

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
OCTOBER 20, 2008

The City Commission of the City of West Palm Beach met in regular session on Monday, October 20, 2008 at 4:06 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 [arrived at 4:07 p.m.], Commissioner William Moss, Commissioner Isaac Robinson, Jr., City Administrator Edward Mitchell, City Attorney Claudia McKenna, City Clerk Blane Kauthen and Deputy Clerk Lisa Hedge [left at 5:00 p.m.].

INVOCATION / PLEDGE OF ALLEGIANCE:

The Mayor introduced Cailin MacArthur as the Mayor for the Day. The Mayor offered a moment of silence in honor of all the men and women serving overseas and the President of the Commission led the Pledge of Allegiance.

PRESENTATION:

1. **Presentation and Resolution No. 455-08(F) – Parking Systems Administrator Sue Olley responded to Commission questions. Chair of the Board of Directors of Palm Beach Habilitation Center, Inc. Babbette Wolff made a presentation and responded to Commission questions. The Mayor and the Mayor for the Day presented the donation check to Ms. Wolff, who accepted the check with thanks. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Resolution No. 455-08(F) amending the Fiscal Year 2008/2009 Donation Fund budget to recognize parking meter donation revenue for Labor Day, September 1, 2008, appropriating said funds for a donation to Palm Beach Habilitation; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.**

At this time the Mayor presented a certificate to the Mayor for the Day Cailin MacArthur, who accepted the certificate with thanks.

CONSENT CALENDAR:

Commissioner Mitchell asked that item #13 be pulled from the Consent Calendar for discussion. Commissioner Robinson spoke on item #20. Director of Parks and Recreation Christine Thrower responded to Commissioner Robinson's questions regarding item #20. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve the following Consent Calendar:

2. Minutes for the Special City Commission held on September 24, 2008.
3. Re-appointment of Commissioner William Moss to the Palm Beach County Convention and Visitors Bureau (CVB) Board.
4. Resolution No. 448-08 amending the Agreement for Financial Auditing Services between the City and McGladrey & Pullen, LLP ("Agreement") to add the audit of the Golf Commission and authorizing and directing the Mayor to execute Amendment No. 1 to the Agreement.
5. Resolution No. 415-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Moonfest 2004, Inc. to produce a New Year's Eve Celebration on December 31, 2008 from 6:00 p.m. to 1:00 a.m.
6. Resolution No. 378-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Apex Management and Productions to produce Pure Music Festival on January 3, 2009 from 2:00 p.m. to 10:00 p.m.
7. Resolution No. 416-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Moonfest 2004, Inc. to produce Mardi Gras on February 21, 2009 from 6:00 p.m. to 1:00 a.m.
8. Resolution No. 383-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Palm Beach India Association to produce India Fest 2009 on February 28, 2009 from 10:00 a.m. to 9:00 p.m.
9. Resolution No. 381-08 authorizing a Special Event License Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce the Fourteenth Annual "Evening on Antique Row" on March 7, 2009 from 5:30 p.m. to 9:30 p.m.

10. Resolution No. 417-08 authorizing a Special Event License Agreement between the City of West Palm Beach and O'Shea's Irish Pub to produce O'Shea's St. Patrick's Day event on March 17, 2009 from 10:00 a.m. to 4:00 a.m.
11. Resolution No. 382-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Irish Cultural Institute of Florida Inc. to produce "Irish Fest" on March 14, 2009 from 12:00 p.m. to 11:00 p.m. and March 15, 2009 from 12:00 p.m. to 8:00 p.m.
12. Resolution No. 452-08 and Resolution No. 447-08(F) authorizing and directing the Mayor to accept and appropriate Thirty Eight Thousand Three Hundred Sixty-Four Dollars (\$38,364) from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) program.
14. Resolution No. 440-08 authorizing the execution of a First Amendment to the Agreement between the City and Palm Beach County for funding for the Grassy Waters Preserve Visitors Pavilion, providing for a time extension for completion of the Grassy Waters Preserve Visitors Pavilion for eighteen months or until April 16, 2010.
15. Resolution No. 418-08 authorizing the assessment of City liens in the total amount of \$8,422.79 for unpaid board and secure charges.
16. Resolution No. 430-08 authorizing the assessment of City liens in the total amount of \$13,307.22 for unpaid lot clearing charges.
17. Resolution No. 450-08 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 322 Greymon Drive.
18. Resolution No. 451-08 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 416 55th Street.
19. Resolution No. 453-08 amending and restating Resolution No. 403-08 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 282 Barcelona Road.
20. Resolution No. 441-08 authorizing the Fiscal Year 2008/2009 fees to be charged for programs and services provided by the Department of Parks and Recreation.

21. Resolution No. 385-08 approving a loan to New Urban Community Development Corp., Inc. (NUCDC) in the amount of \$100,000 and a grant in the amount of \$30,000 for the Henrietta Rental Project; and approving and authorizing the Mayor to execute the Project Documents between the City and NUCDC.

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

CONSENT CALENDAR [CONTINUED]:

13. Resolution No. 433-08 – City Commons and Waterfront Project Manager Joan Goldberg made a presentation and responded to Commission questions. Public comments: Jonathan Gladstone, John Quinn, Alan Murphy, Jr. of Pioneer Linens, Inc., Jay Crockenburg of Pioneer Linens, Inc. and Pam Kane of Sachs, Sax and Caplan, PA. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Resolution No. 433-08 authorizing the Mayor to execute an Amendment to the Design Services Agreement with CH2M Hill for the design of the City Commons and Waterfront project; 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.

RESOLUTIONS:

22. Resolution No. 456-08 – Traffic Engineer Brian Collins made a presentation and responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 456-08 approving the "Face of the City" traffic calming design features for Alhambra Drive between South Olive Avenue and South Dixie Highway; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
23. Resolution No. 442-08 – Senior Planner Alex Hansen [a] made a presentation; [b] introduced Ellen Ostrowski of South Florida Commuter Services as the Transportation Management Initiative Administrator for the City; and [c] responded to Commission questions. Transportation Management Initiative Administrator Ellen Ostrowski made a presentation and responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt Resolution No. 442-08 approving an Agreement with the Florida Department of Transportation (FDOT) for services and

partial funding of the Transportation Management Initiative for Fiscal Year 2008/2009; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

PUBLIC HEARING:

24. Public Hearing and Second Reading of Ordinance No. 4185-08 – Traffic Engineer Brian Collins responded to Commission questions. Public comment: Rebecca Boyajian of Holland & Knight, LLP. The Mayor [a] disclosed that Holland & Knight, LLP serve as the City’s lobbyists in Washington, DC for other matters; and [b] read into the record the names of the persons that had submitted public comment cards and asked that they indicate their opinion on this issue: Susan Collins, Tsipi Keller, Wendy Oates-Devore, Pam Kane of Sachs, Sax and Caplan, PA, Steven Rothenberg, Aaron Shatzer, Mary Ann Mora, Carl Mora and Michael Kason. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Ordinance No. 4185-08 amending Chapter 86 of the Code, Traffic, Article III, Operation of Vehicles, Division 3, Direction of Movement of Traffic, Section 86-166, One-way Streets and Alleys, to convert South Olive Avenue between Okeechobee Boulevard and Lakeview Avenue to a one-way northbound traffic; thereupon Ordinance No. 4185-08 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.
25. Public Hearing and Second Reading of Ordinance No. 4184-08 – It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt Ordinance No. 4184-08 amending Chapter 2, Article III, Section 2-61 of the Code of Ordinances by adding a new Section 4 to allow for appointing board members with equivalent qualifications; thereupon Ordinance No. 4184-08 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 - QUASI-JUDICIAL:

-SWEARING IN OF WITNESSES

The City Clerk swore in all those persons having an interest in items #26 through #28.

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

[The Mayor passed the gavel to the President of the Commission and left the meeting at 5:31 p.m.]

Commissioner Moss stated that he [a] had had no additional ex-parte communication regarding item #26; [b] had had no ex-parte communications regarding items #27 and #28; and [c] would base his decisions on the evidence and testimony to be presented.

Commissioner Mitchell stated that she [a] had had no additional ex-parte communication regarding item #26; [b] had had no ex-parte communications regarding items #27 and #28; and [c] would base her decisions on the evidence and testimony to be presented.

Commissioner Robinson stated that he [a] had had no additional ex-parte communication regarding item #26; [b] had had no ex-parte communications regarding items #27 and #28; and [c] 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 #26 through #28; 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 #26 and #27; [b] had had ex-parte communication regarding item #28; and [c] would base her decisions on the evidence and testimony to be presented.

26. Public Hearing and Second Reading of Ordinance No. 4188-08 – It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to adopt Ordinance No. 4188-08 designating the Southern Bell Telephone and Telegraph Building, also known as the Meridian Building, located at 326 Fern Street, on the Local Register of Historic Places. The motion died due to lack of a vote.

After further discussion, the maker of the motion, with the concurrence of the seconder, amended her motion as follows: It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to adopt Ordinance No. 4188-08, [designating the Southern Bell Telephone and Telegraph Building, located at 326 Fern Street, as an individually Designated Historic Site on the West Palm Beach Register of Historic Places. Based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the findings that the

designation meets the criteria set forth in Section 94-48 of the Zoning and Land Development Regulations], designating the Southern Bell Telephone and Telegraph Building, also known as the Meridian Building, located at 326 Fern Street, on the Local Register of Historic Places; thereupon Ordinance No. 4188-08 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.

27. Public Hearing and First Reading of Ordinance No. 4187-08 – Senior Planner John Roach made a presentation and responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Mitchell, to approve Ordinance No. 4187-08, [amending the design guidelines for the Centrepark West Commercial Planned Development (CPD). This motion is based upon the factual testimony presented, the application submitted, the staff report and the recommendation of the Planning Board, along with the findings that the Amendment Standards of Section 94-32 of the City’s Zoning and Land Development Regulations have been met], a request by Keith M. Spina, of OGS&P Architects, on behalf of the Centrepark West Property Owners Association, Inc., for a Major Amendment to the Centrepark West Commercial Planned Development (CPD) to amend the design guidelines for the CPD; thereupon Ordinance No. 4187-08 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.

28. Public Hearing and First Reading of Ordinance No. 4173-08 – At this time the City Clerk swore in Principal Planner Eric Schneider. Principal Planner Eric Schneider made a presentation and responded to Commission questions. It was moved by Commissioner Robinson, seconded by Commissioner Mitchell, to approve Ordinance No. 4173-08, [a Major Amendment to the Morse Life Community Service Planned Development. This motion is based upon the factual testimony presented, the application submitted, the staff report and the recommendation of the Planning Board, along with the finding that the Major Amendment Standards of Section 94-32 of the Zoning and Land Development Regulations have been met], a request by Hal Bradford of Moyle, Flanigan, Katz, Breton, White & Krasker, P.A., on behalf of The Tradition of the Palm Beaches, Inc., for a Major Planned Development Amendment to the Morse Life Community Service Planned Development (CSPD) amending the Phase II residential expansion by reconfiguring the building and adding two (2) units, for a total of 182 units, adding a guard house on Fred Gladstone Drive, east of Haverhill Road, at the southern entrance to the Morse Life Campus and expanding the sales office; thereupon Ordinance

No. 4173-08 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.

OTHER BUSINESS:

29. Appeal of the Historic Preservation Board decision in Case No. 08-31 – Historic Preservation Planner Friederike Mittner and Lynn Baldwin, the applicant, made presentations and responded to Commission questions.

[The Mayor returned to the meeting at 5:47 p.m.]

City Attorney Claudia McKenna and Joyce Raymond of the Historic Preservation Board responded to Commission questions. The Mayor swore in those persons who gave and would later give testimony. Public comments: Lory Volk, Marilyn Daenzer, Margie Dyer, Bill Hagler, Barbara Hess and Bobby Compton.

[The Mayor left the meeting at 6:25 p.m.
and returned at 6:27 p.m.]

Public comments [continued]: Chris Noel. It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to approve the Certificate of Appropriateness for the appeal on 3502 Washington Road, granting the application without conditions, [This motion is based upon the factual testimony presented, the application submitted and the staff report, along with the finding that the applicable Secretary of Interior Standards and Section 94-49 of the Zoning and Land Development Regulations have been met], and reversing 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; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

At this time Commissioner Douglas suggested that the Construction Services Department inform building permit applicants who reside in historic districts of the regulations regarding historic preservation. The Mayor recommended that the Public Information Officers also inform historic neighborhood residents of the regulations by publishing articles in neighborhood newsletters.

COMMENTS BY THE PUBLIC:

Margie Dyer stated that there is not enough parking available to riders of the Tri-Rail train that arrives at the West Palm Beach Station at 7:06 a.m. on weekdays. Roger Gaskins [a] spoke about single member voting districts in Palm Beach County; and [b] suggested that County elections should be county-wide. Warren Shalton made a complaint regarding the termination of his employment with the City. David London [a] spoke about Illinois Senator Barack Obama's citizenship; [b] asked whether a Fire Marshall's report can be changed; [c] asked whether an official complaint form is available to citizens who wish to file a complaint; [d] announced that Will Allen, who started a nonprofit organization called Growing Power, won a MacArthur Award; and [e] suggested that exhibits of philanthropists such as Mr. Allen should be on display at the library to inspire people. Michael Cleveland [a] encouraged the public to vote on November 4, 2008; [b] stated that two homes in Merry Place do not have egresses; [c] suggested that the City's Blue Roof Program assist the owners of a home on 30th Street in District 1 that still has a tarp on its roof; and [d] spoke about reduced-speed zone issues near Roosevelt Middle and Roosevelt Elementary Schools.

COMMENTS BY THE COMMISSIONERS:

Commissioner Moss [a] asked whether a workshop regarding the procurement code was being scheduled; [b] asked whether the City could provide financial assistance to the Veteran's Day Parade; [c] offered to contribute money from his office account; [d] announced that the Vedado Neighborhood received notification that they are eligible to be placed on the National Registry for Historic Places as an Historic District; [e] noted that the designation will assist in the fight against the Palm Beach International Airport expansion; and [f] suggested that the City collaborate with the Florida Benchmarking Consortium. City Administrator Edward Mitchell responded to Commissioner Moss' questions. City Attorney Claudia McKenna responded to Commissioner Moss' question regarding the Procurement Code Workshop. The Mayor suggested the procurement code be discussed at the next Mayor/Commission Work Session.

Commissioner Muoio [a] commended everyone who participated in the Greenmarket event on Saturday, October 18, 2008; [b] congratulated the Black Elected Officials for their 2008 Black Tie Gala event held on October 18, 2008; [c] spoke about the

American Cancer Society's Making Strides Against Breast Cancer Walk event held at CityPlace on October 18, 2008; and [d] spoke about the groundbreaking of the Multicultural Center at Gaines Park.

Commissioner Robinson [a] stated that the City needs to select a voting delegate for the National League of Cities' Annual Conference; [b] noted that he is the delegate for the Florida League of Cities; [c] thanked the Mayor and Commissioners for supporting him at the Black Elected Officials event; and [d] spoke about the groundbreaking of the Multicultural Center at Gaines Park. It was the consensus of the Commission to appoint Commissioner Robinson as the City's delegate for the National League of Cities.

Commissioner Mitchell [a] asked that the Commissioners receive earlier notice of scheduled workshops; [b] asked what advertising has been done regarding the City's Charter Amendment on the November 4, 2008 ballot; [c] stated that she does not support the Amendment nor agree with its wording; [d] asked for a copy of the advertisement that is being sent in utility bills; [e] expressed her opinion regarding how the discussion of item #13 was handled; [f] suggested the Commission use their leadership to rid Palm Beach County of single member voting districts; and [g] asked for a discussion regarding the City's and the CRA's Fiscal Year 2008/2009 Budgets and subsequent budgets. Public Information Officer Peter Robbins responded to Commissioner Mitchell's question regarding the advertising of the Charter Amendment ballot question.

Commissioner Douglas did not make any comments.

At this time Commissioner Muoio announced that the Monsters in the Marsh event will be held at Grassy Waters Preserve on October 22, 2008 from 6:00 p.m. to 9:00 p.m.

COMMENTS BY THE MAYOR:

The Mayor [a] announced that the City's library will host an interactive virtual 3D multimedia experience called "My City, Our Story" on the City's 114th birthday on November 1, 2008 from 1:00 p.m. to 3:00 p.m.; [b] spoke about an article regarding the City's 20% drop in crime; [c] spoke about the City's water supply and announced that the City's water is safe to drink; [d] provided an explanation regarding the Charter Amendment ballot question; [e] expressed her opinion regarding the discussion of item #13; [f] stated that she has frequently met with staff regarding the Fiscal Year 2008/2009 Budget; [g] noted that under Florida's Sunshine Law, the Mayor and Commissioners

are not made aware of each other's private discussions with staff; and [h] announced that Percy Sledge will perform at the last Sunday at the Meyer event of the season from 4:00 p.m. to 7:00 p.m. Assistant City Administrator Eduardo Balbis responded to the Mayor's questions regarding the City's water quality.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:28 p.m.

APPROVED:

PRESIDING OFFICER

ATTEST:

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.**