The City Commission of the City of West Palm Beach met in regular session on Monday, February 25, 2008 at 3:06 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.

ADDITIONS/DELETIONS/REORGANIZATION OF AGENDA:

Commissioner Douglas announced that the applicant had asked that item #17 be continued for six weeks. The Mayor announced that without objection, item #17 would be continued for six weeks. Planning Director Charles Wu clarified that the item the applicant requested to be continued was item #19 and not item #17. It was motioned by Commissioner Douglas, seconded by Commissioner Muoio, to reconsider the continuation of item #17. The Mayor announced that without objection, item #17 would be reconsidered.

REORDERED AGENDA:
PUBLIC HEARING – QUASI-JUDICIAL:

19. Public Hearing and Second Reading of Ordinance No. 4104-08 – The Mayor announced that without objection, Ordinance No. 4104-08 for the designation of the Saint Catherine Greek Orthodox Church, 110 Southern Boulevard, on the Local Register would be continued for six weeks.
CONSENT CALENDAR:

Commissioner Mitchell requested that items #6 and #12 be pulled from the Consent Calendar for discussion. It was moved by Commissioner Mitchell, seconded by Commissioner Muoio, to approve the following Consent Calendar:


2. Resolution No. 75-08 authorizing a Special Event License Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County, Inc. to produce "Evening on Antique Row" on March 1, 2008 from 5:30 p.m. to 9:30 p.m.

3. Resolution No. 78-08 authorizing a Special Event License Agreement between the City of West Palm Beach and El Cid Neighborhood Association to produce the El Cid Historic Home Tour event on March 9, 2008 from 2:00 p.m. to 6:30 p.m.

4. Resolution No. 77-08 authorizing a Special Event License Agreement between the City of West Palm Beach and the Irish Cultural Institute of Florida, Inc. to produce Irish Fest on March 15, 2008 from 12:00 p.m. to 11:00 p.m. and March 16, 2008 from 12:00 p.m. to 8:00 p.m.

5. Resolution No. 76-08 authorizing a Special Event License Agreement between the City of West Palm Beach and CSM Holdings, Inc. d/b/a O'Shea's Irish Pub, to produce O'Shea's St. Patrick Day Event on March 17, 2008 from 10:00 a.m. to 4:00 a.m.

7. Resolution No. 73-08(F) amending the Water & Sewer Renewal and Replacement Fund budget for Fiscal Year 2007/2008 to provide additional funding for the Acoustical Force Main Testing project.

8. Resolution No. 39-08, authorizing the execution of Change Order No. 3 in the amount of $207,905.69, to the Contract between the City of West Palm Beach and West Construction, Inc., for the construction of Riverwalk access drive for Fire Station No. 7.

9. Resolution No. 70-08 authorizing the assessment of City liens in the total amount of $10,144.23 for unpaid lot clearing charges.

10. Resolution No. 71-08 authorizing the assessment of City lien in the total amount of $4,999.49 for an unpaid demolition charge.
11. Resolution No. 72-08 authorizing the assessment of City liens in the total amount of $17,766.38 for unpaid water, sewer and stormwater for the month of November 2007.

13. Resolution No. 98-08, authorizing the execution of Amendment No. 1 to the Contract between the City of West Palm Beach (City) and US Water Services Corporation (US Water) for Operational Assistance at the Water Treatment Plant (WTP),

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

CONSENT CALENDAR [CONTINUED]:

6. Resolution No. 79-08(F) – Assistant Director of Parks and Recreation Leah Rockwell responded to Commission questions. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 79-08(F) amending the Capital Projects Fund budget for Fiscal Year 2007/2008 to provide funding for Parks and Recreation building repairs; 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.

12. Resolution No. 95-08(F) – City Attorney Claudia McKenna and Director of Finance Randy Sherman responded to Commission questions. It was moved by Commissioner Mitchell, seconded by Commissioner Douglas, to adopt Resolution No. 95-08(F), amended to include a four month commitment to clean the train station within the appropriations of $20,000 as a line item in the Support Services Department Budget, amending the General Fund to provide budget detail for contractual cleaning services of the common areas at the Seaboard Railway Station; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

At this time Commissioner Moss asked that staff provide an update regarding this issue before the four months pass.

RESOLUTIONS:

14. Resolution No. 93-08 – Deputy City Attorney Nancy Urcheck and Assistant Fire Chief Kenneth Jones responded to Commission questions. Commissioner Mitchell suggested that special assessments be included when reporting the millage rate
to the public. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Resolution No. 93-08 advising of the City's intent to have the Tax Collector collect any Fire Service Special Assessment, only if the Commission approves such assessment in 2008; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

At this time Commissioner Muoio announced that some members of the public had requested that item #16 be held for discussion until after 5:00 p.m. The Mayor announced that without objection, item #16 would be held after 5:00 p.m.

PUBLIC HEARING:

15. Public Hearing and First Reading of Ordinance No. 4121-08 – Planning Director Charles Wu responded to Commission questions. Commissioner Mitchell asked that Planning Director Charles Wu send her a memo in advance of the update that will be provided regarding the City’s vacant lots and construction sites. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve Ordinance No. 4121-08 amending Section 94-450(f) to exempt governmental entities from the bonding requirements relating to vacant lot and construction site maintenance; thereupon Ordinance No. 4121-08 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.

17. Public Hearing and First Reading of Ordinance No. 4122-08 – Traffic Engineer Brian Collins made a presentation and responded to Commission questions. Urban Designer Amy Stelly and the applicant Lindsey Shulenberger of the Urban Design Studio responded to Commission questions. Commissioner Mitchell suggested that this item be continued until after the impacted neighborhoods have been notified of this matter. The Mayor announced that without objection, 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 would be continued.

18. Public Hearing and First Reading of Ordinance No. 4105-08 – City Attorney Claudia McKenna made a presentation and responded to Commission questions. Commissioner Moss asked staff to provide an update regarding the effectiveness of the noise
control regulations after the new regulations go into effect. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to approve Ordinance No. 4105-08 amending the City's noise control regulations to address recent decisional law; thereupon Ordinance No. 4105-08 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.

PUBLIC HEARING - QUASI-JUDICIAL:

-SWEARING IN OF WITNESSES

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

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

Commissioner Mitchell stated that she [a] had had no additional ex-parte communication with the applicant regarding item #20; [b] had had no ex-parte communications regarding items #21 through #23; and [c] would base her decisions on the evidence and testimony to be presented.

Commissioner Robinson stated that he [a] had had no additional ex-parte communication regarding item #20; [b] had had no ex-parte communications regarding items #21 through #23; and [c] would base his decisions on the evidence and testimony to be presented.

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

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

Note: Item #19 was continued during the Additions/Deletions/Reorganization of Agenda portion of the meeting.
20. Public Hearing and Second Reading of Ordinance No. 4114-08 –
Senior Planner John Roach [a] made a presentation; [b] announced text changes that were made since the First Reading to Section 3 of Ordinance No. 4114-08 and to Sections 3 and 4 of Resolution No. 55-08; and [c] responded to Commission questions. The applicant William Sned, on behalf of Palm Beach Atlantic University, and Palm Beach Atlantic University President Dr. David Clark made presentations and thanked the staff who worked on this project. Commissioner Moss commended Senior Planner John Roach and Director of Parks and Recreation Christine Thrower for their work on this project. Commissioner Mitchell thanked the Palm Beach County Commission for their cooperation on this matter. The Mayor thanked Palm Beach Atlantic University, Commissioner Moss and Neighborhood Liaison Dean Reilly for their support of this project. It was moved by Commissioner Moss, seconded by Commissioner Douglas, to adopt Ordinance No. 4114-08 a request by William Sned, of Sned, Pruitt & Tucker, P.A., on behalf of Palm Beach Atlantic University, for a Rezoning of approximately 89.71 acres located on the west side of Parker Avenue, approximately 1,020 feet north of Southern Boulevard, from Recreation Open Space Planned Development (ROSPD) to Community Service (CS), with a further rezoning to Community Service Planned Development (CSPD), providing for the construction of the Palm Beach Atlantic University Athletic complex and a City park; thereupon Ordinance No. 4114-08 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.

Resolution No. 55-08 – It was moved by Commissioner Moss, seconded by Commissioner Robinson, to adopt Resolution No. 55-08 a request by William Sned, of Sned, Pruitt & Tucker, P.A., on behalf of Palm Beach Atlantic University, for a Major Subdivision to replat approximately 89.71 acres located on the west side of Parker Avenue, approximately 1,020 feet north of Southern Boulevard, including the abandonment of rights-of-way and easements, creating four (4) tracts; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss, Muoio and Robinson. Motion therefore carried unanimously.

21. Public Hearing and First Reading for Ordinance No. 4110-08 –
Principal Planner Eric Schneider made a presentation and responded to Commission questions. Attorney Chuck Millar, on behalf of the applicant, made a presentation. It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve Ordinance No. 4110-08 regarding a request by Chuck Millar of Moyle, Flanigan, Katz, Breton, White & Krasker, P.A., on behalf of The Tradition of the Palm Beaches, Inc., for a
Major Planned Development Amendment to the Morse Geriatric Community Service Planned Development (CSPD), located at 4847 Fred Gladstone Drive, to commence construction of Tradition Phase II, which consists of a 180-unit residential and amenity building, including a height waiver to increase the height from 80 feet to 110 feet and to change the name to the Morse Life CSPD; thereupon Ordinance No. 4110-08 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.

22. Public Hearing and First Reading of Ordinance No. 4115-08 – Public comment: Sammy Diament. It was moved by Commissioner Mitchell, seconded by Commissioner Robinson, to approve Ordinance No. 4115-08 a City-initiated request for a Future Land Use Map Amendment to correct a scrivener’s error by assigning seven (7) parcels located on the northeast corner of South Dixie Highway and Greenwood Drive, with physical addresses of 3222 through 3246 South Dixie Highway, a Commercial (C) Future Land Use designation; thereupon Ordinance No. 4115-08 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.

Public Hearing and First Reading of Ordinance No. 4116-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve Ordinance No. 4116-08 a companion request for an Amendment to the City’s Zoning Map to correctly depict the zoning designation for the seven (7) parcels as Neighborhood Commercial (NC); thereupon Ordinance No. 4116-08 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.

23. Public Hearing and First Reading of Ordinance No. 4117-08 – It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to approve Ordinance No. 4117-08 a City-initiated request for a Future Land Use Map Amendment to correct a scrivener’s error by assigning the western portion of a parcel located at 4901 South Dixie Highway a Commercial (C) Future Land Use designation; thereupon Ordinance No. 4117-08 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.

Public Hearing and First Reading of Ordinance No. 4118-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to approve Ordinance No. 4118-08 a companion request for an Amendment to the City’s Zoning Map to correctly
depict the zoning designation for the western portion of the parcel as Neighborhood Commercial (NC); thereupon Ordinance No. 4118-08 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 Moss [a] announced that the closing of Maddock Street at Parker Avenue was discussed during a meeting with the Palm Beach County School District regarding Forest Hill High School; [b] asked why this matter had not been brought before the Commission yet; and [c] asked that this issue be discussed at the March 10, 2008 City Commission Meeting.

City Administrator Edward Mitchell and Planning Director Charles Wu responded to Commissioner Moss’ questions.

PRESENTATIONS AND AWARDS OF MERIT:

24. Presentation of Resolution No. 87-08 – City Commons and Waterfront Project Manager Joan Goldberg made a presentation. Robert Pontek of CH2M Hill [a] introduced the Design Team working on this project; [b] made a presentation; and [c] responded to Commission questions. Michael Singer of the Singer Studio, Stephen Boruff of Stephen Boruff Architects + Planners, Inc., Carolyn Pendleton Parker of Sanchez & Maddux, Inc. and Barbara Horton of Horton Lighting Design in New York made presentations. Public comments: Commissioner Moss read into the record a comment by Chairman of the Downtown Development Authority Roy Assad, Alan Murphy, Jr., Gladys Van Otteren, Mary Margaret Mahon, Linda Hennessee, Raphael Clemente of the Downtown Development Authority and Rocco Mangel. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt Resolution No. 87-08 authorizing and approving the "Face of the City" for the schematic design of the City Commons, Beach, Landing and Esplanade areas of the City Commons and Waterfront project; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Muoio; Nays: Commissioners Mitchell and Robinson. Motion therefore carried with a vote of three in favor and two opposed.

REORDERED AGENDA:
PUBLIC HEARING:

16. Public Hearing and First Reading of Ordinance No. 4120-08 – Public comment: Gladys Van Otteren. It was moved by Commissioner Robinson, seconded by Commissioner Mitchell, to
approve Ordinance No. 4120-08 amending Chapter 2 (Administration) of the Code of Ordinances of the City of West Palm Beach to change the meeting time of regular 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.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

Alan Murphy and Ray Buza spoke about the City Commons and Waterfront Project. Rocco Mangel spoke about downtown development. Gladys Van Otteren [a] spoke about government spending; and [b] spoke about the City Commons and Waterfront Project. Alfredo Lay spoke about the water system. Rod Tinson [a] spoke about a merchant event that was held in the Northwood Business District on Saturday, February 23, 2008; and [b] commended Commissioner Douglas for her support of the Northwood Business District. Ron Byrnes and Jean Gore spoke about the disqualification of the District 3 Commission candidates. John Lindgren [a] spoke about the importance of moving forward with the Parker Avenue Project; and [b] asked for a time-line for the project. Scott Osburn spoke about downtown development. Gail Levine [a] announced that a debate will be held on Thursday, February 28, 2008 at the South Olive Elementary School; and [b] spoke about the City Commons and Waterfront Project. Patricia High spoke about Commissioner Moss’ property taxes. Rebecca Henderson Young iterated the importance of focusing on public and not personal issues. James Young [a] spoke about improvements made to his historic home; and [b] submitted a Rebuttal Letter to the Commission regarding a letter submitted by Patricia High. Alex Vizoso Saylor [a] spoke about the upcoming budget discussions; [b] asked that the Mayor and each of the Commissioners put their priorities in writing; and [c] offered to put her priorities in writing.

COMMENTS BY THE CITY COMMISSIONERS:

Commissioner Douglas did not make any comments.

Commissioner Muoio [a] spoke about the City Commons and Waterfront Project; [b] announced that a historic trolley tour will begin during the first week of March 2008; [c] announced the opening of a new art gallery on the corner of Clematis Street and Olive Avenue; [d] spoke about a recent meeting held at the
RiverWalk of the Palm Beaches Neighborhood regarding the proposed extension of Roebuck Road; and [e] announced that another meeting will be held on March 1, 2008 regarding this issue.

Commissioner Robinson [a] spoke about a recent incident involving panhandling on the intersection of Palm Beach Lakes Boulevard and Australian Avenue; and [b] inquired about the delay in the construction of the multi-purpose building in Gaines Park.

At this time City Administrator Edward Mitchell responded to Commission questions.

Commissioner Mitchell [a] thanked City Administrator Edward Mitchell, staff, Traffic Engineer Brian Collins and Assistant City Administrator Ken Rearden for the temporary road closure of the eventual drop-off area in front of One City Plaza; [b] asked whether a Resolution had been prepared regarding the Protecting Florida’s Investments Act; [c] spoke about allegations that she had a business conflict with the City regarding the expansion of the Palm Beach International Airport; [d] announced that her firm does not have any business conflicts with the City; and [e] spoke about democracy.

Commissioner Moss [a] announced that the Evening on Antique Row event will be held on Saturday, March 1, 2008; [b] stated that his neighbor, a retired Chicago police officer, told him of a practice being used in Chicago to thwart criminals who pose as solicitors; and [c] advised that the public take a picture of solicitors who arrive at their front doors.

**COMMENTS BY THE MAYOR:**

The Mayor [a] announced the opening of a new vendor called Vegetation Sensation on the corner of Tamarind Avenue and 2nd Street; [b] announced that a restaurant named Forte recently opened on Clematis Street; [c] commended the Providencia Parks Neighborhood Association for their Annual Mayor's Progressive Dinner; [d] commended the Martin Luther King, Jr. Coordinating Committee for holding the “I have a Dream” Health and Safety Fair; [e] announced that the Palm Beach County Literacy Coalition is using West Palm Beach as its host city for the “Read Together Palm Beach County” program; [f] announced that The Memory Keeper’s Daughter was selected as the book to read and discuss for the program; [g] announced
that during the month of January 2008, criminal activity was
down 30% from the prior year; and [h] announced that the
City’s drinking water has resumed regular levels of ammonia
and chlorine.

ADJOURNMENT:

There being no further business to come before the Commission,
the meeting was adjourned at 7:16 p.m.

APPROVED:

_______________________
PRESIDING OFFICER

ATTEST:

_______________________
CITY CLERK

*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.