

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
NOVEMBER 22, 2004

The City Commission of the City of West Palm Beach met in regular session Monday, November 22, 2004 at 5:01 p.m., at City Hall, with the following persons present:

Mayor Lois J. Frankel, President of the Commission Kimberly Mitchell, Commissioner James L. Exline, Commissioner Raymond Liberti, Commissioner William Moss, Commissioner Isaac Robinson, Jr., City Administrator Edward Mitchell, Deputy City Attorney Nancy Urcheck, City Clerk Therese du Bouchet.

INVOCATION/PLEDGE OF ALLEGIANCE:

The Mayor noted that the brother of a City employee had been killed in Iran and asked for a moment of silence in honor of Morgan Strader. Thereafter, Commissioner Mitchell led the Pledge of Allegiance.

PRESENTATION AND AWARDS OF MERIT:

1. Resolution No. 394-04 and Resolution 538-04(F) - The Director of Public Utilities made a presentation and responded to Commission questions. It was moved by Commissioner Mitchell, seconded by Commissioner Liberti, to adopt [a] Resolution No. 394-04 authorizing and approving the design features for the proposed M-Canal pedestrian bridge; and [b] Resolution 538-04(F) authorizing additional funding in the amount of \$20,000 for M-Canal Pedestrian Bridge; and thereupon it was voted as follows: Ayes: Commissioners Exline, Liberti, Mitchell, Moss and Robinson. Motion carried unanimously.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

Paul McCullough discussed a recent article in the *Palm Beach Post* and commented about the Mayor and the Chief of Police. Roger Gaskins discussed code enforcement issues. Kieran O'Brien discussed code enforcement and the Southside Neighborhood Association. David London discussed the City summit and a proposed exhibit. Michael Cleveland discussed Pleasant City and the impact of recent hurricanes on the

community. Curt Thompson made suggestions regarding City-wide vision and strategic planning. Debra Neger [a] congratulated the Marketing and Community Events Division on the awards received at the International Festivals and Events Association; [b] discussed the proposed traffic/police plan for Northwood Hills; and [c] noted that the video of the October 25, 2004 Commission meeting is being made available to residents.

COMMENTS BY THE CITY COMMISSIONERS:

Commissioner Robinson wished everyone a happy Thanksgiving.

Commissioner Liberti discussed [a] Ibis residents' signage request; [b] his suggestion that Mayor/Commission Worksession and Agenda Review meetings be held in Commission Chambers; [c] the status of the Jog Road fire station; and [d] the reinstatement of Mayor/Commission town meetings.

Commissioner Mitchell discussed the success of the LPGA and the Marathon events.

Commissioner Moss discussed [a] the reconstitution of the zoning code revision committee and the creation of a golf advisory committee; [b] the intention of the Florida League of Cities to recommend the suspension of the Sunshine Law during State emergencies and the liability exemption of the City of West Palm Beach regarding Florida Power and Light street light repair program decisions; [c] the addition to the agenda of the issue of parking at Forest Hill High School; and [d] the Share a Supper event at the Pleasant City Recreation Center.

Commissioner Exline discussed [a] his recent trip to Vancouver; [b] the cooperative efforts of the Sheriff's Office and the Police Department; [c] his meeting with the City's Redevelopment Manager to discuss the importance of code enforcement; and [d] wished everyone a happy Thanksgiving.

COMMENTS BY THE MAYOR:

The Mayor stated that [a] she meets regularly with Northwood residents to discuss code issues; [b] she is working on a housing strategy; [c] the Marathon was a great success and thanked everyone involved in the event; [d] she recently went on a fact finding trip to Vancouver, Salt Lake City and Chicago to study public buildings; [e] the community summit will be held November 29, 2004; [f] she has requested a list of resignations during the past and present mayoral terms and will make the findings public; [g] the Chief of Police is doing an excellent job in attempting to solve the recent spate of homicides in the City; [h] in spite of extraordinary efforts by the Police Department to solve the recent homicides, there is no substitute for direct information from residents; [i] the middle bridge will be closed and FDOT is working on a number of road construction projects; [j] her son, who is in the U.S. Marine Corps, has been sent to Afghanistan and she is mindful of the welfare of all those serving their country.

[The City Commission meeting was recessed at 6:06 p.m. and reconvened at 6:10 p.m.]

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

Consent Calendar item #14 was reordered to follow the Consent Calendar; Resolution No. 573-04(F) was added as item #15A; Ordinance No. 3822-04 was added as item #17A; and discussion of Forest Hill High School parking was added as item #19A.

CONSENT CALENDAR:

It was moved by Commissioner Mitchell, seconded by Commissioner Liberti, to approve the following Consent Calendar items:

2. Minutes of the Regular City Commission Meeting of November 8, 2004.

3. Cancellation of the Regular City Commission Meeting of December 20, 2004.
4. Resolution No. 528-04 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 12, 2004 from 2:00 p.m. to 6:00 p.m.
5. Resolution No. 401-04 authorizing the Mayor to execute a Grant Agreement to accept Two Hundred Ninety-Six Thousand, Eight Hundred Forty-Three Dollars (\$296,843.00) from the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS 2004 Technology Program and Resolution No. 415-04(F) amending the Fiscal Year 2004/2005 General Fund budget to recognize said grant funding and provide appropriations for various law enforcement purposes.
6. Resolution No. 526-04 authorizing the Mayor to accept Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) from the Federal program "Weed and Seed" administered by the Office of Justice Programs, U.S. Department of Justice.
7. Resolution No. 505-04 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 3215 Spruce Avenue.
8. Resolution No. 522-04(F) amending the Personnel Detail of the Fiscal Year 2004/2005 Public Utilities Operating Fund Budget for the reclassification of one Clerical Specialist to the position of Contract Specialist.
9. Resolution No. 525-04(F) authorizing funding for the street lighting improvements related to the Design/Build of Garden Avenue Stormwater and Utility System Improvements project in the amount of \$174,000.
10. Resolution No. 424-04 authorizing a tri-party Interlocal Agreement between the City of West Palm Beach, Palm Beach County and the Armory Art Center, Inc. for funding in the amount of \$600,000, provided from the 2002 Palm Beach

County Recreation and Cultural Facilities Bond Issue, for renovations of the Robert and Mary Montgomery Historic Armory Building - Phase I.

11. **Resolution No. 524-04 authorizing conveyance of City-owned properties located on 23rd Street to Redemptive Life Urban Initiatives Corporation (RLUIC) for the construction of housing in the Coleman Park Infill Housing Project.**
12. **Resolution No. 554-04 approving and authorizing the Mayor to execute an Aerial Easement Agreement in favor of the Village Centre Apartments, Ltd. to allow for the construction of the Village Centre residential structure.**
13. **Resolution No. 550-04 approving the settlement with Ramon and Martha Rodriguez, and authorizing the appropriate officials to execute the necessary settlement documentation.**
15. **Resolution No. 571-04 authorizing the Mayor to enter into a Contract with Slavin Management Consultants for executive recruitment services for the positions of Assistant City Administrator and Planning Director; Resolution No. 570-04(F) amends the budget detail.**
- 15A. **Resolution No. 573-04(F) approving the allocation of \$5,000 in donated funds for the relocation expenses for two identified residents of the Pineapple Park neighborhood who were adversely impacted by hurricanes Frances and Jeanne.**

and thereupon it was voted as follows: Ayes: Commissioners Exline, Liberti, Mitchell, Moss and Robinson. Motion carried unanimously.

CONSENT CALENDAR [continued]:

14. **Resolution No. 499-04** – Commissioner Mitchell noted that the Department of Housing and Urban Development has suggested that members of certain funding recipient advisory boards abstain from voting on matters regarding certain public service providers. In the absence of any conflict of interest, but in an abundance of caution, Commissioner Mitchell stated that she would refrain from voting. **It was**

moved by Commissioner Moss, seconded by Commissioner Robinson, to adopt Resolution No. 499-04 approving Subrecipient Agreements with certain public service providers through the federal Community Development Block Grant (CDBG) Program utilizing FY 2004-05 funds and authorizing the Mayor to execute said Subrecipient Agreements; and thereupon it was voted as follows: Ayes: Commissioners Exline, Liberti, Moss and Robinson; Absent: Commissioner Mitchell. Motion carried unanimously.

REORDERED AGENDA:

OTHER BUSINESS:

18. City resident Charles Pikes and Realtor Trinette Hobbs have requested City Commission review of a request for First Time Homebuyer assistance – The Director of Economic and Community Development made the following presentation:

The Mayor's Renaissance Fund, as adopted by City Commission Resolution No. 174-93, was established for the specific purpose of increasing homeownership opportunities and improving the condition of existing housing units within the City of West Palm Beach. The Mayor's Renaissance Fund was revised by Resolution No. 59-02 authorizing revisions and establishing funding parameters and guidelines.

The Economic and Community Development Department is responsible for the administration of the Mayor's Renaissance Fund, promoting the program to first time homebuyers, and providing housing rehabilitation to the residents of the City of West Palm Beach. The Mayor's Renaissance Fund utilizes grant funds from both the State Housing Initiative Program (SHIP) and the HOME Investment Partnership Program (HOME), to provide interest and down payment assistance for first time homebuyers and housing rehabilitation assistance for properties within the City of West Palm Beach.

The guidelines for the use of these funds are outlined by the granting agencies and are more specifically described in the City's Mayor's Renaissance Fund First Time Homebuyer Program.

The Department of Economic and Community Development received a request from Charles Pikes, through his realtor, Trinette Hobbs, for down payment and closing cost assistance in the amount of \$41,250. The request for \$40,000 in down payment assistance and \$1,250 (2%) towards closing costs facilitates Mr. Pikes' purchase of unit A-41 Building #6 in Cross Creek Condominium located at 1500 N. Congress Avenue, West Palm Beach. The contract purchase price of the condominium is \$62,500.

While Mr. Pikes is an eligible applicant, the Department cannot go forward with his request, as the down payment assistance of \$40,000 represents 64% of the total purchase price of the condominium. According to the guidelines of the Mayor's Renaissance Fund, the maximum down payment assistance permitted is 33% of the total purchase price, or \$20,625 for this applicant. The City's assistance represents an interest free deferred payment loan and is second to the First Mortgage. The loan is forgiven on a pro-rata basis and fully forgiven after 10 years if the borrower maintains and occupies the property, and keeps current payments of the first mortgage, taxes, assessments, property insurance and association dues.

Mr. Pikes, through his realtor, Trinette Hobbs, is appealing the decision of the department and requesting a waiver of the guidelines of the Mayor's Renaissance Fund.

It was moved by Commissioner Exline, seconded by Commissioner Moss, [a] to approve the request of Charles Pikes for down payment and closing cost assistance in the amount of \$41,250; [b] to place two liens on the property, one for \$21,000 and the second for \$19,000; and [c] to require reimbursement to the City of the \$19,000 lien when the property is sold, subject to SHIP/HOME regulations; and thereupon it was voted as follows: Ayes: Commissioners Exline, Liberti, Mitchell, Moss and Robinson. Motion carried unanimously.

PUBLIC HEARING:

16. Public Hearing and First Reading of Ordinance No. 3805-04 - The Director of Public Utilities made a presentation and responded to Commission questions. Public comment: Michael Cleveland. It was moved by Commissioner Moss, seconded by Commissioner Liberti, to approve Public Hearing and First Reading of Ordinance No. 3805-04 adopting guidelines and procedures for the planning and installation of traffic calming measures; thereupon Ordinance No. 3805-04 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Exline, Liberti, Mitchell, Moss and Robinson. Motion carried unanimously.

17. Public Hearing and First Reading of Ordinance No. 3820-04 - It was moved by Commissioner Liberti, seconded by Commissioner Robinson, to approve Public Hearing and First Reading of Ordinance No. 3820-04 reorganizing the divisions with the Human Resources Department; thereupon Ordinance No. 3820-04 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Exline, Liberti, Mitchell, Moss and Robinson. Motion carried unanimously.

Resolution No. 535-04(F) amending the general fund budget to amend the full time equivalent (F.T.E) personnel detail for the Department of Human Resources and Resolution No. 556-04 amending the City's Salary Plan for FY 2004-05 to create the classification titles of Economic Development Specialist and Human Resources Information Systems Analyst; to change the classification title for Employment & HRIS Manager to Compensation and Employment Manager; to change the classification title of Benefits & Compensation Manager to HRIS and Benefits Manager; and to change the pay grade allocation for the job classification of Parking Systems Administrator. [To be heard at Second Reading.]

17A. Public Hearing and First Reading of Ordinance 3822-04 - It was moved by Commissioner Moss, seconded by Commissioner Liberti, to approve Public Hearing and First Reading of Ordinance 3822-04 providing the Mayor with the authority and discretion either to permit the conversion of annual leave in excess of the maximum accumulation to

earned personal leave, to extend the date by which annual leave in excess of the maximum accumulation shall be used, or to permit a pay-out of annual leave in excess of the maximum accumulation in the event the State of Florida declared a state of emergency covering the City during a calendar year; thereupon Ordinance 3822-04 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Exline, Liberti, Mitchell, Moss and Robinson. Motion carried unanimously.

ANNOUNCEMENT:

19. Announcement of Attorney-Client session regarding Charles Lewis v. City of West Palm Beach, Office of the Judge of Compensation Claims, State of Florida, OJCC Case No.: 91-002739WPB – The Deputy City Attorney stated that an attorney-client session will be conducted on Monday, November 29, 2004 at 10:00 a.m., or as soon thereafter, in Room 509, City Hall, City of West Palm Beach, 200 2nd Street, West Palm Beach, Florida 33401. Pursuant to Section 286.011(8), Florida Statutes, the attorney-client session will be private and only the following persons may attend the session: Mayor Lois J. Frankel, Commissioners Kimberly Mitchell, James Exline, Raymond Liberti, William Moss, and Isaac Robinson, Jr., City Administrator Ed Mitchell, City Attorney Claudia M. McKenna, Assistant City Attorney Joni Hamilton, and Michael Edwards, Esq.

OTHER BUSINESS:

- 19A. Forest Hill High School Parking – Commissioner Moss suggested that the City enter into an agreement to sell parking spaces to the high school and, in turn, be permitted to use those spaces during holidays and evenings. There was not a consensus among the Commissioners to sell City property. Commissioner Mitchell noted that the City has been accommodating to the high school and it appears that the issue is enforcement of traffic regulations to deter student parking in residential neighborhoods. The Mayor stated that the consultants for the golf course should be contacted for their recommendation. The City Administrator stated that the

matter would be placed on the agenda of the next regularly scheduled Commission meeting.

ADJOURNMENT:

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

APPROVED:

**_____
PRESIDING OFFICER**

ATTEST:

**_____
CITY CLERK**