The City Commission of the City of West Palm Beach met in regular session on Monday, March 10, 2008 at 3:08 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 [arrived at 5:05 p.m. and left at 6:34 p.m.], Commissioner Geraldine Muoio, City Administrator Edward Mitchell, City Attorney Claudia McKenna, City Clerk Blane Kauthen and Deputy Clerk Lisa Hedge; Absent: Commissioner Isaac Robinson, Jr.

INVOCATION / PLEDGE OF ALLEGIANCE:

The Mayor offered a moment of silence [a] in honor of all the men and women serving overseas; and [b] for the five American soldiers who were killed in Baghdad, Iraq on Monday, March 10, 2008. Commissioner Moss led the Pledge of Allegiance.

CONSENT CALENDAR:

City Administrator Edward Mitchell announced that Commissioner Mitchell had previously requested that item #11 be pulled from the Consent Calendar for further discussion after 5:00 p.m. The Mayor stated that without objection, item #11 would be held after 5:00 p.m. Commissioners Moss and Muoio spoke on item #3. Director of Parks and Recreation Christine Thrower responded to Commission questions regarding item #3. The Mayor spoke on item #14. It was moved by Commissioner Douglas, seconded by Commissioner Moss, to approve the following Consent Calendar:

1. Minutes of the Regular City Commission Meeting held February 11, 2008.

2. Resolution No. 66-08(F) reallocating one Refuse Collector position from the Parks Maintenance Division to the Sanitation Division and Resolution No. 67-08(F) transferring the respective Fiscal Year 2007/2008 budget from the Parks Maintenance Division to the Sanitation Division.
3. Resolution No. 89-08(F) amending the budget detail of the Capital Projects Fund for the renovations of the multipurpose fields at Phipps Park and South Olive Park and the walking path at South Olive Park.

4. Resolution No. 81-08 authorizing the waiver of performance and payment bond requirements pursuant to Section 255.05, Florida Statutes in an amount not to exceed $199,999 for Amendment No. 1 to the Annual Contract for Landscaping between the City and Quinn Design, Inc. d/b/a Design Landscaping & Nursery.

5. Resolution No. 86-08 approving an Addendum to the Florida Department of Transportation (FDOT) Open Roads Policy and a Memorandum of Understanding between FDOT and the City of West Palm Beach Police Department relating to a Traffic Incident Management Program.

6. Resolution No. 104-08 approving and authorizing the Mayor to execute a Loan Agreement between the City and Church of the Living God, the Pillar and Ground of the Truth, Inc., under the City's Commercial Facade Improvement Program to provide a $25,000 loan for facade improvements to a property located at 1901 North Tamarind Avenue, West Palm Beach, Florida.

7. Resolution No. 124-08 amending the Historic Preservation Grant Award Agreement with the Florida Department of State for the Resurvey of the Prospect Park and Southland Park Historic Districts to allow the re-survey of additional districts.

8. Resolution No. 90-08 authorizing the assessment of City liens in the total amount of $4,024.66 for unpaid board and secure charges.

9. Resolution No. 91-08 authorizing the assessment of City liens in the total amount of $10,903.80 for unpaid lot clearing charges.

10. Resolution No. 107-08(F) amending the personnel detail of the Local Gas Tax Revenue Fund for the addition of one (1) Utilities Engineering Project Coordinator position and Resolution No. 108-08(F) amending the budget.

12. Resolution No. 99-08, authorizing the execution of Amendment No. 1 to the Contract between the City of West Palm Beach ("City") and U.S. Water Services Corporation ("US Water") for Evaluation of Water Treatment Plant and Distributions System.

13. Resolution No. 112-08 accepting conveyance of the property located at 436 Gardenia Street from the Community Redevelopment Agency; Resolution No. 128-08 authorizing the Mayor to execute an Interlocal Agreement between the CRA and
the City for repairs to the property located at 436 Gardenia Street; and Resolution No. 114-08 approving a Lease Agreement between the City of West Palm Beach and The Children’s Coalition, Inc. for the property located at 436 Gardenia Street.

14. Resolution No. 132-08 authorizing the sale, possession and consumption of alcoholic beverages on March 14, 2008; April 11, 2008; May 9, 2008; June 13, 2008; July 11, 2008 and August 8, 2008 during the "Friday Night Jazz: Wine and Live Music at Your Library" event.

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

PUBLIC HEARING:

15. Public Hearing and Second Reading of Ordinance No. 4121-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

17. Public Hearing and Second Reading of Ordinance No. 4105-08 – It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

18. Public Hearing and First Reading of Ordinance No. 4122-08 – Traffic Engineer Brian Collins made a presentation. It was moved by Commissioner Douglas, seconded by Commissioner Muoio, to approve 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

PUBLIC HEARING - QUASI-JUDICIAL:

-SWARING IN OF WITNESSES

The City Clerk swore in all those persons having an interest in items #19 through #21.

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*

Commissioner Douglas stated that she [a] had had no ex-parte communications regarding items #19 through #21; and [b] would base her decisions on the evidence and testimony to be presented.

Commissioner Muoio stated that she [a] had had no ex-parte communications regarding items #19 through #21; and [b] would base her decisions on the evidence and testimony to be presented.

Commissioner Moss stated that he [a] had had no ex-parte communications regarding items #19 through #21; and [b] would base his decisions on the evidence and testimony to be presented.

19. Public Hearing and Second Reading of Ordinance No. 4115-08 – It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

Public Hearing and Second Reading of Ordinance No. 4116-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

20. Public Hearing and Second Reading of Ordinance No. 4117-08 – It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

Public Hearing and Second Reading of Ordinance No. 4118-08 – It was moved by Commissioner Muoio, seconded by Commissioner Douglas, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

21. Public Hearing and Second Reading for Ordinance No. 4110-08 – It was moved by Commissioner Muoio, seconded by Commissioner Moss, to adopt 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, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.
PRESENTATIONS AND AWARDS OF MERIT:

22. Presentation and Resolution No. 116-08(F) – Parking Systems
Administrator Sue Olley made a presentation and responded to Commission questions. Library Manager Marsha Warfield accepted the donation check with thanks. It was moved by Commissioner Moss, seconded by Commissioner Muoio, to adopt Resolution No. 116-08(F) amending the Fiscal Year 2007/2008 Donation Fund budget to recognize Parking Meter donation revenue for Kaleidoscope Sunday, January 27, 2008, and appropriating said funds for a donation to the Let's Read Program; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Moss and Muoio; Absent: Commissioners Mitchell and Robinson. Motion therefore carried unanimously.

REORDERED AGENDA:
COMMENTS BY THE CITY COMMISSIONERS

Commissioner Moss [a] announced that the Friday Night Jazz event starts at the City Library on Friday, March 14, 2008; [b] spoke about the Mayor’s Tour and Progressive Dinner event held by the Old Northwood Neighborhood Association and the Northboro Park Neighborhood Association on Saturday, March 8, 2008; [c] spoke about the El Cid Historic Neighborhood Association’s Historic Home and Garden Tour event that was held on Sunday, March 9, 2008; [d] announced that the groundbreaking event for the Palm Beach Atlantic University athletic fields and the adjacent City park will be held on Friday, April 4, 2008; [e] noted that there is no air conditioning in the pavilion where parents serve as sports commentators for the Little League that plays at Phipps Park; [f] suggested that lean-tos be built along the fields for the commentators; [g] announced that free tax preparation for those who earned under $40,000 in 2007 is being offered at both Vickers House locations; [h] announced that a presentation on the Southern Boulevard Bridge will be held from 5:30 p.m. to 7:30 p.m. on Thursday, March 13, 2008 at the Palm Beach County Convention Center; [i] announced that a new report showed that the Palm Beach International Airport’s passenger count had fallen since November 2006; [j] announced that a presentation regarding the Clear Lake overlook and bike path will be given by Planning Staff at 6:00 p.m. on Thursday, March 13, 2008 at the Marriot West Palm Beach Hotel; [k] commended Police Officer Richard Pleasant, Police Officer Garry Mason, Police Chief Delsa Bush, and the rest of the Police Department for their proactive sweeps of the motels in the south end of the City; [l] asked for an update
regarding the proposal to automatically extend site-plan approvals for two years; and [m] announced that Howard Park’s Giant Egg Hunt event will be held at 10:00 a.m. on Saturday, March 22, 2008.

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

COMMENTS BY THE MAYOR:

The Mayor [a] announced that the General Election will be held on Tuesday, March 11, 2008; [b] announced that the Irish Fest event will be held on Saturday and Sunday, March 15 and 16, 2008 at the Meyer Amphitheater; [c] announced that the ribbon-cutting ceremony for the Old Courthouse will be held on Saturday, March 16, 2008; [d] announced that birthdays of Commissioners Moss and Muoio recently passed; [e] announced that she will participate in a dance competition called “the Media Versus the Mayor” on April 6, 2008 at the Cohen Pavilion; [f] noted that her dance instructor is Angelo Caruso; [g] spoke about the Civic Committee Meeting of the Town of Palm Beach that she had recently attended; [h] spoke about the quality of the City’s water; and [i] noted that the City is researching the possibility of using superficial and deep-ground water instead of surface water.

[The meeting was recessed at 3:49 p.m. and reconvened at 5:02 p.m.]

At this time the Mayor presented a proclamation proclaiming June 14, 2008 as American Flag Society Day. Rosemary Reder of the American Flag Society made a presentation and accepted the proclamation with thanks.

REORDERED AGENDA:
CONSENT CALENDAR [CONTINUED]:

11. Resolution No. 125-08 – Public comment: Chair of the Community Relations Council of the Jewish Federation of Palm Beach County Gary Walk. It was moved by Commissioner Mitchell, seconded by Commissioner Moss, to adopt Resolution No. 125-08 expressing the City's interest in having its Pension Fund Managers operate consistently with the Protecting Florida's Investments Act; and thereafter it was voted as follows: Ayes: Commissioners Douglas, Mitchell, Moss and Muoio; Absent: Commissioner Robinson. Motion therefore carried unanimously.
PUBLIC HEARING [CONTINUED]:

16. Public Hearing and Second Reading of Ordinance No. 4120-08 – It was moved by Commissioner Mitchell, seconded by Commissioner Muoio, to adopt 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 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 and Muoio; Absent: Commissioner Robinson. Motion therefore carried unanimously.

Note: On March 12, 2008 the Mayor exercised her veto power vested under Article III, Sec. 3.02 of the City Charter to veto the action of the City Commission as to Ordinance No. 4120-08. (Refer to attached memorandum from Mayor Lois J. Frankel, dated March 12, 2008 regarding Veto of March 10, 2008 Commission adoption of Ordinance No. 4120-08 amending the Code of Ordinance to change the meeting time of Regular City Commission Meetings to 5:00 p.m.).

REORDERD AGENDA:

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

President of the Green Terrace Condominium Association Board of Directors Gina Hertz, Green Terrace Condominium Association Board of Directors member Cheri Forbes and Secretary of the Green Terrace Condominium Association Board of Directors Kim D’Aprile asked for assistance in the rehabilitation of the Green Terrace Condominiums. Rhea Doran spoke about the removal of campaign signs from private properties. Gladys Van Otteren encouraged everyone to pray for Mary Margaret Mahon’s daughter who was recently in a car accident. After ignoring repeated requests to refrain from making personal comments about a Commissioner, Ms. Van Otteren was escorted out of the meeting. Myrna Sossner suggested the City solve its water shortage problem by using the water conservation methods adopted by New York City, such as low-flow faucets. Melinda Clark spoke about [a] the City’s budget; and [b] the General Election. Sheryl Ulich spoke about code violations on her property. David London spoke about [a] a fellowship grant that was awarded to a common ground project during an event held in Miami; and [b] spoke about water quality. Gail Levine [a] read into the record an excerpt from a grand jury report on behalf of Mary Margaret Mahon; and [b] thanked Thomas Collins of the Palm Beach Post for his article regarding campaign sign removal. Cheryl Maeder and
David Romaine of the Northwood Village Merchants Association [a] spoke about businesses in Northwood Village; [b] thanked the Mayor, Commissioner Douglas and the CRA for their support of the Northwood Village Merchants Association; and [c] announced that the Northwood Village Promenade event will be held on Saturday, March 22, 2008 from 12:00 p.m. to 5:00 p.m. Alex Vizoso Saylor [a] thanked Rosemary Reder for reiterating the importance of the American flag; [b] spoke about sacrifices that come from holding public office; [c] thanked neighborhood and advocacy leaders for their sacrifices; and [d] thanked her campaign supporters. Emilie-Marie Zic thanked the Mayor, Commissioner Douglas and the CRA for supporting new businesses in the Northwood Business District. Al Vazquez [a] thanked his campaign supporters; and [b] encouraged eligible voters to vote in the General Election. Rebecca Henderson Young spoke about the El Cid Historic Neighborhood Association’s Historic Home and Garden Tour event that was held on Sunday, March 9, 2008. Rod Tinson spoke about [a] improvements made to the north end of the City; [b] the Construction Services Department; and [c] the removal of campaign signs. Nancy Sloane [a] spoke about the need for a left turn traffic light at the intersection of Broadway Avenue and 25th Street; and [b] suggested that a caution traffic light be installed in front of Fire Station No. 3. Joe Egan [a] told of his observations as a volunteer neighborhood patroller; and [b] thanked the City for an increase in police presence. Howard Pincus spoke about the General Election.

At this time the Mayor [a] commended Mr. Egan for his service to the City; and [b] announced that crime is down 30% from the previous year.

COMMENTS BY THE CITY COMMISSIONERS [CONTINUED]:

Commissioner Douglas [a] commended the business owners from the Northwood Business District; [b] spoke about the Northboro Park Neighborhood Association and Old Northwood Neighborhood Association’s Mayor’s Tour and Progressive Dinner event and the El Cid Historic Neighborhood Association’s Historic Home and Garden Tour event; [c] announced that the Grandview Heights Citizens Association’s Historic Home Tour event will soon be held; [d] announced that a new restaurant named Sueno Latino recently opened in the Northwood Business District; [e] announced that the Boys and Girls Club had recently held an event at the Tiki Waterfront Sea Grill restaurant in Riviera Beach; [f] spoke about removal of campaign signs; and [g] encouraged voters to vote in the general election.
Commissioner Muoio [a] spoke about the opening of Fire Station No. 8; [b] spoke about the groundbreaking of a new road that will provide the Fire Department access into the Riverwalk of the Palm Beaches neighborhood; [c] spoke about a meeting held on March 1, 2008 regarding the proposed extension of Roebuck Road; [d] commended Antonio Scott for his work as President of Robinson Village; [e] expressed her gratitude for the decrease in crime that resulted from an increase in the presence of police officers in the western communities; [f] expressed her concern regarding the extension of State Road 7 near the Baywinds Neighborhood; [g] stated that Palm Beach County had agreed to construct a berm along the road extension; [h] suggested that the City provide funds for landscaping along the berm; [i] iterated the importance of having a comprehensive plan for water conservation; [j] spoke about the water conservation efforts adopted by Austin, Texas; and [k] thanked the Old Northwood Neighborhood Association, Northboro Park Neighborhood Association and the El Cid Historic Neighborhood Association for their events held during the previous weekend.

At this time the Mayor asked that Commissioner Muoio be the Commission liaison for the Sustainability Committee. Commissioner Muoio agreed to do so.

Commissioner Mitchell [a] stated that she will be leaving early in order to drive to Tallahassee with her mother Anita Mitchell to attending a Hall of Fame event for the Florida Commission on the Status of Women; [b] announced that Florida Supreme Court Justice Barbara Pariente of West Palm Beach will be honored at the event; [c] asked to receive in writing an explanation of why she was disqualified as a candidate for the District 3 Commission seat; [d] asked that the seat be filled as soon as possible; and [f] asked for information regarding a policy that forbids electioneering at City Commission Meetings.

[Commissioner Mitchell left the meeting at 6:34 p.m.]

At this time the Mayor explained the events that led to the disqualifications of the District 3 Commission seat candidates. City Attorney Claudia McKenna and City Administrator Edward Mitchell responded to Commission questions.

Commissioner Moss [a] spoke about the disqualifications of the District 3 Commission candidates; [b] congratulated the winners of the Triumph Awards that honor the Hispanic community; [c] spoke about low-flow water kits; and [d] encouraged registered voters to vote in the General Election on March 11, 2008.
At this time Commissioner Douglas announced that a neighborhood discussion on the aboveground improvements of the streetscape design of 24th and 25th Streets will be held in the Northwood Village Neighborhood on March 19, 2008 from 5:30 to 7:30 p.m.

COMMENTS BY THE MAYOR [CONTINUED]:

The Mayor [a] thanked the Old Northwood Neighborhood Association and the Northboro Park Neighborhood Association for hosting the Mayor’s Tour and Progressive Dinner event held the previous weekend; [b] spoke about the Evening on Antique Row and the Greek Festival events that were recently held; [c] noted that the Arthur R. Marshall Foundation celebrated its 10th Anniversary the previous week; [d] spoke about a recent shooting at a local Wendy’s restaurant; [e] noted that the day of the shooting she was in a Mayors Against Illegal Guns meeting held in Jacksonville; [f] encouraged gun owners to secure their guns; and [g] spoke about the General Election.

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

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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.