

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
NOVEMBER 3, 2008

The City Commission of the City of West Palm Beach met in regular session on Monday, November 3, 2008 at 4:07 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 4:10 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 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 AND AWARDS OF MERIT:

1. Presentation and Resolution No. 458-08(F) – CRA Project Manager Shirley Graham and CRA Project Manager Amy Stelly made presentations and responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt Resolution No. 458-08 authorizing and approving the "Face of the City" design features for the Children's Community Garden to be located at the corner of Twenty-First Street and Spruce Avenue in the Pleasant City neighborhood; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

CONSENT CALENDAR:

Commissioner Mitchell asked that items #13 and #19 be pulled from the Consent Calendar for discussion. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to approve the following Consent Calendar:

2. Minutes for the Regular City Commission Meeting held on September 22, 2008.
3. Minutes for the Regular City Commission Meeting held on October 6, 2008.

4. Cancellation of the Regular City Commission Meeting of December 29, 2008.
5. Resolution No. 431-08 authorizing the Mayor to execute a Special Event License Agreement between the City of West Palm Beach and Palm Beach County Motorcyclists Toys for Tots, Inc. for the purpose of conducting "Bill's Bikes Memorial Toys for Tots Toy Run" at Dreher Park (South) on Sunday, December 7, 2008 from 12:00 p.m. to 6:00 p.m.
6. Resolution No. 435-08 authorizing a Special Event License Agreement between the City of West Palm Beach and the Chamber of Commerce of the Palm Beaches to produce the "5K Run" on December 6, 2008 from 6:30 a.m. to 12:30 p.m. and the "Marathon of the Palm Beaches" on December 7, 2008 from 4:30 a.m. to 1:00 p.m.; and Resolution No. 436-08 authorizing a Sponsorship Agreement between the City of West Palm Beach and the Chamber of Commerce of the Palm Beaches.
7. Resolution No. 467-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Center for Creative Education to produce "Over the Big Top Goes...Greek" on November 22, 2008 from 7:00 p.m. to 11:00 p.m.
8. Resolution No. 421-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Palm Beach Veterans Day Parade, Inc. to produce Palm Beach County Annual Veterans Day Parade on November 9, 2008 from 1:00 p.m. to 6:00 p.m.; and Resolution No. 470-08 authorizing a Sponsorship Agreement between the City of West Palm Beach and the Palm Beach Veterans Day Parade, Inc.
9. Resolution No. 462-08, authorizing the execution of Amendment No. 1 to the Grant Agreement between the Florida Department of Environmental Protection and the City of West Palm Beach, providing for an extension of time for the completion of the Grassy Waters Recreational Improvements Project.
10. Resolution No 478-08 (F) authorizing the transfer of funds for the replacement of the air-conditioning system at the Pleasant City Community Center gymnasium.
11. Resolution No. 475-08(F) transferring \$50,000 from General Fund contingency for consulting services for an efficiency study.
12. Resolution No. 474-08(F) providing appropriations for a management study of the Fire Rescue Department.

14. Resolution No. 446-08 authorizing the Mayor and Police Chief to execute a Mutual Aid Agreement between the Palm Beach County Sheriff's Office (PBSO) and the WPBPD to provide combined operational assistance and voluntary cooperation for a sexual predator/offender tracking taskforce.
15. Resolution No. 464-08 authorizing the Mayor to execute a Corrective Warranty Deed to correct an erroneous legal description; and Resolution No. 463-08 authorizing the Mayor to execute a Termination of Easement between the City and Barcelona Square Limited Partnership.
16. Resolution No. 461-08 authorizing the submittal of a Boating Infrastructure Grant Application to the Florida Fish and Wildlife Conservation Commission requesting \$500,000 for the construction of the Evernia Street Dock.
17. Resolution No. 480-08 approving a modification to a Subgrant Agreement with the State of Florida Division of Emergency Management providing for an extension of time to the City for the Ironhorse Stormwater Project to complete the grant administrative requirements.
18. Resolution No. 449-08 establishing a debris hauling fee.

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. 479-08 – Director of Engineering Services Jonathan Bramley made a presentation and responded to Commission questions. Deputy City Administrator Dorritt Miller responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Resolution No. 479-08 authorizing approval of an amendment to a Grant Agreement, Agreement 07HM-4@-10-60-02-056, between the City and the State of Florida Division of Emergency Management providing for an extension of time to the City for the Police Department Wind Retrofit Project; and thereafter it was voted as follows: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.
19. Resolution No. 476-08 – City Commons and Waterfront Project Manager Joan Goldberg made a presentation and responded to Commission questions. Commissioner Mitchell asked that future Resolutions regarding the City Commons and Waterfront project not be placed on the Consent Calendar. City Attorney Claudia McKenna and Director of Finance Randy Sherman responded to Commission

questions. Public comments: Vice President of Catalfumo Construction and Development, Inc. J.J. Wolfe, President of the Chamber of the Commerce of the Palm Beaches Dennis Grady and Bill Weisman. It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to adopt Resolution No. 476-08 authorizing the Mayor to execute a Design-Build Services Agreement with Catalfumo Construction for the City Commons and Waterfront project; and thereafter it was voted as follows: Commissioners Douglas, Moss, Muoio and Robinson; Nay: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.

At this time Chairman of the Palm Beach High School Historical Association Marvin Anthony [a] announced that to celebrate the 100th Year Anniversary of Palm Beach High School, a reception will be held on November 7, 2008 and an event will be held on November 8, 2008 at Alexander W. Dreyfoos, Jr. School of the Performing Arts; and [b] responded to Commission questions. The Mayor declared and proclaimed the week of November 2, 2008 through November 8, 2008 as Schools on the Hill Celebration and Reunion Week. Mr. Anthony accepted the proclamation with thanks.

PUBLIC HEARING:

20. Public Hearing and Second Reading of Ordinance No. 4112-08 – Staff Attorney Joshua Koehler made a presentation and responded to Commission questions. Public comments: Raphael Clemente of the Downtown Development Authority and Miguel Johnson of Island Rhythm Grill. Parking Systems Administrator Sue Olley responded to Commission questions. It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to adopt 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; thereupon Ordinance No. 4112-08 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 passed the gavel to the President of the Commission and left the meeting at 5:33 p.m.]

PUBLIC HEARING - QUASI-JUDICIAL:

-SWEARING IN OF WITNESSES

The City Clerk swore in all those persons having an interest in items #21 through #23.

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

Commissioner Douglas stated that she [a] had had no additional ex-parte communications regarding items #21 through #23; and [b] would base her decisions on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had no additional ex-parte communications regarding items #21 through #23; and [b] would base his decisions on the evidence and testimony to be presented.

Commissioner Robinson stated that he [a] had had no ex-parte communications regarding items #21 through #23; and [b] would base his decisions on the evidence and testimony to be presented.

Commissioner Muoio stated that she [a] had had no additional ex-parte communications regarding items #21 through #22; and [b] would base her decisions on the evidence and testimony to be presented.

21. Public Hearing and Second Reading of Ordinance No. 4187-08 – It was moved by Commissioner Moss, seconded by Commissioner Robinson, to adopt Ordinance No. 4187-08 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.

At this time Commissioner Mitchell stated that she [a] had had no additional communications regarding items #22 and #23; and [b] would base her decisions on the evidence and testimony to be presented.

22. Public Hearing and Second Reading of Ordinance No. 4173-08 – It was moved by Commissioner Moss, seconded by Commissioner Robinson, to adopt Ordinance No. 4173-08 [a Major Planned Development Amendment to the Morse Life Community Service Planned Development. This motion is based upon the factual testimony presented, the application submitted and the staff report, 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.

23. Public Hearing of Resolution No. 424-08 – Planner Kelly Freeman made a presentation and responded to Commission questions. Jon Schmidt of John Schmidt and Associates responded to Commission questions. It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to adopt Resolution No. 424-08 [granting a Class A Special Use Permit to create the Unico Development of Significant Impact (DSI). 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 standards of Sections 94-36(e)(3) and (4), of the Zoning and Land Development Regulations, have been met], a request by Jon Schmidt of Jon Schmidt and Associates, on behalf of Unico Development Corp., for a Development of Significant Impact (DSI) to allow for the construction of 32,000 square feet of warehouse flex space on a 14.07-acre parcel at 2269 Indian Road; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

COMMENTS BY THE PUBLIC:

David London [a] spoke about Will Allen, who started a nonprofit organization called Growing Power; [b] spoke about a recent meeting he attended regarding health care; [c] stated that it was recommended at the meeting that City Center have a health resource library; [d] spoke about new water technology, such as mobile desalinization units; and [e] read an excerpt from the book The Blue Death: Disease, Disaster, and the Water We Drink by Robert D. Morris.

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

COMMENTS BY THE COMMISSIONERS:

Commissioner Mitchell did not make any comments.

Commissioner Robinson [a] announced that the National League of Cities' Annual Conference will be held in Orlando the following week; [b] spoke about the current affairs of the Public Safety and Crime Prevention Steering Committee that he serves on; [c] offered to speak to lobbyists on behalf of the Mayor and Commissioners while at the conference; [d] stated that he received an e-mail asking that the Mayor allow public comments for non-agenda items to be held at 5:00 p.m.; [e] announced that the City has been selected to

receive the “Playful City” national award for its recreation programs; and [f] offered to accept the award on behalf of the Parks and Recreation Department if no one else will attend. It was the consensus of the Commission to allow Commissioner Robinson to accept the award on behalf of the Parks and Recreation Department.

Commissioner Muoio [a] praised the last Sunday at the Meyer event of the season; [b] stated that she attended the opening of the Maine Cottage store on Clematis Street; [c] noted that a virtual tour of old Clematis Street was revealed at the City’s 114th Birthday event at the library; and [d] announced that she attended the Firefighters’ Breakfast event where one of the City’s firefighters was named Firefighter of the Year.

Commissioner Moss [a] announced that a Pet Adopt-athon event will be held on Saturday, November 15, 2008 in the Flamingo Park Neighborhood; [b] expressed his concern regarding the fact that the Palm Beach County Animal Control Center recently acquired an incinerator; and [c] asked City Administrator Edward Mitchell for an update regarding the list of proposed improvements on South Dixie Highway that the Southside Business Association created. City Administrator Edward Mitchell responded to Commissioner Moss’ questions.

Commissioner Douglas [a] thanked the Mayor for her letter supporting the Train Track Safety Program through the Quantum Foundation Grant Application; [b] noted that she attended a Boys & Girls Club event during which children were educated on railroad track safety; [c] commended Rick Rose for his efforts on this safety issue; [d] spoke about the Northwood Village Wicked Art and Wine Promenade event; [e] commended the CRA for their efforts in the Northwood Village; [f] noted that she was able to meet Speaker of the U.S. House of Representatives Nancy Pelosi; [g] noted that she met with the Salvation Army Advisory council; [h] commended the Salvation Army’s after-school program; [i] commended the Planning Department for their efforts in working with the Brelsford Park Neighborhood Association; [j] spoke about the Green Market; [k] noted that she attended the ribbon-cutting ceremony for the Stuck in the Bubble Gum Children’s Bookstore; and [l] spoke about the Flamingo Park Neighborhood’s Block Party, Moonfest, the Hispanic Human Resources Council’s 32nd Annual Gala and the Palm Beach County Convention Center’s Overview of Mission and Vision event.

COMMENTS BY THE MAYOR:

The Mayor [a] stated that representatives of the Quantum Foundation shared her concern regarding the Boys & Girls Club’s playground near railroad tracks; [b] iterated that she will encourage the foundation to support her request for funding for stronger fences at the playground; [c] congratulated Palmetto Elementary School for

the Red Ribbon Kids' drug-free program and spaghetti dinner event; [d] spoke about the South Olive Community Center's Hayride event; [e] praised the Moonfest event; [f] noted that no incidents of crime occurred during the Moonfest event; [g] noted that the Palm Beach County Visitor's Bureau revealed a new marketing plan; [h] stated that she would like the City to adopt some of the internet and technology initiatives that the Visitor's Bureau is adopting; [i] spoke about the naming of the Marvin Dekelboum Planetarium and Elsie Dekelboum Motorola Theater at the South Florida Science Museum; [j] thanked Marriot Hotels for working with Quantum House, Inc. to plant new foliage and flowers; [k] commended the Grandview Heights Citizens Association for its Halloween event; [l] announced that the City was unable to come to an agreement with any of the vendors regarding the City Center café; [m] stated that the City added the café to the budget and is looking for another vendor; [n] suggested that the City be a little more flexible on its terms; and [o] provided information regarding the City's polling locations for the November 4, 2008 General Election.

At this time Commissioner Moss [a] noted that one of the Visitor's Bureau new initiatives is to work more closely with local municipalities; and [b] asked for an update regarding the Tourism Advisory Committee.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 6:08 p.m.

ATTEST:

APPROVED:

CITY CLERK

PRESIDING OFFICER

lmh

*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.