

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
MARCH 24, 2008

The City Commission of the City of West Palm Beach met in regular session on Monday, March 24, 2008 at 3:04 p.m., at City Hall, with the following persons present:

Mayor Lois J. Frankel, President of the Commission William Moss, Commissioner Molly Douglas, Commissioner Kimberly Mitchell, Commissioner Geraldine Muoio, Commissioner Isaac Robinson, Jr., City Administrator Edward Mitchell, City Attorney Claudia McKenna, City Clerk Blane Kauthen and Deputy Clerk Lisa Hedge.

INVOCATION / PLEDGE OF ALLEGIANCE:

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

At this time the Mayor welcomed the newly appointed Assistant City Administrator Eduardo Balbis. Mr. Balbis introduced himself to the Commission.

ADDITIONS/DELETIONS/REORGANIZATION OF AGENDA:

City Administrator Edward Mitchell announced that [a] Resolution No. 172-08(F) was added to the Consent Calendar as item #23a; and [b] the Agenda incorrectly states that item #25 is a Public Hearing and Third Reading of Ordinance No. 4087-08, when it should read Ordinance No. 4120-08.

CONSENT CALENDAR:

Commissioner Mitchell asked that items #15 and #16 be pulled 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 February 25, 2008.
2. Resolution No. 165-08 delegating the duties of the City of West Palm Beach Canvassing Board to Arthur Anderson, the Palm Beach County Supervisor of Elections, for the Special Election of June 24, 2008 and, if necessary the July 8, 2008 Special Run-Off Election.

3. Resolution No. 110-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Tim Miller to produce the Miller Wedding Reception on Friday, April 4, 2008 from 4:30 p.m. to 8:30 p.m.
4. Resolution No. 111-08 authorizing a Special Event License Agreement between the City of West Palm Beach and Vanessa Vandersys to produce the Verkaik Wedding on Saturday, April 26, 2008 from 7:00 p.m. to 11:00 p.m.
5. Resolution No. 127-08 authorizing an Interlocal Agreement between the City of West Palm Beach and the Downtown Development Authority ("DDA") to produce the Super Clematis by Night event on Thursday, April 3, 2008; and Resolution No. 129-08(F) amending the Fiscal Year 2007/2008 General Fund budget to appropriate funding from the DDA for the Super Clematis by Night event.
6. Resolution No. 169-08 establishing a Limited Employee Voluntary Early Retirement Incentive Program.
7. Resolution No. 138-08 authorizing the execution of a collective bargaining agreement ("CBA") between the City of West Palm Beach and the West Palm Beach Association of Firefighters, IAFF, Local 727 for the Battalion Chief Unit, for the period of October 1, 2007, through September 30, 2008.
8. Resolution No. 141-08(F) authorizing the transfer of funds to provide repairs to City fire stations.
9. Resolution No. 123-08(F) amending the Stormwater Renewal and Replacement Fund budget for Fiscal Year 2007/2008 to provide funding for the replacement of one Streetsweeper.
10. Resolution No. 122-08(F) amending the Water and Sewer Renewal and Replacement Fund budget for Fiscal Year 2007/2008 to provide additional funding for the Water Treatment Plant Improvement Project.
11. Resolution No. 130-08(F) authorizing the transfer of funds for the emergency replacement of the pool pump filtration system at the Warren Hawkins Aquatic Center.
12. Resolution No. 136-08 authorizing the execution of a 2002 Recreation and Cultural Facility Bond Grant First Amendment to an Interlocal Agreement with Palm Beach County for a time extension for the completion of the Grassy Waters Preserve Phase 1 (Hog Island Trail) for eighteen months, or until April 18, 2009.

13. Resolution No. 105-08 authorizing the submittal of a Florida Recreational Trail Grant Application to the Florida Department of Environmental Protection (FDEP) requesting \$250,000 for trail improvements at Grassy Waters Preserve.
14. Resolution No. 102-08 authorizing the approval of a Grant Agreement with the Florida Department of Environmental Protection (FDEP) providing \$200,000 in funding for the Apoxee and Grassy Waters Preserve Bike and Hike Trail; and Resolution No. 126-08(F) recognizing the Grant and appropriating funds for the project.
17. Resolution No. 143-08 authorizing the Mayor to execute a License Agreement for the Antenna Site between the City and the Portofino South Condominium Association of West Palm Beach, Inc. for the installation of wireless radio equipment and antennas on the condominium roof top.
18. Resolution No. 144-08 approving and authorizing the Mayor to execute a Concession Agreement with Mohsien Abrar for a food concession area located in the Seaboard Railway Station.
19. Resolution No. 85-08(F) amending the Fiscal Year 2007/2008 Miscellaneous Trust Fund budget to authorize appropriations from the State and Justice Law Enforcement forfeiture receipts for law enforcement equipment and charitable contributions.
20. Resolution No. 12-08 approving an Interlocal Agreement with Palm Beach County and South Florida Water Management District (SFWMD) for construction of a County constructed Northlake Boulevard Loxahatchee Slough Restoration Project.
21. Resolution No. 96-08(F) providing budget detail within the Fleet Management Fund to replace three fuel containment systems (underground storage tanks for Diesel, Unleaded and Hydraulic fuel) at the City Complex.
22. Resolution No. 164-08 approving and authorizing the Mayor to execute an Agreement with the City of Hollywood, Florida for the loan of a Skywatch Mobile Surveillance Unit to the City for use by the West Palm Beach Police Department.
23. Resolution No. 156-08 authorizing the Planning Department to apply for a 2008 Transportation Enhancement Grant from the Florida Department of Transportation (FDOT) to construct streetscape improvements along Quadrille Boulevard.
- 23a. Resolution No. 172-08(F) appropriating funds for an independent Management Study of the Construction Services Department.

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

At this time Commissioner Muoio spoke on item #8 and the Mayor spoke on item #17.

CONSENT CALENDAR [CONTINUED]:

15. Resolution No. 137-08 – City Commons and Waterfront Project Manager Joan Goldberg responded to Commission questions. It was moved by Commissioner Mitchell, seconded by Commissioner Douglas, to adopt Resolution No. 137-08 requesting approval to submit a Grant Application to the Florida Inland Navigation District (FIND) requesting \$1,000,000 in funding for the construction of the Downtown Waterfront Park - Phase V; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

16. Resolution No. 120-08 and Resolution No. 140-08(F) – Commissioner Mitchell [a] recommended continuing this item for two weeks to allow staff time to work with Palm Beach County to determine whether the section of the water catchment area in question is a holding area; and [b] noted that some members of the public wished to make public comments on this item after 5:00 p.m. Palm Beach County Engineer George Webb and Director of Engineering Services Jonathan Bramley made presentations and responded to Commission questions. Public comments: George Singer and Justice Ira J. Raab. Environmental Resources Manager Patrick Painter responded to Commission questions. Commissioner Mitchell noted that she is on the underwriting team for Palm Beach County, but that she does not have a conflict of interest. The Mayor announced that without objection, Resolution No. 120-08 authorizing an Interlocal Agreement between the Board of County Commissioners, Palm Beach County and the City of West Palm Beach regarding the Jog Road Extension Project, and Resolution No. 140-08(F) recognizing the proceeds from the sale and easements, would be tabled until after 5:00 p.m.

At this time City Attorney Claudia McKenna, Engineering Director Jonathan Bramley, Environmental Resources Manager Patrick Painter, Deputy Executive Director of Water Resources Chip Merriam of the South Florida Water Management District and Palm Beach County Engineer George Webb responded to Commission questions regarding item #20.

RESOLUTIONS:

24. Resolution No. 161-08, Resolution No. 162-08 and Resolution No. 163-08 – Executive Director of the West Palm Beach Housing Authority Laurel Robinson made a presentation and responded to Commission questions. Francisco Rojo of Landmark Companies, City Attorney Claudia McKenna, Planning Director Charles Wu and Deputy Planning Director Angela Jones-Vann responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 161-08 authorizing the Mayor to sign a Local Government Verification of Contribution Grant Tax Credit Application form on behalf of the City of West Palm Beach Housing Authority verifying that the City can provide Grant Funding for improvements in the Dunbar Village Development for low income rental housing contingent upon the Housing Authority receiving the tax credits. The motion died due to the lack of a vote.

City Attorney Claudia McKenna suggested amending Resolution No. 161-08, Resolution No. 162-08 and Resolution No. 163-08 to authorize the local government contribution and to authorize the Mayor to sign fee waiver forms and grant forms that will bring the amount to the \$200,000 that is required for a local government in a county the size of Palm Beach County. Deputy Planning Director Angella Jones-Vann responded to Commission questions. Public comment: Michael Cleveland. After further discussion, the maker of the motion, along with the seconder, amended his motion as follows: It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 161-08, as amended by City Attorney Claudia McKenna, authorizing the Mayor to sign a Local Government Verification of Contribution Grant Tax Credit Application form on behalf of City of West Palm Beach Housing Authority verifying that the City can provide Grant Funding for improvements in the Dunbar Village Development for low income rental housing contingent upon the Housing Authority receiving the tax credits; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nays: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.

Resolution No. 162-08 – It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 162-08, as amended by City Attorney Claudia McKenna, authorizing the Mayor to sign a Local Government Verification of Contribution Grant Tax Credit Application form on behalf of City of West Palm Beach Housing Authority verifying that the City can provide Grant Funding for improvements in the Dunbar Village Development for low income senior housing contingent upon the Housing Authority receiving the tax credits;

and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nays: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.

Resolution No. 163-08 – It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 163-08, as amended by City Attorney Claudia McKenna, authorizing the Mayor to sign the Local Government Verification of Contribution Grant Tax Credit Application form on behalf of the City for the West Palm Beach Housing Authority committing the City to funding improvements in the Southridge Development for low income senior housing contingent upon the Housing Authority receiving the tax credits; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

[The meeting was recessed at 5:28 p.m. and reconvened at 5:41 p.m.]

**REORDERED AGENDA:
CONSENT CALENDAR [CONTINUED]:**

16. Resolution No. 120-08 and Resolution No. 140-08(F) [Note: This item was also discussed earlier in the meeting] – Public comments: Pamela Minke and Palm Beach County Engineer George Webb. The Mayor announced that without objection, Resolution No. 120-08 authorizing an Interlocal Agreement between the Board of County Commissioners, Palm Beach County and the City of West Palm Beach regarding the Jog Road Extension Project; and Resolution No. 140-08(F) recognizing the proceeds from the sale and easements, would be continued for two weeks.

**REORDERED AGENDA:
PUBLIC HEARING:**

26. Public Hearing and Second Reading of Ordinance No. 4122-08 – It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Ordinance No. 4122-08 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 the alley between 7th Street and 8th Street to a one-way eastbound traffic, between Division Street and North Sapodilla Avenue; thereupon

Ordinance No. 4122-08 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.

**REORDERED AGENDA:
PRESENTATIONS AND AWARDS OF MERIT:**

29. Presentation of a Comprehensive Planning Overview and new requirements that the Department of Community Affairs is requiring in reference to the City's Water Supply – Deputy Executive Director of Water Resources Chip Merriam of the South Florida Water Management District [a] made a presentation regarding what should be done to create a comprehensive plan for the City's water supply; [b] stated that the Department of Community Affairs' requirements have to be met by an August 2008 deadline; and [c] responded to Commission questions. Planning Director Charles Wu and Assistant City Administrator Eduardo Balbis responded to Commission questions.

**REORDERED AGENDA:
PUBLIC HEARING:**

28. Public Hearing and First Reading of Ordinance No. 4119-08 – Planner Bobby Powell, Jr. made a presentation and responded to Commission questions. Public comment: John W. Stroman. It was moved by Commissioner Douglas, seconded by Commissioner Robinson, to approve Ordinance No. 4119-08 a City-initiated request for a text amendment to Chapter 94 of the City's Code of Ordinances (Zoning and Land Development Regulations) to permit uses that are allowed by right in the Neighborhood Commercial (NC) zoning district to be established in existing commercial buildings that are located north of Palm Beach Lakes Boulevard, south of 15th Street, east of Tamarind Avenue, and west of Henrietta Avenue, with the approval of a Class B Special Use Permit by the Zoning Board of Appeals (ZBA); thereupon Ordinance No. 4119-08 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.

**REORDERED AGENDA:
PRESENTATIONS AND AWARDS OF MERIT [CONTINUED]:**

30. Presentation and Resolution No. 117-08(F) – Parking Systems Administrator Sue Olley made a presentation. Program Director of Vita Nova of Renaissance Village, LLC Jeff DeMario

made a presentation and accepted the donation check with thanks. It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt Resolution No. 117-08(F) amending the Fiscal Year 2007/2008 General Fund budget to recognize Parking Meter donation revenue for Presidents' Day, February 18, 2008, and appropriating said funds for a donation to Vita Nova of Renaissance Village; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

31. Presentation and Resolution No. 87-08 – Director of Engineering Services Jonathan Bramley made a presentation and responded to Commission questions. Executive Director of Grassy Waters Preserve, Inc. Bob Nichols responded to Commission questions.

[The Mayor left the meeting at 6:28 p.m.
and returned at 6:31 p.m.]

It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Resolution No. 87-08 authorizing and approving the "Face of the City" for the Grassy Waters Pavilion; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson; Nays: Commissioner Mitchell. Motion therefore carried with a vote of four in favor and one opposed.

PUBLIC HEARING [CONTINUED]:

25. Public Hearing and Third Reading of Ordinance No. 4120-08 – Public comment: Roger Gaskins, Anna Ziegler, Gail Levine and Michael Cleveland. It was moved by Commissioner Robinson, seconded by Commissioner Mitchell, to approve Ordinance No. 4120-08, amended to 4:00 p.m., amending Chapter 2 (Administration) of the Code of Ordinances of the City of West Palm Beach to change the meeting time of Regular and Special City Commission Meetings; thereupon Ordinance No. 4120-08 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 Muoio asked that a discussion regarding the order of the Agenda be discussed at the next Mayor/Commission Work Session.

27. Public Hearing and First Reading of Ordinance No. 4129-08 – Public comments: Rebecca Henderson Young and Greg Weiss. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to approve Ordinance No. 4129-08 calling for a Special Election for the District 3 City Commission seat to be held on June 24, 2008, setting the qualifying period for

such Special Election as April 8 through April 22, 2008 and fixing the dates for campaign reporting for candidates; thereupon Ordinance No. 4129-08 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 FROM THE PUBLIC FOR NON-AGENDA ITEMS:

Esther Lopez asked for help in putting an end to the vandalizing of her property by students of Forest Hill High School. Roger Gaskins urged the City to help move the plans forward for a new parking lot at Forest Hill High School. Rick Rose announced that the 13th Annual Historic Home Tour in the Historic Grandview Heights Neighborhood will be held on Sunday, March 30, 2008 from 3:00 p.m. to 7:00 p.m. Rebecca Henderson Young stated that Commissioner Mitchell was a bond underwriter for the expansion of Palm Beach International Airport. Michael Cleveland [a] thanked the CRA Board for reappointing him to the CRA Advisory Board; [b] spoke about the elections; [c] stated that the bulbouts and the traffic calming measures being used in Districts 1 and 2 need to be attended to; [d] expressed his concern regarding the safety of the trellises in Currie Park; [e] spoke about the use of English in the United States; [f] asked that CRA funds be used for improvements at Evergreen Cemetery; [g] spoke about rodents he spotted at a recycling center near 25th and 26th Street and Tamarind Avenue; [h] asked that a high rise oak tree not be planted in front of 418 20th Street; and [i] spoke about water restriction charges on water bills.

COMMENTS BY THE CITY COMMISSIONERS:

Commissioner Mitchell [a] suggested that the next cars that the City purchase be Smart Cars; [b] suggested that the Commission reevaluate the policy regarding charging large office buildings for using water that is not discharged back into the sewer system; and [c] clarified that the underwriting team that her firm was involved in was for a parking garage and not for any other airport expansions.

Commissioner Robinson [a] spoke about the National League of Cities' Congressional Cities Conference that he recently attended; [b] iterated the importance of being fiscally responsible in light of the coming budget cuts; [c] noted that funding needs to be restored for a number of projects in the City; [d] spoke about the inclusion of the Coleman Park Neighborhood Association in new law enforcement initiatives; [e]

spoke about the proposed berm for the State Road 7 road connector; and [f] expressed his opposition of Palm Beach County's proposed widening of Australian Avenue from Banyan Boulevard to 45th Street.

Commissioner Muoio [a] stated that the residents of the Baywinds Neighborhood have decided to use the funding for plantings rather than a berm along the State Road 7 road connector; [b] suggested that photographs that were taken of the new State Road 7 connector be shown on WPBTV Channel 18; [c] spoke about the newly appointed City Green Task Force; and [d] congratulated Palm Beach County for the opening of its Historic Courthouse.

Commissioner Douglas [a] thanked all those who responded to the questionnaire that she sent out; [b] asked that the devisiveness that the City experienced during the campaign period be put to rest; and [c] asked that the former Checkers located at Palm Beach Lakes Boulevard and Dixie Highway be allowed to remain boarded and secured.

Commissioner Moss [a] announced that the South Olive Park athletic field will open soon; [b] asked for an update regarding the comprehensive permitting plan for various City parks; [c] suggested that the City Green Task Force crack down on local businesses that do not recycle; [d] spoke about a recent meeting regarding the Southern Boulevard Bridge; [e] asked that the designers of the Southern Boulevard Bridge be invited to meet with the Commission; and [f] expressed his concern regarding the Florida Department of Transportation's (FDOT) pursuit of constructing a railroad through the downtown.

At this time Planning Director Charles Wu responded to Commissioner Moss' questions.

Commissioner Muoio announced that the widening of Okeechobee Boulevard will begin April 15, 2008 and will take approximately two years to be completed.

COMMENTS BY THE MAYOR:

The Mayor [a] stated that a measurement of the gas, electricity and water that the entire City uses will be conducted in order to determine the City's carbon footprint; [b] announced that crime in the City has decreased for the third month in a row at a rate of 30%; [c] noted that the Swearing in Ceremony for the newly re-elected Commissioners will be held on Thursday, March 27, 2008 at 2:45 p.m.; [d] stated that the City is working with the FDOT to resolve the issue of the dangerous Okeechobee Boulevard and Flagler Drive intersection; [e] announced that the

Housing Expo event will be held on March 29, 2008 at the Palm Beach County Convention Center; [f] announced that she will be participating in the “Dancing for the Stars” dancing competition fundraiser to be held at the Kravis Center on Sunday, April 6, 2008; [g] announced that she and Commissioner Douglas attended the groundbreaking ceremony for the Center for Creative Education; [h] announced that the Sunfest event will begin April 30, 2008; [i] announced that she attended the opening ceremony of the Bob Mitchell Senior Baseball Program at Gaines Park; [j] noted that the Urban League of Palm Beach County’s Equal Opportunity Day Awards Gala, the Greek Orthodox Church’s Independence Day celebration and the Irish Fest event were all held during the same weekend; [k] announced that “Prevent Youth Violence” artwork created by teens from Youth Empowerment Centers in Palm Beach County is being displayed at bus stops around the City; [l] spoke about a job fair that was held for teens at Gaines Park the previous weekend; [m] spoke about the Easter egg hunt events that were held at parks around the City; and [n] announced that the Palm Beach Boat Show will be held on Thursday through Sunday, March 27 through April 3, 2008.

At this time Commissioner Douglas spoke about an induction ceremony for six new firefighters that she and the Mayor attended.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:56 p.m.

APPROVED:

PRESIDING OFFICER

ATTEST:

CITY CLERK