

MAYOR/COMMISSION WORK SESSION

FEBRUARY 16, 2010

FLAGLER GALLERY – 10:08 a.m.

Present: Mayor Frankel, Commissioners Douglas, Mitchell [arrived at 10:17 a.m.] Moss, Muoio and Robinson, Jr., City Administrator Mitchell, City Attorney McKenna and City Clerk Kauthen.

13.	<u>Mayor's Matters</u> – The Mayor thanked everyone who worked to make the implosion of Tower 1515 a success.
1.	<u>Unity of the Palm Beaches Land Title Issue</u> – Assistant City Attorney Payson [a] explained that Unity of the Palm Beaches is selling property, and their title company is asking the City to disclaim any interest the City might have in the property; [b] stated that the City does not believe it has any interest in the property; [c] described the history of the property; and [d] responded to Commission questions. It was the consensus of the Commission to ask staff to add this matter to the February 22, 2010 City Commission Meeting Agenda.
2.	<u>Wachovia Bank Streetscape Improvements at 303 Banyan Boulevard</u> – City Urban Designer Aponte [a] explained that Wachovia Bank is proposing improvements to the right-of-way; [b] noted that staff supports the proposals; and [c] responded to Commission questions. Brian Cheguis of Cotleur & Hearing, Inc. provided a brief overview of the streetscape improvements proposed for the front of the Wachovia Bank building. It was the consensus of the Commission to allow staff to move the proposal forward.
3.	<u>Presentation regarding Newsrack Contract and Design</u> – Senior Planner Roach [a] provided background information regarding the cause of delay in this matter; [b] announced that the vendor has returned to the City and offered to again pursue the

	<p>contract; [c] presented the timeline for the project; [d] stated that the vendor indicated that they need 25 locations for the project to be financially feasible; [e] noted that the vendor will remove all the unsightly newsracks and place more aesthetically pleasing ones in 25 locations downtown; [f] stated that the locations have already been designated; [g] noted that following discussions with the vendor, the publishers seem to be in support of this project; [h] made a presentation of the design features of the proposed newsracks; [i] explained that once the Commission accepts the proposed design, a prototype will be installed on the corner of Dixie Highway and Clematis Street before the final contract and design are approved; and [j] responded to Commission questions. City Attorney McKenna [a] stated that she will research and report to the Commission whether newsracks are required by law and if there are provisions regulating the distance between newsrack locations; and [b] noted that an Ordinance was passed that requires individual newsracks to be removed once modular units are in place. The vendor responded to Commission questions regarding the number of publications that require newsracks. It was the consensus of the Commission to allow a prototype newsrack to be built at half the size of the one shown in the presentation.</p>
4.	<p><u>Proposed Science Museum Expansion</u> – The Mayor suggested that the expanded science museum and aquarium be located at the Helen Wilkes Site. John Schmidt, representing the South Florida Science Museum, [a] provided background information regarding the museum; [b] made a presentation of the site plan that was submitted to the Zoning Division; [c] stated that the project is estimated to cost \$8.5 million; [d] noted that the County has committed to contribute \$2.4 million to the project; [e] presented the timeline for the project; and [f] responded to Commission questions. Commissioner Moss disclosed that he serves on the Volunteer Board of the Board of Trustees for the South Florida Science Museum. CRA Executive Director Briesemeister spoke about the findings of the analyses performed</p>

	<p>on various vacant sites downtown. CEO of the South Florida Science Museum Sellers stated that the museum is considering a move to downtown and responded to Commission questions. The Mayor suggested the museum's representatives meet with CRA Executive Director Briesemeister and attend the February 22, 2010 CRA Workshop to discuss potential downtown locations for the museum.</p>
5.	<p><u>Ethics Update</u> – Ethics Officer Ostrau [a] stated that the City has instituted ethics training for managers, supervisors and incoming employees; [b] stated that under the Palm Beach Ethics Code, which is under referendum, Commissioner Moss would not be permitted to participate in discussions regarding the science museum because he serves on the museum's Volunteer Board of the Board of Trustees; [c] noted that there is a State proposal for an Honest Services Law that would require disclosure of any benefit to an elected official, whether financial or not; [d] announced that the Palm Beach County Commission on Ethics is proposing to increase the financial penalties for ethics violations to \$100,000; [e] announced that a statewide grand jury will convene on March 15, 2010 to review the State's ethics laws, look at corruption and make recommendations; [f] stated that the recommendations are expected to be made at the end of 2010; and [g] responded to Commission questions. Commissioner Robinson [a] iterated the importance of the City working with the League of Cities to find out what elected officials are permitted to do; and [b] announced that the Palm Beach County League of Cities selected Retired Circuit Judge and former Riviera Beach Councilman Edward Rodgers to the Palm Beach County Commission on Ethics. City Attorney Claudia McKenna responded to Commission questions regarding ethics training for RFP selection committees.</p>
6.	<p><u>Presentation on Cap Increase for Allowable Rehab for Historic Structures</u> – Housing Construction Manager Kelly [a] made a presentation of proposed changes for the City's Local Housing</p>

	<p>Assistance Policy, which affects the Owner-Occupied Single-Family Housing Rehabilitation Strategy; [b] noted that the current cap is set at 50% of the approved value, not to exceed \$40,000 per property; [c] stated that due to the City's focus in Coleman Park, Pleasant City and the northwest neighborhoods, there is an intent to raise the cap to 75% of the approved value, not to exceed \$60,000; [d] stated that staff is recommending that the cap for historic properties increase to 150% of the approved value, not to exceed \$200,000; [e] noted that the cap changes require Commission approval; and [f] responded to Commission questions. Historic Preservation Planner Mittner [a] made a presentation of the circumstances of a home at 729 20th Street; [b] stated the funding that would be needed to rehabilitate this structure exceeds the current cap; [c] stated that if the cap is raised, a dozen or less properties in Coleman Park would be eligible for rehabilitation; and [d] responded to Commission questions. Commissioner Robinson [a] noted that many historic structures are lost due to the lack of options in preserving them; and [b] recommended that funding for rehabilitation be decided on a house-by-house basis. The Mayor asked that Historic Preservation Planner Mittner bring the Commission a list of properties in the Coleman Park, Pleasant City and northwest neighborhoods that staff identifies as having historic significance. It was the consensus of the Commission to make decisions regarding rehabilitation funding for homes in the northwest neighborhoods on a house-by-house basis.</p>
7.	<p><u>Way-Finding Signage</u> – Commissioner Moss [a] asked for an update on the way-finding signage downtown; and [b] asked that the way-finding signs be in place by September 30, 2010. City Commons and Waterfront Project Manager Goldberg [a] stated that she has met with a variety of staff to outline a way-finding program; [b] stated that the scope of services will be finalized at the end of February 2010; [c] noted that the City is planning to contract with Glatting Jackson Kercher Anglin, Inc. for streetscape improvements mid-March 2010; [d] stated that the</p>

	<p>bid for way-finding signage is scheduled for the end of June 2010; and [e] responded to Commission questions. Commissioner Mitchell [a] asked that staff explore who is in charge of the point-of-interest signs on Interstate 95 (I-95) and find out whether certain attractions can be promoted on signs near West Palm Beach exits; and [b] suggested that following the installation of way-finding signs downtown, that way-finding signs on major roads just outside the City be looked into as well. Commissioner Moss noted that the Florida Department of Transportation, which is in charge of the point-of-interest signs on I-95, uses certain criteria to determine whether attractions can be promoted, including the attraction's level of traffic. City Commons and Waterfront Project Manager Goldberg stated that she would find out the process of promoting an attraction on the point-of-interest signs on I-95. It was the consensus of the Commission to have staff prioritize the way-finding signs downtown and then explore opportunities in signage on I-95.</p>
8.	<p><u>Status of Ordinance No. 3372-00 (Comprehensive Plan: Coleman Park Boundaries)</u> – Commissioner Douglas provided a brief overview of Ordinance No. 3372-00, which relates to the Coleman Park Urban Infill and Redevelopment Area. The Mayor explained that the City has an Ordinance that allows the creation of a Community Development Corporation in Coleman Park to generate a Tax Increment Financing (TIF) District. Senior Planner Roach further explained the Ordinance and responded to Commission questions.</p>
9.	<p><u>Foreclosed Property Registration</u> – Commissioner Muoio asked the Commission to discuss whether they would like to handle the registration of foreclosed properties in-house or have the task outsourced. City Attorney McKenna stated that MIS has technical questions and she has legal questions that need to be answered before staff can advise the Commission on this matter.</p>

	<p>The Mayor noted that the proposed registration system would be integrated with software already used by the Code Compliance Division, but the technical and legal issues must be resolved before staff can report on the system's feasibility.</p>
10.	<p><u>Identity Theft Prevention Program</u> – Commissioner Robinson introduced Mark Brown of Identity Theft Business Solutions, Inc. Mr. Brown [a] provided background information regarding identity theft; [b] noted that the Federal Trade Commission reported that 50% of identity theft cases occur through the workplace; [c] made a presentation of the types of identity theft; [d] suggested the City assess risk before adopting policies, train employees to identify fraud and investigate service providers and contractors before they are hired; and [e] explained what adopting an identity theft prevention program entails. Commissioner Robinson asked that staff meet with Mr. Brown to determine whether the City would be interested in developing such a program. City Attorney McKenna stated that [a] as soon as the federal law related to identify theft prevention passed, the Public Utilities Department, Finance Department and the City Attorney's Office met to ensure that they were in compliance with the law; and [b] it is her understanding that Mr. Brown is suggesting establishing a good practice that is more than what the law requires. The Mayor stated that staff would meet with Mr. Brown to discuss whether this is an issue that should be prioritized.</p>
13.	<p><u>Mayor's Matters [Continued]</u> – The Mayor [a] spoke about Resolution No. 60-10, item #16 on the February 22, 2010 City Commission Draft Agenda; [b] noted that the Resolution reflects the discussion with the Police Benevolent Association (PBA) that was held at the Special City Commission Meeting of February 1, 2010; and [c] recapped what was decided at that meeting. City Attorney McKenna explained what was decided with the PBA regarding health insurance premiums, take home vehicles, overtime, longevity pay, holidays and salary; and [b] responded</p>

	<p>to Commission questions. Commissioner Mitchell [a] suggested placing Resolution No. 60-10 under Public Hearing rather than the Consent Calendar, since it will likely attract a lot of public comments; and [b] expressed her concern with putting a cap on the amount of officers that may be placed on light duty. The Mayor noted that public comments and discussions can still be held while an item is on the Consent Calendar. Commissioner Moss [a] suggested that the provision that puts a limit on the number of officers allowed to be placed on light duty state that management, at their discretion, may allow more than five officers to be placed on light duty; and [b] noted that the provision would still state that the first five officers “shall” be placed on light duty. It was the consensus of the Commission to have the Resolution changed to reflect Commissioner Moss’ recommendations.</p>
11.	<p><u>Waterfront/Waterfront Events</u> – Commissioner Moss [a] confirmed that the Commission, not staff, sets fees; and [b] expressed his concern regarding signs along Flagler Drive that indicate safe pedestrian crossings to pedestrians but are not clearly marked to drivers. The Mayor asked that Traffic Engineer Collins investigate the matter.</p>
12.	<p><u>713 36th Street – Corner Clip for Ficus Hedge</u> – Commissioner Douglas [a] explained that the Code Compliance Division is asking a man to cut down a hedge on his property that is fifteen feet tall; [b] noted that there are hedges in comparable locations throughout the City; [c] stated that she saw for herself that the hedge does not hinder visibility to drivers, but is necessary for the privacy of the property owner; and [d] asked that the Commission consider changing the ordinance that states that hedges must be twenty feet off the curb on corner lots. Brian Cheguis, the owner of the property, [a] noted that the speed limit in his neighborhood is 25 miles per hour; and [b] suggested that the Code allow approval on a case-by-case basis. Traffic Engineer Collins stated that while he has not personally seen the</p>

	<p>hedge, other Engineering Staff had concluded that based on the location of the hedge, it is difficult to see traffic coming towards Pinewood Avenue on 36th Street. Director of Public Works Alford stated that when this matter was presented to the Special Magistrate, the Magistrate did allow the Engineer the discretion to work something out with the resident. City Attorney McKenna [a] stated that a waiver process, rather than staff discretion, is necessary so that the program applies to everyone equally; and [b] suggested sending an order to the Special Magistrate for this particular case. The Mayor stated that without objection, the Traffic Engineer will investigate the hedge first, and then only after his approval will the City send an order to the Special Magistrate.</p>
14.	<p><u>Other</u> – Executive Director of the West Palm Beach Housing Authority Robinson [a] introduced Francisco Rojo of the Land Development Corp.; [b] stated that the Housing Authority devised a backup plan for the redevelopment of Dunbar Village in case they do not receive the HOPE VI grant; and [c] stated that Mr. Rojo identified funding available from the Florida Housing Finance Corporation (FHFC), but it does require a heavy match from the City. Francisco Rojo of the Land Development Corp. [a] provided a handout for the record; [b] noted that the Housing Authority is expecting to find out whether they receive the HOPE VI grant in February or March 2010; [c] noted that since the funds available from the Florida Housing Finance Corporation are millions of dollars less than what the HOPE VI grant would provide, the scope of the redevelopment project would have to be smaller; [d] stated that since the FHFC grant could not cover the entire project like the HOPE VI grant could, the Housing Authority broke the redevelopment project into manageable parts, beginning with the elderly component; [e] asked that in the case that the Housing Authority does not receive the HOPE VI grant, the City allocate the same amount of funds they had set aside for HOPE VI to the FHFC grant, which would award just under \$4 million in funding to be used toward</p>

	<p>the redevelopment of the elderly component of the project; and [f] responded to Commission questions. It was the consensus of the Commission to not commit \$3.5 million toward the FHFC grant. The Mayor suggested that Executive Director of the Housing Authority Robinson consider giving the City the remaining property in Blum Park in exchange for the City's commitment to provide \$3.5 million toward the FHFC grant.</p>
<p>15.</p>	<p><u>Adjournment</u> – 12:26 p.m.</p>