ordinance No. 4179-08, [authorizing staff to transmit the EAR Based Comprehensive Plan Amendments to the 15 Plan Elements and the Map Series to the Florida Department of Community Affairs (DCA) as part of Amendment Round 08-2], approving the Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments to the Introduction (Introduction and Administration) Element, Definitions Element, Public Participation Element, Evaluation and Amendment Process Element, Future Land Use Element, Transportation Element, Housing Element, Infrastructure (Utilities) Element, Coastal Management Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Historic Preservation Element, Public School Facilities Element, Capital Improvements Element and the Map Series as part of Amendment Round 08-2; thereupon Ordinance No. 4179-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Public Hearing and First Reading of Ordinance No. 4180-08 – It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve Ordinance No. 4180-08, [authorizing staff to transmit the amendments to the Infrastructure (Utilities) Element relating to the 10 Year Water Supply Facility Work Plan to the Florida Department of Community Affairs (DCA) as part of Amendment Round 08-2], approving the Amendments to the Infrastructure (Utilities) Element relating to the 10 Year Water Supply Facility Work

Plan referenced in the EAR recommendations as part of Amendment Round 08-2; thereupon Ordinance No. 4180-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

[The Mayor returned to the meeting at 5:46 p.m.]

Public Hearing and First Reading of Ordinance No. 4181-08 – It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve Ordinance No. 4181-08, [authorizing staff to transmit the Capital Improvement Schedule (CIS) Amendment to the Capital Improvements Element in accordance with the Evaluation and Appraisal Report (EAR) recommendations to the Florida Department of Community Affairs (DCA) as part of Amendment Round 08-2], approving the Capital Improvement Schedule (CIS) of the Capital Improvements Element referenced in the EAR recommendations as part of Amendment Round 08-2; thereupon Ordinance No. 4181-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

At this time Planning Director Charles Wu commended [a] Planning Staff for their hard work on these ordinances for the past two years; and [b] the Comprehensive Plan Amendment Committee that worked with staff for six months.

**REORDERED AGENDA:  
COMMENTS BY THE PUBLIC:**

Mitchel Baxt spoke about the sexual offender Ordinance. Michael Cleveland [a] spoke about code violations he was cited for; [b] spoke about time certain items on the Agenda; [c] stated that there is a lack of street lights on 20<sup>th</sup> Street; [d] iterated that his water pipes contain sand from the water main; [e] stated that an unauthorized adult entertainment show was held in an apartment in MerryPlace the previous weekend; [f] questioned the amount he is charged for public utilities despite not using his sprinkler system; and [g] suggested that a percentage of the revenue from permits go toward the Fire and Police Departments. Thomas Mckissack stated that Iron Mountain is blocking the use of the land adjacent to their construction project.

**REORDERED AGENDA:  
PUBLIC HEARING [CONTINUED]:**

**35. Public Hearing and First Reading of Ordinance No. 4178-08 – Assistant City Administrator Eduardo Balbis made a presentation and responded to Commission questions. Public comment: Vincent Mercandetti. Deputy City Attorney Nancy Urcheck and Director of Public Works John Alford responded to Commission questions. It was moved by Commissioner Mitchell, seconded by Commissioner Douglas, to approve Ordinance No. 4178-08 containing revisions to the City Commercial Collections Franchise regulations; thereupon Ordinance No. 4178-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.**

**36. Public Hearing and First Reading of Ordinance No. 4186-08 – Deputy City Administrator Dorritt Miller made a presentation and responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve Ordinance No. 4186-08 establishing the Other Post Employment Benefits Trust; thereupon Ordinance No. 4186-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.**

**Resolution No. 419-08 – It was moved by Commissioner Muoio, seconded by Commissioner Moss, to adopt Resolution No. 419-08 adopting the Declaration of Trust; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.**

**PUBLIC HEARING - QUASI-JUDICIAL:**

**-SWEARING IN OF WITNESSES**

The City Clerk swore in all those persons having an interest in items #37 through #39.

[The Mayor left the meeting at 6:47 p.m.]

**-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY\***

Commissioner Mitchell stated that she [a] had had no ex-parte communications regarding items #37 through #39; and [b] would base her decisions on the evidence and testimony to be presented.

Commissioner Robinson stated that he [a] had had no ex-parte communications regarding items #37 through #39; and [b] would base his decisions on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had no ex-parte communications regarding items #37 through #39; and [b] would base his decisions on the evidence and testimony to be presented.

Commissioner Douglas stated that she [a] had had no ex-parte communications regarding items #37 through #39; and [b] would base her decisions on the evidence and testimony to be presented.

Commissioner Muoio stated that she [a] had had no ex-parte communications regarding items #37 through #39; and [b] would base her decisions on the evidence and testimony to be presented.

37. Public Hearing and First Reading of Ordinance No. 4175-08 – Senior Planner Linda Mia Franco made a presentation for items #37 and #38 and responded to Commission questions.

[The Mayor returned to the meeting at 6:50 p.m.]

Joshua Long of Gunster, Yoakley and Stewart, P.A., representing the applicant, responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4175-08 [a request by Palm Beach County to voluntarily annex a County-owned lift station property on approximately 0.042-acres located approximately 585 feet west of Skees Road and 698 feet south of Okeechobee Boulevard, into the City. This motion is based upon the factual testimony presented, the application submitted and the staff report, which constitute competent, substantial evidence, along with the findings that the applicable annexation criteria as set forth in Chapter 171, Florida Statutes have been met], a request by Palm Beach County to voluntarily annex a County-owned lift station property into the City. The approximately 0.042-acre of real property is located in close proximity to the southwest corner of Okeechobee Boulevard and Skees Road, approximately 585 feet west of Skees Road and 698 feet south of Okeechobee Boulevard; thereupon Ordinance No. 4175-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

38. Public Hearing and First Reading of Ordinance No. 4126-08 – Planning Director Charles Wu responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4126-08, [annexing approximately 14.01 acres of land located at 7000 Okeechobee Boulevard conditioned upon a restrictive covenant.

This motion is based upon the factual testimony presented, the application submitted and the staff report, along with the findings that the applicable annexation criteria as set forth in Chapter 171, Florida Statutes have been met], a request by James R. Brindell of Gunster and Yoakley, on behalf of Jag Palm Beach Replacement, LLC, to annex approximately 14.01 acres located at 7000 Okeechobee Boulevard (known as “Skees Road Commercial”), which is on the southwest corner of Okeechobee Boulevard and Skees Road and is currently vacant; thereupon Ordinance No. 4126-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Public Hearing and First Reading of Ordinance No. 4127-08 –It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4127-08, [approving a Large Scale Comprehensive Plan Future Land Use Map Amendment, as part of Amendment Round 08-02, to assign a Commercial (c) Future Land Use designation to the annexed 7000 Okeechobee Boulevard parcel and directing staff to transmit the testimony presented, the application submitted and the staff report, along with the finding that the amendment standards found in Policy 1.1.4c of the Future Land Use Element of the Comprehensive Plan have been met], a companion request for a Large Scale Comprehensive Plan Amendment, as part of Amendment Round 08-2, to assign a Commercial (C) Future Land Use designation to the annexed property; thereupon Ordinance No. 4127-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Public Hearing and First Reading of Ordinance No. 4128-08 – It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4128-08 [assigning a General Commercial zoning designation to the 7000 Okeechobee parcel. This motion is based upon the factual testimony presented, the application submitted and the staff report, along with the finding that the Rezoning Standards of Section 94-32 of the Zoning and Land Development Regulations have been met], a companion request to assign a General Commercial (GC) zoning designation to the annexed property; thereupon Ordinance No. 4128-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

39. Public Hearing and First Reading of Ordinance No. 4171-08 – Historic Preservation Planner Friederike Mittner made a presentation. It was moved by Commissioner Mitchell, seconded by Commissioner Douglas, to approve Ordinance No. 4171-08, [a request by Janet Murphy on behalf of the owner, Clematis 319, LLC, to designate the Comeau Building, located at 319 Clematis Street, as an Individually Designated Historic Site on the West Palm Beach Register of Historic Places. This motion is based upon the factual testimony presented, the application submitted and the staff report, along with the finding that the designation meets the criteria set forth in Zoning and Land Development Regulations Section 94-48], for the designation of the Comeau Building, 319 Clematis Street, on the West Palm Beach Register of Historic Places; thereupon Ordinance No. 4171-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

**COMMENTS BY THE COMMISSIONERS:**

Commissioner Mitchell did not make any comments.

Commissioner Robinson [a] noted that the Agenda Cover Memo for item #33, Ordinance No. 4177-08, contains a typo; [b] stated that the Sandpiper Homeowner's Association announced that the invasive Australian Pine trees have been removed from the neighborhood; and [c] stated he would like to have a discussion at a Mayor/Commission Work Session regarding the Interlocal Agreement with the Palm Beach County School District concerning the use of facilities.

Commissioner Muoio did not make any comments.

Commissioner Moss asked for a report from the Law Department regarding what steps must be taken to shut down the Royal Palm Motel.

Commissioner Douglas [a] announced that Commissioner Muoio organized a trip for the Commissioners to see where the proposed Roebuck Road extension will go; [b] stated that the Park(ing) Day event was a huge success; [c] commended City staff and Alexander W. Dreyfoos School of the Arts students and parents for their participation with the Park(ing) Day event; [d] stated that the weekly Northwood Art and Wine Tasting events are growing in popularity; [e] announced that the Australian Bee Gees will perform at the Meyer Amphitheater on Sunday, August 27, 2008 for the Sunday at the Meyer event; [f] noted that she attended the grand opening ceremony of the Phat Sandwiches restaurant; [g] noted that she met with the

Broadway Reinvestment Coalition (BRIC) and the Quantum Foundation regarding Community Link, a resource center in the north end; [h] spoke about the Downtown Neighbor Nights events held at the Pistache restaurant; and [i] announced that she has a list of matters the Criminal Justice Service Center would like the City to attend to.

At this time Commissioners Moss and Muoio commended Steven Sunday for his volunteer work in the City.

**COMMENTS BY THE MAYOR:**

The Mayor [a] commended Steven Sunday and all the volunteers who worked on the Storm of 1928 Memorial; and [b] announced that the City will break ground for the Windsor Avenue improvement project on Tuesday, September 23, 2008.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:15 p.m.

**APPROVED:**

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**PRESIDING OFFICER**

**ATTEST:**

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**CITY CLERK**

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\*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written and written communications shall be placed in the record; and 2) site visits, investigations, etc.