

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
FEBRUARY 23, 2009

The City Commission of the City of West Palm Beach met in regular session on Monday, February 23, 2009 at 4:16 p.m., at City Hall, with the following persons present:

Mayor Lois J. Frankel, Commissioner Molly Douglas, Commissioner Kimberly Mitchell [arrived at 5:00 p.m. and left at 7:20 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.]; Absent: President of the Commission Geraldine Muoio.

INVOCATION / PLEDGE OF ALLEGIANCE:

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

PRESENTATIONS AND AWARDS OF MERIT:

1. **Presentation and Resolution No. 64-09 – Director of Engineering Services Jonathan Bramley made a presentation and responded to Commission questions. Assistant Director of Parks and Recreation Leah Rockwell responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Resolution No. 64-09 approving the "Face of the City" design features presented to the City Commission for the proposed Phipps Park Renovations Project; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Robinson; Absent: Commissioners Mitchell and Muoio. Motion therefore carried unanimously.**

2. **Presentation and Resolution No. 63-09 – Director of Engineering Services Jonathan Bramley made a presentation and responded to Commission questions. Assistant Director of Parks and Recreation Leah Rockwell and Director of Parks and Recreation Christine Thrower responded to Commission questions. Commissioner Robinson [a] noted that the second page of Resolution No. 63-09 mistakenly lists Commissioner Moss and not Commissioner Muoio as the President of the Commission on December 12, 2008; and [b] asked that the error be corrected. The Mayor [a] asked that any potential changes to the project be brought before the impacted communities; and [b] suggested that the RFP be issued in the next two weeks. It was moved by Commissioner Douglas, seconded by Commissioner Robinson, to continue Resolution No. 63-09 approving**

the "Face of the City" design features presented to the City Commission for the proposed Currie Park Renovations Project; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Robinson; Absent: Commissioners Mitchell and Muoio. Motion therefore carried unanimously.

3. Proclamation proclaiming the month of March as Bicycling Month – Raphael Clemente of the Downtown Development Authority [a] thanked the Mayor for the proclamation; and [b] made a presentation. President of Jack the Bike Man, Inc. Jack Hairston made a presentation and responded to Commission questions. The Mayor declared the month of March as Bicycling Month.

CONSENT CALENDAR:

Public comment: David London spoke on item #7. It was the consensus of the Commission to discuss David London's suggestion of banning smoking in the City Center courtyard at the March 2, 2009 Mayor/Commission Work Session. It was moved by Commissioner Douglas, seconded by Commissioner Robinson, to approve the following Consent Calendar:

5. Minutes of the Regular City Commission Meeting of January 26, 2009.
6. Resolution No. 52-09(F) authorizing the closing of two (no longer needed) designated donation fund accounts solicited by the Vickers House for specific programs which have ended; and re-distributing funds to the Vickers House Homeward Bound Program.
7. Resolution No. 57-09 supporting the establishment of a Community of Wellness in Palm Beach County and the City of West Palm Beach, Florida.
8. Resolution No. 47-09(F) authorizing the transfer of City funds for various maintenance and repair projects for Fire Rescue Department facilities.
9. Resolution No. 43-09 authorizing the acceptance of grant funding for two projects in the amounts of \$38,142.00 and \$10,970.00 from the Palm Beach County Division of Emergency Management's EMS Grant Award Program; and Resolution No. 38-09(F) amending the General Fund budget for receipt of the grant funds.
10. Resolution No. 24-09 authorizing the execution of a Joint Participation Agreement between Palm Beach County and the City of West Palm Beach for installation of two (2) flashing school zone speed limit signs on South Olive Avenue, within the vicinity of South Olive Elementary School.

11. Resolution No. 66-09 authorizing the retention of property insurance coverage for policy year March 1, 2009 to February 29, 2010 recommended by the City's property/casualty insurance broker, Arthur J. Gallagher Company, with established minimum limits.
12. Resolution No. 28-09 authorizing the Mayor to accept the conveyance of 5 residential properties from Palm Beach County and to execute all documents necessary to accept the properties and use them in a City approved housing program.
13. Resolution No. 78-09 requesting approval for the sale, consumption and possession of alcoholic and non-alcoholic beverages at the 5th Annual Firehouse Chili Cook-off to be hosted by the City of West Palm Beach Fire Rescue Department on February 28, 2009 at Centennial Square; and rescinding Resolution No. 20-09.
14. Resolution No. 84-09 authorizing the Mayor to approve the submittal of an application to the Federal Emergency Management Agency (FEMA) of the U.S. Department of Homeland Security for a Fiscal Year 2008 Fire Prevention and Safety Grant in the amount of \$35,600.00 through the Department of Homeland Security for the purchase of a fire safety house trailer.

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

PUBLIC HEARING:

15. Public Hearing and Second Reading of Ordinance No. 4198-09 – Engineering Services Construction Supervisor Brian Moree [a] made a presentation of minor text changes that were made to the Ordinance following a meeting with AT&T of Florida; and [b] responded to Commission questions. City Attorney Claudia McKenna responded to Commission questions. The Mayor asked that changes made after first reading be brought up at Agenda Review to allow the City Attorney time to form a legal opinion. The Mayor announced that without objection, Ordinance No. 4198-09 revising Chapter 78 of the Code of Ordinances regarding permits for construction and use of streets, sidewalks and other City rights-of-way would be continued for two weeks.

PUBLIC HEARING - QUASI-JUDICIAL:

-SWEARING IN OF WITNESSES

The City Clerk swore in all those persons having an interest in item #16.

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

Commissioner Douglas stated that she [a] had had no ex-parte communication regarding item #16; and [b] would base her decision on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had no ex-parte communication regarding item #16; and [b] would base his decision on the evidence and testimony to be presented.

Commissioner Robinson stated that he [a] had had no ex-parte communication regarding item #16; and [b] would base his decision on the evidence and testimony to be presented.

16. Resolution 44-09 – Senior Planner John Roach made a presentation and responded to Commission questions. It was moved by Commissioner Douglas, seconded by Commissioner Robinson, to adopt Resolution No. 44-09 a request by William H. Sned, Jr., Esquire, of Sned & Tucker, on behalf of Mark A. Marcello, for a Class A Special Use Permit to construct a 70 foot long dock accessory to a single family residence located at 5009 South Flagler Drive; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Robinson; Absent: Commissioners Mitchell and Muoio. Motion therefore carried unanimously.

REORDERED AGENDA:

PRESENTATIONS AND AWARDS OF MERIT [CONTINUED]:

4. Proclamation to Myron Rolle for his outstanding achievements and selection as a Rhodes Scholar – Commissioner Mitchell [a] introduced Myron Rolle; [b] presented a video regarding his achievements; [c] read the proclamation into the record; and [d] introduced Attorney Steven Johnson. Myron Rolle [a] thanked his Kappa Alpha Psi Fraternity brothers, the Florida State University supporters who were present and Commissioner Mitchell for her efforts in recognizing him and his brother for their achievements; and [b] made a presentation. Attorney Steven Johnson, representing the City of Miami and the Kappa Alpha Psi Fraternity read into the record a proclamation from the City of Miami. Public comments: Member of the Board of Directors of the Palm Beach County Seminole Club Bill Golson and Moses B. Stubbs of the West Palm Beach Alumni Chapter of Kappa Alpha Psi Fraternity. Commissioner Robinson commended Myron Rolle and the members of Kappa Alpha Psi Fraternity. The Mayor presented Myron Rolle the book Pioneers in Paradise.

**REORDERED AGENDA:
PUBLIC COMMENTS:**

Roger Gaskins [a] apologized for his religious comments at the previous City Commission Meeting; [b] stated that he will say “under the Constitution” in lieu of “under God” during the Pledge of Allegiance; and [c] stated that after contacting the Sanitation Division, he has still not received one of the new garbage cans that were provided to the rest of his neighborhood. President of the Northwood Hills Neighborhood Association David James, Vice President of the Northwood Hills Neighborhood Association John Sperry and Co-Chair of the Legends of the Past historic home tour Brenda Kenny thanked various members of City Staff and local businesses for their support of the home tour that was held on February 8, 2009. David London spoke about [a] smoking on public transportation; and [b] Martin Luther King, Jr.’s guaranteed income theory. Michael Cleveland [a] inquired as to who is fiscally responsible for the clean up after events are held downtown; [b] expressed his opinions regarding the Merry Place and City Center projects; [c] stated that he was very instrumental in a 25 year agreement regarding Blum Park and would not like to see any more activity there until the agreement expires; [c] expressed his opinions regarding politicians; and [d] stated that he received a new garbage can, but does not wish to keep it on his property.

PUBLIC HEARING - QUASI-JUDICIAL [CONTINUED]:

-SWEARING IN OF WITNESSES

The City Clerk swore in all those persons having an interest in item #17.

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

Commissioner Douglas stated that she [a] had had ex-parte communications with citizens throughout the City, staff and interested parties regarding item #17; [b] disclosed that as a realtor she has two listings on Monceaux Road, but had not had communications with the owners; and [c] would base her decision on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had ex-parte communications with residents, concerned citizens and staff regarding item #17; and [b] would base his decision on the evidence and testimony to be presented.

Commissioner Mitchell stated that she [a] had had ex-parte communications with residents and staff regarding item #17; and [b] would base her decision on the evidence and testimony to be presented.

Commissioner Robinson stated that he [a] had had ex-parte communications by receiving memos and letters and had spoken with staff regarding item #17; and [b] would base his decision on the evidence and testimony to be presented.

17. Public Hearing and First Reading of Ordinance No. 4201-09 – Historic Preservation Planner Friederike Mittner [a] made a presentation; [b] noted that the next Historic Preservation Board Meeting will be held in April because the meeting in March was cancelled due to the move to the new City Hall; and [c] responded to Commission questions. City Attorney Claudia McKenna responded to Commission questions. Public comments: Rhonda Grammer, Toni Howard, Jerry Higgins, Tom Sawyer, Marilyn Daenzer, Eduardo Arcentales, Rob Walton, Marion Holloway, Libby Royer, Ron Byrnes, Chris Swindle, Rebecca Walton, Ted Ward of the Historic Preservation Board, Johnny Kane, Lory Volk and Rebecca Young of the Historic Preservation Board. The Mayor [a] suggested that staff send letters by certified and regular mail to the 76 properties that are proposed for change in the existing district and all properties in the proposed amendment; and [b] asked for a map that better depicts the locations of the homes that the owners would like to have designated historic, relative to the homes that have already been historically designated. It was the consensus of the Commission to follow The Mayor’s recommendation regarding notifying the property owners. The Mayor announced that without objection, [a] Ordinance No. 4201-09 re-designating the Prospect Park/Southland Park on the Local Register of Historic Places to recognize the change in status of 76 properties from non-contributing to contributing, and amending the district boundaries to include Avila and Monceaux Roads, by adding an additional 31 contributing properties out of 44 parcels, would be continued to a City Commission Meeting in April.

COMMENTS BY THE COMMISSIONERS:

Commissioner Robinson [a] asked that staff address the concerns he has received from residents regarding the easement on 13th Street from Australian Avenue to Mangonia Circle; [b] spoke about a letter he received regarding the proposed change to a Palm Tran bus route; and [c] stated that residents on 39th Street and Pinehurst Drive informed him that they have not seen any movement on the traffic calming project that they were told would be completed by March 31, 2009.

[Commissioner Mitchell left the meeting at 7:20 p.m.]

Commissioner Moss [a] announced that Antique Row has asked the Commissioners to each pledge \$250 to support their event; [b] noted that he had already agreed to pledge; [c] announced that the opening of the Little League at Phipps Park marked the fiftieth year for the

League; and [d] asked that everyone keep Commissioner Muoio's family in their thoughts for her gravely ill mother. City Administrator Edward Mitchell responded to Commission questions regarding the pledges for Antique Row.

Commissioner Douglas [a] announced that an event celebrating seven years of the Sunset Grill restaurant was held the previous week; [b] spoke about the recently held grand opening event for the Northwood Don Ramon's Restaurant; [c] spoke about the Providencia Park Neighborhood's Progressive Dinner event that she had attended; [d] announced that a new public parking garage has been opened at City Center; and [e] announced that the Salvation Amy is asking for donations for their program that allows high school students in need to take a bus trip to tour colleges.

COMMENTS BY THE MAYOR:

The Mayor [a] announced that the City's first e⁴ Sustainability Summit will be held at the Harriet Himmel Theater on Wednesday, February 25, 2009, from 10:00 a.m. to 5:00 p.m.; [b] announced that she was one of seventy mayors from across the country who met with President Barack Obama, Vice President Joseph Biden and five cabinet members at the White House on Friday, February 20, 2009; and [c] spoke about what was discussed at the White House.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:30 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.**