

**CITY OF WEST PALM BEACH**  
**OFFICE OF THE CITY CLERK**  
**REGULAR CITY COMMISSION MEETING**  
**JUNE 2, 2008**

The City Commission of the City of West Palm Beach met in regular session on Monday, June 2, 2008 at 4:06 p.m., at City Hall, with the following persons present:

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

**INVOCATION / PLEDGE OF ALLEGIANCE:**

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

**ADDITIONS/DELETIONS/REORGANIZATION OF AGENDA:**

City Administrator Edward Mitchell requested that item #7, Resolution No. 262-08, be continued for two weeks. The Mayor stated, and hearing no objections, moved to continue for two weeks Resolution No. 262-08 approving an Interlocal Agreement with Palm Beach County related to Reclaimed Water Service. City Administrator Edward Mitchell requested that item #16, Resolution No. 248-08, be moved to the CRA agenda and discussed at the next CRA Board meeting. The Mayor stated, and hearing no objections, moved Resolution No. 248-08 authorizing an Interlocal Agreement between the City and the CRA for funding of certain improvements to the premises for the Photographic Center to the next CRA Board Meeting Agenda.

**CONSENT CALENDAR:**

Commissioner Robinson requested that item #10 be pulled from the Consent Calendar for discussion. Commissioner Moss and City Clerk Blane Kauthen spoke on item #2. It was moved by Commissioner Moss, seconded by Commissioner Muoio, to approve the following Consent Calendar:

1. Minutes of the Regular City Commission Meeting held May 5, 2008.
2. Resolution No. 235-08(F) providing appropriations of \$85,000 from contingency for the special election to be held June 24, 2008.

3. Resolution No. 218-08(F) amending the personnel detail of the Water and Sewer Operating Fund budget for FY 2007/2008 by reallocating one position of Waste Water Plant Operator to Lead Waste Water Plant Operator.
4. Resolution No. 222-08 authorizing the execution of Amendment No. 2 to the Agreement for Consulting Services between the City of West Palm Beach and David Cates ("Consultant").
5. Resolution No. 241-08 authorizing the Mayor to execute a First Amendment to a Car Rental/Lease Agreement between the City of West Palm Beach and Enterprise Leasing Company for the rental/lease of ten (10) vehicles for a period of twelve (12) months to be used by police personnel acting in an undercover capacity; and Resolution No. 250-08(F) providing appropriations from Federal Law Enforcement Forfeiture Receipts.
6. Resolution No. 236-08 authorizing the Mayor to approve Change Order No. 1 to the Construction Contract with West Construction, Inc. in the amount of \$34,404.89.
8. Resolution No. 252-08 authorizing approval of an Amendment to a Grant Agreement, Agreement LP6052, between the City and the Department of Environmental Protection providing for an extension of time to the City for the Loxahatchee Slough Pump Station Project.
9. Resolution No. 263-08(F) transferring \$300,000 to the legal services detail in the City Attorney's budget.

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

**CONSENT CALENDAR [CONTINUED]:**

10. Resolution No. 266-08 – Commissioner Robinson expressed his concern regarding the work of this project stopping at Banyan Boulevard and not including the section of 3<sup>rd</sup> Street. Urban Designer Amy Stelly and Deputy Redevelopment Manager Brenda Kelley responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt Resolution No. 266-08 authorizing the Planning Department to apply for an FDOT District 4 Discretionary Programs Grant to encourage public transportation and modal development along Quadrille Boulevard; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Muoio; Nays: Commissioner Robinson. Motion therefore carried with a vote of three in favor and one opposed.

**RESOLUTIONS:**

11. Resolution No. 265-08 – Finance Director Randy Sherman [a] requested authorization to mail the official statement next week in order to close the bonds by July 1, 2008; [b] stated that he will bring back additional information at the next scheduled City Commission meeting on June 16, 2008; and [c] responded to Commission questions. Commissioner Robinson requested to know the costs to the City for issuing bonds and how they are allocated. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 265-08 authorizing the form of and authorizing the distribution of the Preliminary Official Statement for the Utility System Revenue Refunding Bonds, Series 2008A and Utility System Revenue Bonds, Series 2008B and authorizing the Mayor and others to take all necessary actions; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

At this time the Mayor announced that a special guest Mr. Alex Wong was present. Mr. Wong stated that he [a] is visiting from Beijing; [b] works for the Chinese Security Regulatory Commission; and [c] is here to research the American judicial system. Commissioner Moss offered his condolences for all the victims and families of the Chinese earthquake.

**PUBLIC HEARING:**

12. Public Hearing and Second Reading of Ordinance No. 4139-08 – Historic Preservation Planner Friederike Mittner stated for the record the addresses that are changing in status from non-contributing to contributing: 185 Almeria; 253 Barcelona; 274 Barcelona; 296 Barcelona; 211 Belmont; 215 Belmont; 218 Belmont; 224 Belmont; 212 Dyer; 310 Cordoba; 269 Flamingo; 307 Grenada; 320 Grenada; 2221 South Flagler; 2737 South Flagler; 2745 South Flagler; 2751 South Flagler; 2217 South Olive; 194 Sunset; 324 Sunset; 224 Valencia; and 316 Valencia. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt Ordinance No. 4139-08 to redesignate El Cid Historic District on the West Palm Beach Local Register of Historic Places to recognize the change in status of 22 structures from non-contributing to contributing. The El Cid Historic District is generally bounded by Flamingo Drive on the north, Dyer Road on the south, South Flagler Drive on the east, and South Dixie Highway on the west; thereupon Ordinance No. 4139-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Muoio; Nays: Commissioner Robinson. Motion therefore carried with a vote of three in favor and one opposed.

13. Public Hearing and First Reading of Ordinance No. 4141-08 – Deputy City Attorney Nancy Urcheck [a] stated that the Ordinance sets the procedure for the assessment process and it does not impose an assessment; [b] outlined the schedule for the assessment process; and [b] responded to Commission questions. Commissioner Moss noted that The Cultural Council would like notice of the public hearing. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to approve Ordinance No. 4141-08 authorizing the imposition and collection of a Fire Service Special Assessment against properties within the City and providing a method of collection; thereupon Ordinance No. 4141-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.
14. Public Hearing and First Reading of Ordinance No. 4149-08 – City Attorney Claudia McKenna responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to approve Ordinance No. 4149-08 amending Chapter 2 of the City Code to reestablish the provision relating to instances in which ordinances, resolutions and motions are required or permitted; thereupon Ordinance No. 4149-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.
15. Public Hearing and First Reading of Ordinance No. 4150-08 – City Attorney responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve Ordinance No. 4150-08 amending the City Charter relative to repeal of legislative resolutions; providing for a municipal election to be held on November 4, 2008 to approve or reject the amendment; thereupon Ordinance No. 4150-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.
16. Public Hearing of Resolution No. 247-08 – Assistant City Attorney Suzanne Payson [a] stated that there are two changes in the lease which is part of Ordinance No. 4144-08 which removes all references to attend an improvement allowance as set forth in section 2C-2 and section 5 of the work letter as attached as Exhibit G; [b] made a presentation; and [c] responded to Commission questions. Public comments: Bill Nix, Palm Beach County Cultural Council, Dan Barnett, Robert Stolpe, Chuck Elderd, Palm Beach County Film Commissioner, Cheryl Maeder, Rick Rose, Harrison Funk, Gary Schweikhart, Palm Beach Photographic Board member, Harold Silverman, Cynthia Silverman, Laura Gonzalez, Carol Cohen, Roy Assad, Gail de Monet, Barbara Chevallard, William Stanko and Ray Buza, Palm Beach County Photographic Center Board of

Directors member. Commissioner Muoio [a] disclosed that she owns a small enterprise and one of the board members of the Photographic Center has done business with her enterprise; and [b] stated that it will not affect her vote. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Resolution No. 247-08 declaring a portion of City Center surplus and authorizing negotiations of a long term lease with the Palm Beach Photographic Center; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Public Hearing and First Reading of Ordinance No. 4144-08 –It was moved by Commissioner Moss, seconded by Commissioner Douglas, to approve Ordinance No. 4144-08 authorizing the Mayor to execute a Lease Agreement with the Palm Beach Photographic Center; thereupon Ordinance No. 4144-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Resolution No. 248-08 – As previously stated under Additions/Deletions/Reorganization of the Agenda, this item was placed on the CRA Agenda for the next scheduled CRA meeting.

**REORDERED AGENDA:**

**PRESENTATION AND AWARDS OF MERIT:**

19. Recognition of the Leadership of West Palm Beach 2008 Graduating Class – Community Leader of the Year Jack Frost introduced David Baker. Mr. Baker [a] introduced Wendy Link and Jim Carman; and [b] made a presentation. The Mayor distributed certificates to the ninth graduating class members. Public Comments: Allison Young and Keith Gerden.

**REORDERED AGENDA:**

**PUBLIC HEARING - QUASI-JUDICIAL:**

**-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 Muoio stated that she [a] had had no additional ex-parte communication regarding item #17; and [b] would base her decision on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had no additional ex-parte communication regarding item #17; and [b] would base his decision on the evidence and testimony to be presented.

Commissioner Douglas stated that she [a] had had no additional ex-parte communication 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 no additional ex-parte communication regarding item #17; and [b] would base his decision on the evidence and testimony to be presented.

17. Public Hearing and Second Reading of Ordinance No. 4134-08 – Senior Planner John Roach stated that the only change was the change made at first reading. It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to adopt Ordinance No. 4134-08 a request by Timothy Stillings, of Kimley-Horn and Associates, Inc., on behalf of Dayton Hudson Corp./Target Corp., for a rezoning of approximately 0.79 acres, located along Palm Beach Lakes Boulevard, approximately 450 feet west of Congress Avenue, from General Commercial (GC) to Commercial Planned Development (CPD); thereupon Ordinance No. 4134-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

Public Hearing and Second Reading of Ordinance No. 4135-08 –

[The Mayor left the meeting at 5:30 p.m.]

It was moved by Commissioner Robinson, seconded by Commissioner Moss, to adopt Ordinance No. 4135-08 a companion request for a Major Amendment to the Target Commercial Planned Development (CPD), located at 1760 Palm Beach Lakes Boulevard, to expand the boundaries of the CPD to include an approximately 0.79 acre parcel, located along Palm Beach Lakes Boulevard, approximately 450 feet west of Congress Avenue; thereupon Ordinance No. 4135-08 was read into the record by title; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

18. Public Hearing of Resolution No. 133-08 – It was moved by Commissioner Moss, seconded by Commissioner Douglas, to continue to the July 14, 2008 City Commission Meeting Resolution No. 133-08 regarding a Level III Site Plan approval of the Opera Place project which will include a 270 rooms hotel, 306 condominiums, 386,223 square feet of office space, 54,674 square feet of retail space and 1,524 parking spaces divided into two parking garages. The project is located between Lakeview Avenue and Iris Street, Quadrille Boulevard and Dixie Highway;

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

**COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:**

**Paulette Burdick, Vice Chair of Palm Beach County School Board, [a] announced the top academic High Schools according to Newsweek; [b] thanked the City for their support of student achievement; [c] thanked the volunteers and businesses that provide guidance and support; [d] spoke about the graduation rate; and [e] encouraged citizens to drive safely while the students are out for the summer. Roger Gaskins spoke about [a] the Forrest Hill and Parker Ridge High Schools parking lots; [b] paper ballots; [c] code enforcement issues; and [d] the National Democratic Party.**

**[The Mayor returned to the meeting at 5:45 p.m.]**

**Mary Margaret Mahon spoke on items #13 and #16. Martin Waterman spoke about a project for The Waterview Towers Condo located at 400 N. Flagler Drive. Gail Levine [a] gave accolades to the Vickers House regarding the homeward bound program; and [b] encouraged the south end residents to attend the Nuisance Abatement meeting to be held Thursday, June 12, 2008. Howard Pincus, Vice President of the West Palm Beach Downtown Neighborhood Association, [a] encouraged residents to attend a candidate forum for the District Three race at the Chamber of Commerce to be held June 3, 2008 at 6:00 p.m.; and [b] noted that the Downtown Neighborhood Association has a membership campaign for residents to join the Association for only \$10 per year. Rebecca Young announced that The Palm Beach County Commission will be discussing the ad valorem tax exemptions on historic properties at their County Commission meeting tomorrow at 9:00 a.m. and encouraged those interested to attend.**

**COMMENTS BY THE CITY COMMISSIONERS:**

**Commissioner Robinson [a] expressed his concern that there are still residents that have damage to their roofs from the previous hurricanes; [b] stated he will submit the list of addresses of residents to administration; and [c] spoke about funding in the un-reserve and un-designated fund and the emergency fund.**

**Commissioner Douglas [a] announced that the decision to delay the construction services fee will be until the completion of the Matrix Consulting study; [b] announced that the Boys and Girls Club was recognized as one of the best out of all the Boys and Girls Clubs and received the 2008 honors award; [c] noted that**

the Salvation Army still has openings in their summer camp program and noted there is tuition assistance; [d] stated that she attended the legislative recap presented by Gunster and Yoakley at the new museum and encouraged Northwood Village Business Association meeting regarding revitalizing the business in downtown Northwood; [f] stated everyone to see the facility; [e] noted that she attended the that she met with the golf course architects that will be building a golf course and replicating it to its historical significance; [g] stated that she met with leaders from the Realtors Association and noted they have pledged their expertise in working towards economic vitality; [h] requested staff enforce the noise ordinance; and [i] stated she received a letter from David Ortlieb regarding Palm City Transfer and requested that the issue of disappearing metal be addressed.

Commissioner Moss [a] stated that he has been working closely with the Police Department to revitalize the South Dixie corridor; [b] spoke about a discussion regarding a three day notice at the Nuisance Abatement Board and requested that the City Attorney Office provide clarification to the Board; and [c] requested to have the trolley make a stop at Phillips Point during lunch time over the summer.

Commissioner Muoio [a] noted that she attended Baywinds Memorial Day celebration and thanked everyone for their warm welcome; [b] stated she attended a meeting along with the Mayor, County Commissioner Koons and the western community presidents to discuss issues the communities are facing; [c] noted she attended a conference at Florida Atlantic University regarding realism and discussed issues of economic development, water and ports; [d] stated that she has received many complaints regarding the panhandlers on the corner of Okeechobee Boulevard and Jog Road; and [e] noted she is the Commission Liaison for the Cultural Committee and congratulated the committee for all their hard work.

#### **COMMENTS BY THE MAYOR:**

The Mayor [a] congratulated City Administrator Edward Mitchell for being elected President of the Florida City and County Managers Association; [b] asked the Commissioners if they would like for her to send a letter to Chair Person County Commissioner Addie Greene and County Commissioners regarding the Ad Valorem Tax exemption program; It was the consensus of the Commission to do so; [c] announced that the Foreclosure Assistance Center is doing well and there will be a surprise announcement this week; [d] noted that the City is making progress with the vacant structures issue; [e] announced that the first Sunday at the Meyer event was held this past weekend and noted that the event takes place the fourth Sunday of every month during the summer; [f] stated she attended the

PBC Workforce Development Summit and noted she will be circulating information regarding economic trends for the area to develop cultural tourism; [g] noted that she and Commissioner Robinson attended the ribbon cutting for Quantum Foundation and The American Lung Association on Australian Avenue and noted they will be inviting the President of the foundation to the next Mayor/Commission Work Session for a discussion regarding a grant program for non-profits serving the City; [h] noted that she, Assistant City Administrator Eduardo Balbis and Environmental Resource Manager Patrick Painter met with County Commissioners regarding the convention center hotel and postponing plans for the expansion of certain roads; and [i] stated they will be meeting with them again and will bring more information to the next Mayor/Commission Work Session.

At this time Commissioner Moss requested an update from staff regarding a scrap metal ordinance. City Attorney Claudia McKenna responded to Commissioner Moss' question.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 6:29 p.m.

**APPROVED:**

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**PRESIDING OFFICER**

**ATTEST:**

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**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.