

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
APRIL 21, 2008

The City Commission of the City of West Palm Beach met in regular session on Monday, April 21, 2008 at 4:04 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 and Deputy Clerk Lisa Hedge [left at 5:00 p.m.].

INVOCATION / PLEDGE OF ALLEGIANCE:

At this time Justin Wisnicki of the Arthur I. Meyer Jewish Academy and Richard Ryles of Roosevelt Middle School introduced themselves as Mayors for the Day.

The Mayor [a] offered a moment of silence in honor of all the men and women serving overseas; and [b] presented certificates to Justin Wisnicki and Richard Ryles. The Mayors for the Day [a] led the Pledge of Allegiance; and [b] accepted the certificates with thanks.

CONSENT CALENDAR:

Raphael Clemente of the Downtown Development Authority (DDA) spoke on item #7. Commissioner Robinson spoke on item #13. Senior Specialist Attorney Samuel Thomas responded to Commission questions regarding item #13. It was moved by Commissioner Robinson, seconded by Commissioner Muoio, to approve the Consent Calendar. The motion died due to the lack of a vote. Public comment: Chair of the West Palm Beach Housing Authority Thyra Echols Starr.

After further discussion, it was moved by Commissioner Robinson, seconded by Commissioner Muoio, to approve the following Consent Calendar:

1. Minutes for the Regular City Commission Meeting held March 24, 2008 and Minutes for the Special City Commission Meeting held March 27, 2008. [Note: During preparation of the Minutes for the Regular City Commission Meeting of March 24, 2008, it was discovered that Resolution No. 187-08 was identified and

read as Resolution No. 87-08. Approving these Minutes approves the correction that the Resolution that was adopted at the March 24, 2008 Regular City Commission Meeting is Resolution No. 187-08].

2. Approval of reappointment for Roger P. Janssen to the Downtown Action Committee for a term of three years, which will expire on March 3, 2011. Mr. Janssen has served over the maximum allowed number of terms (3) and it is required that the Commission confirms his reappointment.
3. Resolution No. 193-08 authorizing the Mayor to execute a Contract with Dr. Randall L. Wolff, M.D. to provide Emergency Medical Direction for Fire Rescue.
4. Resolution No. 159-08(F) amending the General Fund to provide appropriations for funding of eight additional police laptop computers and S.W.A.T. bulletproof vests.
5. Resolution No. 170-08 and Resolution No. 160-08(F) authorizing and directing the Mayor or her designee to accept and appropriate Sixty-Five Thousand Seven Hundred Thirty-Nine and 00/100 Dollars (\$65,739.00) from the Florida Department of Transportation, Highway Safety Program.
6. Resolution No. 103-08(F) providing appropriations for various capital projects.
7. Resolution No. 195-08 accepting the donation of bicycle racks from the DDA and approving the installation of bicycle racks in the Downtown area.
8. Resolution No. 135-08 authorizing approval of a Debt Management Policy for the City of West Palm Beach.
9. Resolution No. 145-08 amending and restating the City's Investment Policy.
10. Resolution No. 13-08, amending Resolution No. 361-07 to amend the City's Salary Plan to rename the job titles of Assistant Director of Housing and Community Development, Housing and Community Development Special Programs Manager, Housing Finance Manager and Housing Development Program Coordinator, and to create the job classification of Housing Construction Manager. Resolution No. 186-08(F) amends the General Fund Budget to amend the Full Time Equivalent Personnel Detail of the Department.

11. Resolution No. 101-08(F) amending the General Fund and various other funds to provide appropriations for the funding of the Volunteer Employee Benefit Association (VEBA).
12. Resolution No. 185-08 authorizing a Settlement Agreement reached in the workers compensation claim of David Nieves.
13. Resolution No. 198-08 requiring members of the Board of Commissioners of the West Palm Beach Housing Authority to file Statements of Financial Interests; and Resolution No. 199-08 increasing the number of persons on the Board of Commissioners from five persons to seven persons.

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

PUBLIC HEARING:

14. Public Hearing and Second Reading of Ordinance No. 4124-08 – It was moved by Commissioner Douglas, seconded by Commissioner Moss, to adopt Ordinance No. 4124-08 a City-initiated request to amend Section 94-219 of the Zoning and Land Development Regulations regarding the relocation of historically designated structures within the Broadway Mixed Use District (BMUD); thereupon Ordinance No. 4124-08 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 Second Reading of Ordinance No. 4095-07 – Director of Finance Randy Sherman [a] announced that a third reading is needed for this Ordinance; [b] made a presentation; and [c] responded to Commission questions. Public comments: President of the Chamber of Commerce of the Palm Beaches Dennis Grady and Providence Ozcoye. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve Ordinance No. 4095-07 amending Chapter 82 (Taxation), Article V (Business Tax) to amend the business tax rate schedule; thereupon Ordinance No. 4095-07 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 and Second Reading of Ordinance No. 4133-08 – It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt Ordinance No. 4133-08, approving an extension of the Zoning in Progress for the

Downtown Master Plan area; thereupon Ordinance No. 4133-08 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.

17. **Public Hearing and Second Reading of Ordinance No. 4136-08 – Commissioner Moss asked whether City Attorney Claudia McKenna would meet with the Police Department to discuss the enforcement of this Ordinance. City Attorney Claudia McKenna responded that she would. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Ordinance No. 4136-08 containing additional revisions to the City's noise control regulations; thereupon Ordinance No. 4136-08 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 - QUASI-JUDICIAL:

-SWEARING IN OF WITNESSES

The City Clerk swore in all those persons having an interest in items #18 through 20, #22 and #23.

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

Commissioner Robinson stated that he [a] had had no additional ex-parte communications regarding items #18 and #23; [b] had had ex-parte communications with staff and developers regarding item #19; [c] had had no ex-parte communications regarding items #20 and #22; and [d] would base his decisions on the evidence and testimony to be presented.

Commissioner Douglas stated that she [a] had had no ex-parte communications regarding items #18 through #20, #22 and #23; and [b] would base her decisions on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had no additional ex-parte communications regarding items #18 through #20, #22 and #23; and [b] would base his decisions on the evidence and testimony to be presented.

Commissioner Muoio stated that she [a] had had no ex-parte communications regarding items #18 through #20, #22 and #23; and [b] would base her decisions on the evidence and testimony to be presented.

18. Public Hearing and Second Reading of Ordinance No. 4083-07 – It was moved by Commissioner Robinson, seconded by Commissioner Muoio, to adopt Ordinance No. 4083-07 a request by Chuck Millar, of Moyle, Flanigan, Katz, Breton, White & Krasker, P.A., on behalf of 5701 Military, LLC, to annex approximately 2.18 acres located at 5701 North Military Trail; thereupon Ordinance No. 4083-07 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. 4084-07 – It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to adopt Ordinance No. 4084-07 a companion request to assign an Industrial (I) Future Land Use designation to the annexed property; thereupon Ordinance No. 4084-07 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. 4085-07 – It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to adopt Ordinance No. 4085-07 a companion request to assign an Industrial (I) zoning designation to the annexed property; thereupon Ordinance No. 4085-07 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.

19. Public Hearing and Second Reading of Ordinance No. 4125-08 – It was moved by Commissioner Robinson, seconded by Commissioner Douglas, to adopt Ordinance No. 4125-08 regarding a request by Lynda Harris, of Carlton Fields, on behalf of CityPlace Retail LLC and CityPlace Office I, LLC, for a Major Amendment to the CityPlace Commercial Planned Development (CPD) to rescind the signage program approved by Ordinance No. 3327-00 and replace it with the "Amended and Restated CityPlace Master Sign Plan"; thereupon Ordinance No. 4125-08 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.

20. Public Hearing and First Reading of Ordinance No. 4130-08 – Planner Kelly Freeman made a presentation and responded to Commission questions. It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4130-08 a request by Damian Brink of Kilday and Associates, on behalf of The Craig Collection, Inc., to annex approximately

10.44 acres located at 6870 Okeechobee Boulevard, which is on the south side of Okeechobee Boulevard approximately 520 feet west of Jog Road. The motion died due to the lack of a vote. City Attorney Claudia McKenna responded to Commission questions.

After further discussion, the maker of the motion, along with the seconder, amended her motion as follows: It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4130-08, based upon findings of fact as stated in Chapter 171 of the Florida Statutes, a request by Damian Brink, of Kilday and Associates, on behalf of The Craig Collection, Inc., to annex approximately 10.44 acres located at 6870 Okeechobee Boulevard, which is on the south side of Okeechobee Boulevard approximately 520 feet west of Jog Road; thereupon Ordinance No. 4130-08 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 First Reading of Ordinance No. 4131-08 – It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4131-08 a companion request to assign a Commercial (C) Future Land Use designation to the annexed property; thereupon Ordinance No. 4131-08 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 First Reading of Ordinance No. 4132-08 – It was moved by Commissioner Muoio, seconded by Commissioner Robinson, to approve Ordinance No. 4132-08 a companion request to assign a General Commercial (GC) zoning designation to the annexed property; thereupon Ordinance No. 4132-08 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.

21. Public Hearings and First Readings of Ordinance No. 4134-08 and Ordinance No. 4135-08 – Public comment: Mark Hamilton of Target Corp. The Mayor announced that without objection, 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); and 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 would be continued to May 9, 2008.

22. Public Hearing of Resolution No. 106-08 – Planner Kelly Freeman made a presentation and responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 106-08 a request by Dan Tran of Construction Technologies, on behalf of William Sned, for a Class A Special Use Permit to construct a 30-foot extension to an existing 95 foot long dock, located at 165 Elwa Place; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

23. Public Hearing of Resolution No. 149-08 – Senior Planner John Roach made a presentation. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 149-08 a request by Frank Navarro, on behalf of Centrepark Investment Corporation and the Centrepark Property Association, for a Major Amendment to the Centrepark Development of Regional Impact (DRI) Development Order to extend the built-out date to September 1, 2013, in accordance with Sec. 380.06(19), Florida Statutes; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss, Muoio and Robinson. Motion therefore carried unanimously.

At this time the Mayor thanked the Mayors for the Day for their assistance.

PRESENTATIONS AND AWARDS OF MERIT:

24. Presentation of a plaque to Battalion Chief Dennis Withington for 34 years of service to the City of West Palm Beach Fire Rescue – Chief Ridgeway [a] announced that Fire Station No. 8 will open Tuesday, April 22, 2008; and [b] made a presentation regarding Battalion Chief Dennis Withington and presented him with a retirement plaque. Assistant Fire Chief Kenneth Jones, Battalion Chief Donald Triana and the Mayor commended Battalion Chief Withington for his years of service. Battalion Chief Withington [a] made a presentation; and [b] accepted the retirement plaque with thanks.

At this time, Commissioner Moss thanked Commissioner Muoio for her leadership in the opening of Fire Station No. 8. Commissioner Muoio thanked the Commission for allowing Fire Station No. 8 to open.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

Circuit Director of the Palm Beach Guardian Ad Litem Program Vicki Tucci spoke about the Palm Beach Guardian Ad Litem Program and responded to Commission questions. Commissioner Muoio [a] commended the Guardian Ad Litem Program; and [b] announced that the guardians will be honored at a luncheon on Thursday, April 24, 2008. The Mayor [a] stated that WPBTV Channel 18 will advertise the Guardian Ad Litem Program; and [b] proclaimed the month of April 2008 as West Palm Beach Child Abuse Prevention and Awareness Month. Ms. Tucci accepted the proclamation with thanks.

James Drayton [a] spoke about the opening of the “In the Hands of African American Collectors: The Personal Treasures of Bernard and Shirley Kinsey” exhibit; and [b] stated that he would have liked to see more City officials at the exhibit’s opening at the Norton Museum of Art. President of Sunrise Community, Inc. Leslie Leech, Jr. [a] asked about the City’s official position regarding the establishment of a six persons or less home at 226 Alhambra Place for developmentally disabled people; [b] spoke about Chapter 419 of the Florida Statutes, regarding community residential homes; and [c] asked for advice regarding this issue. The Mayor announced that this matter will be discussed at a Mayor/Commission Work Session. Tim Welsh asked whether he is legally permitted to operate a free shuttle downtown. Claudia McKenna responded to Mr. Welsh’s questions. Jeanine Heidtman [a] read into the record an article from The New York Times about developers’ misinformation in presenting their development proposals; [b] spoke about a meeting held Thursday, April 17, 2008 at the Norton Museum of Art regarding the proposed redevelopment of the 1515 Tower site; [c] read into the record a letter from Margaret Kirkbride regarding the proposed redevelopment [Note: at the request of the Mayor, the entire letter was not read into the record, but a copy of the letter was taken for record keeping purposes]; and [d] expressed her opinion regarding this issue. Joseph Vassallo [a] inquired as to why the address changed from 7300 Okeechobee Boulevard to 1920 Wekiva Way for the commercial building his company Vassallo Enterprises, LLC owns; [b] noted that Chief Fire Prevention Officer Michael Carsillo responded to a letter he sent to the Fire Chief regarding this issue by stating that using a monument sign would be sufficient for the Fire Department to find the building; [c] showed letters that were not delivered to the office building because the street is not listed on postal service maps; [d] noted that Palm Beach County Fire Rescue had trouble finding the building while responding to a smoke alarm that was set off in the building; and [e] asked for a solution to the problem.

COMMENTS BY THE CITY COMMISSIONERS:

Commissioner Robinson [a] thanked Customer Relations Specialist Jose Tagle, Director of Public Works John Alfred and other staff who rode the Tri-Rail with representatives from the CSX Corporation and the Florida Department of Transportation (FDOT) to view the corridor in need of maintenance between the West Palm Beach Station and the Mangonia Park Station; [b] announced that he accepted to serve as Second Vice President of the Palm Beach County League of Cities; [c] noted that he has received the support of his fellow Commissioners and the Mayor; [d] stated that he was embarrassed and disappointed that the opening of the Norton Museum of Art's "In the Hands of African American Collectors: The Personal Treasures of Bernard and Shirley Kinsey" exhibit was not attended by other City Officials; [e] urged City officials to show appreciation for the Kinseys for bringing their exhibit to the Norton Museum of Art; [f] announced that the Kinseys will be honored at the U.B. Kinsey/Palmview Elementary School during a reception from 6:00 p.m. to 8:00 p.m. on April 21, 2008; and [g] announced that they will also be attending an Education Reception event held by the Palm Beach County School Board on May 8, 2008 from 6:00 p.m. to 9:00 p.m., during which the City should acknowledge them. At this time the Mayor stated that she was not aware of the exhibit's opening.

Commissioner Douglas [a] noted that she was only aware of the Education Reception event on May 8, 2008; [b] stated that she was looking forward to the event; [c] announced that she and Commissioner Moss served as celebrity bartenders at Amici's Restaurant in Palm Beach to raise money for the Boys and Girls Club; [d] commended Chairperson of the Florence DeGeorge Boys and Girls Club Dr. Gary Barrett and all others involved in putting the fundraiser together; [e] spoke about the Realtors Association of the Palm Beaches' Government Affairs Meeting that was held on April 9, 2008; [f] noted that members of the association went to Tallahassee at their expense to lobby for property issues such as insurance and property taxes; [g] noted that she attended the Nuisance Abatement Board Meeting for the south end of the City; [h] applauded the efforts of south end residents who are attempting to put an end to the offering of hourly rates by another motel; [i] announced that a diner in the north end hosted a Northwood Village Ambassadors function; [j] noted that she attended the Lord's Place's Ending Homelessness Breakfast event; [k] noted that she attended a Broadway Reinvestment Coalition (BRIC) Meeting; [l] commended BRIC for their efforts to help revitalize the north end business community; [m] asked that the BMUD zoning on Broadway be reevaluated; [n] noted that she attended the Board of Forest Hill Academy of Environmental Science and Technology's Nicholas

Megrath Scholarship Awards Dinner; [o] noted that she attended the ribbon-cutting ceremonies for the new Great Wraps restaurant, the Exclusively Argentine Tango at George's dance studio and the Pistache restaurant; [p] stated that every vendor she spoke with at the last Greenmarket event of the season told her they would like to return for the next season; [q] spoke about the Northwood Village Promenade event; and [r] reminded everyone to attend the reception for Bernard and Shirley Kinsey on the evening of April 21, 2008 at U.B. Kinsey/Palmview Elementary School.

Commissioner Moss [a] announced that the Phipps Park Little League kicked off the baseball season with a helicopter drop of golf balls; [b] announced that the Parks and Recreation Department is looking to form a foundation to raise money for the little league programs in the City; [c] spoke about the Nuisance Abatement Board's attempt to curb problems of prostitution and drug dealing on portions of South Dixie Highway; [d] stated that Police Chief Bush assures that the Police Department will continue to work to solve these issues; [e] spoke about the Board of Forest Hill Academy of Environmental Science and Technology's Nicholas Megrath Scholarship Awards Dinner; [f] announced that there is an amnesty program for yard waste during the months of April and May to encourage residents to trim their trees to prepare for the coming hurricane season; and [g] asked when a more stringent Ordinance regarding secondary medical recyclers would be brought before the Commission. City Attorney Claudia McKenna responded that the Ordinance would be brought forward in May 2008.

Commissioner Muoio [a] spoke about the FDOT meeting regarding the proposed extension of State Road 7; [b] stated that the FDOT is considering two options on this issue: the no-build option and the Corridor 3 option; [c] encouraged people concerned with this issue to provide the FDOT with their input; [d] spoke about the Fire Storm graduation that she attended; [e] congratulated Palm Beach County Clerk and Comptroller Sharon Bock for receiving the Leadership Excellence Award at the Leadership Palm Beach County, Inc.'s Leadership Excellence Award Banquet; [f] spoke about the Talking Trash brochure; and [g] suggested that the Talking Trash brochure be available on the City's website. The Mayor requested that an official letter from the City be sent to the FDOT regarding the proposed State Road 7 extension.

COMMENTS BY THE MAYOR:

The Mayor [a] thanked the Commissioners for recapping the many events of the previous two weeks; [b] announced that the Northwood Youth Empowerment Center is celebrating its first anniversary; [c] noted that she will go to the County to ask for continued funding for the youth empowerment centers; [d] announced that the Garden Club's 80th Anniversary Celebration was recently held; [e] congratulated the Housing and Community Development Department for being favorably featured on CNBC recently; [f] asked for an update regarding the number of families that the Housing and Community Development Department is currently assisting; [g] announced that the last day for qualifying for the District 3 Commission seat is April 22, 2008; [h] announced that she had a meeting to discuss solutions regarding vacant buildings in the City; [i] gave condolences to the families of Earl Nixon and Charles Ellington, two community activists who had recently passed away; [j] spoke about the cleaning up of the area on 11th Street and Tamarind Avenue for an Earth Day celebration that was held on Saturday, April 19, 2008; and [k] congratulated the participants of the "Express Yourself" dance show that was put on by area afterschool programs and the ISH Institute on Friday, April 18, 2008 at the Kravis Gosman Amphitheater.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 6:06 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.