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CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
REGULAR MEETING  
AUGUST 19, 2010

The regular meeting was called to order at 7:00 p.m. by Mayor Levy.

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**PRESENT:** Mayor David Levy, Vice Mayor Robert Premuroso, Councilmember Eric Jablin.

**ABSENT:** Councilmember Joseph Russo.

**III. ADDITIONS, DELETIONS, MODIFICATIONS**

**ADDITIONS**

**NEW ITEM A. UNDER CITY MANAGER REPORT:**

NORTHLAKE BOULEVARD TASK FORCE.

**NEW ITEM F. UNDER RESOLUTIONS:**

**RESOLUTION 53, 2010** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A MONUMENT SIGN WITH AN ELECTRONIC MARQUEE AT PALM BEACH GARDENS COMMUNITY HIGH SCHOOL, LOCATED AT 4245 HOLLY DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR WAIVERS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Councilmember Jablin** made a motion for approval of the additions.

**Vice Mayor Premuroso** seconded.

Motion passed 3-0.

**IV. ANNOUNCEMENTS AND PRESENTATIONS**

a. **RECOGNITION OF WAYNE CAMERON, BUILDING INSPECTOR.**

**Mayor Levy** and **Councilmembers** acknowledged **Wayne Cameron** for obtaining an Energy Assurance Plan grant.

**V. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS**

**Councilmember Jablin** had no report. **Vice Mayor Premuroso** had no report. **Mayor Levy** announced the upcoming Kiwanis Club Roast at the Marriott.

**VI. CITY MANAGER REPORT**

**City Manager Ferris** discussed a letter from **County Commissioner Karen Marcus** regarding the Northlake Boulevard Task Force. **Councilmembers** reached consensus on continuing the City of Palm Beach Gardens' membership and **Councilmember Jablin** continuing as the City's representative.

**VII. COMMENTS FROM THE PUBLIC**

**Carolyn Chaplik**, 715 Hudson Bay Drive, Palm Beach Gardens; **Lou Satriano**, 4703 Lakemont Court, Palm Beach Gardens; **Ed Chase**, 3402 Gardens East Drive, Palm Beach Gardens.

**VIII. CONSENT AGENDA**

a. APPROVE MINUTES FROM JUNE 3, 2010 CITY COUNCIL MEETING.

b. APPROVE MINUTES FROM JULY 15, 2010 CITY COUNCIL MEETING.

c. **RESOLUTION 46, 2010 – WORK AUTHORIZATIONS TO TLC ENGINEERING.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AUTHORIZING TWO WORK AUTHORIZATIONS TO TLC ENGINEERING FOR ARCHITECTURE, INC. FOR THE DEVELOPMENT OF AND TRAINING FOR AN ENERGY ASSURANCE PLAN AS PART OF THE U.S. DEPARTMENT OF ENERGY'S

1 LOCAL ENERGY ASSURANCE PLANNING (LEAP) INITIATIVE; PROVIDING AN  
2 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3 d. RESOLUTION 48, 2010 - AGREEMENT WITH THE FLORIDA DEPARTMENT OF  
4 TRANSPORTATION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
5 PALM BEACH GARDENS, FLORIDA APPROVING A LOCAL AGENCY  
6 CERTIFICATION QUALIFICATION AGREEMENT WITH THE STATE OF FLORIDA  
7 DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE; AND  
8 FOR OTHER PURPOSES.

9 e. RESOLUTION 50, 2010 - AGREEMENT WITH MACMILLAN OIL COMPANY. A  
10 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
11 FLORIDA APPROVING AN AGREEMENT WITH MACMILLAN OIL COMPANY OF  
12 FLORIDA, INC. FOR THE PURCHASE OF UNLEADED GASOLINE AND FUEL OIL  
13 VIA AN EXISTING CONTRACT WITH THE STATE OF FLORIDA (NUMBER 405-000-  
14 10-1); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING  
15 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16 f. RESOLUTION 52, 2010 - LEASE AGREEMENT FOR GOLF CARTS. A  
17 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
18 FLORIDA APPROVING A FOUR (4) YEAR LEASE AGREEMENT WITH DE LAGE  
19 LANDEN PUBLIC FINANCE LLC FOR GOLF CARTS FROM CLUB CAR, INC. VIA AN  
20 EXISTING CONTRACT WITH THE CITY OF TUCSON, ARIZONA (CONTRACT  
21 DATED DECEMBER 10, 2009); AUTHORIZING THE MAYOR TO EXECUTE THE  
22 AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

23 Councilmember Jablin made a motion for approval of the Consent Agenda.

24 Vice Mayor Premuroso seconded.

25 Motion passed 3-0.

26 **IX. PUBLIC HEARINGS: (\*Designates Quasi-Judicial Hearing)**

27 Mayor Levy announced the procedures for tonight's proceedings.

28 Those preparing to give testimony were sworn in.

29 The City Clerk read Ordinance 20, 2010 by title.

30 a. ORDINANCE 20, 2010 - (1ST READING) FIREFIGHTERS' PENSION PLAN. AN  
31 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
32 FLORIDA RELATING TO THE FIREFIGHTERS' PENSION PLAN; PROVIDING FOR  
33 COMPLIANCE WITH RECENTLY ENACTED STATUTORY REQUIREMENTS AND  
34 OPTIONS; AMENDING SECTION 38-53 PROVIDING FOR THE EXTENSION OF  
35 TRUSTEE TERMS FROM TWO YEARS TO FOUR YEARS; AMENDING SECTION 38-  
36 54 PROVIDING FOR THE INCREASE TO THE CAP OF INTERNATIONAL SECURITY  
37 EXPOSURE FROM TEN PERCENT TO TWENTY-FIVE PERCENT; PROVIDING FOR  
38 COMPLIANCE WITH PROTECTING FLORIDA'S INVESTMENT ACT AND  
39 PROVIDING FOR THE EXPANSION OF THE INVESTMENT VEHICLES UPON THE  
40 ADVICE OF THE INVESTMENT CONSULTANT; AMENDING SECTION 38-57  
41 PROVIDING THAT PRE-RETIREMENT DEATH BENEFITS SHALL COMPLY WITH  
42 USERRA REQUIREMENTS; AMENDING SECTION 38-60 PROVIDING THAT  
43 RETIREES MAY CHANGE THE DESIGNATED SURVIVOR UP TO TWO TIMES  
44 AFTER RETIREMENT WITHOUT APPROVAL OF THE BOARD OF TRUSTEES AND  
45 VERIFICATION OF GOOD HEALTH; AMENDING SECTION 38-68 PROVIDING FOR  
46 FULL FUNDING OF NONFORFEITABLE BENEFITS UPON TERMINATION OF THE  
47 PLAN; AMENDING SECTION 38-69 PROVIDING THAT RETIREES MAY DIRECT  
48 PAYMENT OF CERTAIN INSURANCE PREMIUMS FROM BENEFIT PAYMENTS;

1 PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND  
2 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
3 PURPOSES.

4 Mayor Levy opened the public hearing.

5 Staff Presentation by: Finance Administrator Allan Owens.

6 Petitioner Presentations by: Firefighters' Pension Fund Board Member Donna Wisneski;

7 Investment Consultant Joe Bogdahn; Actuary Brad Armstrong; Attorney Pedro

8 Herrera.

9 Public Comment: Rick Rhodes, 3139 SW Captiva Circle, Palm City.

10 Mayor Levy closed the public hearing.

11 Councilmember Jablin made a motion for approval of Ordinance 20, 2010 on first reading.

12 Vice Mayor Premuroso seconded.

13 Motion passed 3-0.

14 The City Clerk read Ordinance 22, 2010 by title.

15 b. ORDINANCE 22, 2010 - (1ST READING) AMENDING THE CODE OF ORDINANCE.

16 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH

17 GARDENS, FLORIDA AMENDING CHAPTER 14. ANIMALS. OF THE CODE OF

18 ORDINANCES BY CREATING A NEW ARTICLE III. ENTITLED "DOG-FRIENDLY

19 DINING", IN ORDER TO ESTABLISH A LOCAL EXEMPTION TO CERTAIN

20 PROVISIONS OF GENERAL LAW AND AGENCY RULES RELATING TO PUBLIC

21 FOOD SERVICE ESTABLISHMENTS IN ORDER TO PERMIT PATRONS' DOGS AT

22 CERTAIN DESIGNATED OUTDOOR PORTIONS OF SUCH ESTABLISHMENTS

23 PURSUANT TO SECTION 509.233, FLORIDA STATUTES; PROVIDING THAT EACH

24 AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. ANIMALS.

25 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED;

26 PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND

27 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

28 PURPOSES.

29 Mayor Levy opened the public hearing.

30 Presentation by: Code Enforcement Operations Director David Reyes.

31 Public Comment: Eileen Tucker, 1047 Shady Lakes Circle, Palm Beach Gardens; Pat

32 Hughey, 9120 Reed Drive, Palm Beach Gardens; Sue Tulho, 1827 N. Jog Road, West Palm

33 Beach; Carol Estrada, 309 Riverside Drive, Palm Beach Gardens; Lou Satriano, 4703

34 Lakemont Court, Palm Beach Gardens.

35 Mayor Levy closed the public hearing.

36 Councilmember Jablin made a motion for approval of Ordinance 22, 2010 on first reading.

37 Vice Mayor Premuroso seconded.

38 Motion passed 3-0.

39 The City Clerk read Resolution 38, 2010 by title.

40 c. \*RESOLUTION 38, 2010 - PARCEL 31.04 – WAIVER FROM THE RESIDENTIAL

41 MIXED USE REQUIREMENT. A RESOLUTION OF THE CITY COUNCIL OF THE

42 CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A WAIVER OF THE

43 RESIDENTIAL COMPONENT WITHIN A MIXED-USE PROJECT FOR PROPERTY

44 COMMONLY REFERRED TO AS PARCEL 31.04 PLANNED COMMUNITY

45 DEVELOPMENT (PCD), AS MORE PARTICULARLY DESCRIBED HEREIN;

46 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

47 Mayor Levy opened the public hearing.

48 No ex parte communication was declared.

1 Presentation by: **Principal Planner Ryan Johnston**, The Johnston Group.

2 **Mayor Levy** closed the public hearing.

3 **Councilmember Jablin** made a motion for approval of Resolution 38, 2010.

4 **Vice Mayor Premuroso** seconded.

5 Motion passed 3-0.

6 The City Clerk read Resolution 49, 2010 by title.

7 d. \*RESOLUTION 49, 2010 - CALVARY CHAPEL CHURCH. A RESOLUTION OF THE  
8 CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING  
9 THE MAJOR CONDITIONAL USE OF CHURCH FOR CALVARY CHAPEL OF  
10 JUPITER, INC., LOCATED WITHIN PALM BEACH GARDENS HIGH SCHOOL AT  
11 4245 HOLLY DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING  
12 CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR  
13 OTHER PURPOSES.

14 **Mayor Levy** opened the public hearing.

15 No ex parte communication was declared.

16 Presentation by: **Pastor Nathan Murrell**.

17 **Mayor Levy** closed the public hearing.

18 **Councilmember Jablin** made a motion for approval of Resolution 49, 2010.

19 **Vice Mayor Premuroso** seconded.

20 Motion passed 3-0.

21 The City Clerk read Resolution 51, 2010 by title.

22 e. \*RESOLUTION 51, 2010 - AMENDING THE DONALD ROSS VILLAGE PLANNED  
23 UNIT DEVELOPMENT. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
24 PALM BEACH GARDENS, FLORIDA AMENDING THE DONALD ROSS VILLAGE  
25 PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR AN ADDITIONAL  
26 PRINCIPAL TENANT SIGN ON THE NORTH ELEVATION OF BUILDING H (A.K.A.  
27 HILTON HOMEWOOD SUITES HOTEL), AND RE-ORIENTING TWO MONUMENT  
28 SIGNS LOCATED ALONG DONALD ROSS ROAD WITHIN THE DONALD ROSS  
29 VILLAGE PUD, GENERALLY BOUNDED BY DONALD ROSS ROAD TO THE  
30 NORTH, CENTRAL BOULEVARD TO THE WEST, AND MILITARY TRAIL TO THE  
31 EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS;  
32 PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND  
33 FOR OTHER PURPOSES.

34 **Mayor Levy** opened the public hearing.

35 **Vice Mayor Premuroso** declared ex parte communication.

36 Presentation by: **Marty Minor**, Urban Design Kilday Studios.

37 **Mayor Levy** closed the public hearing.

38 **Councilmember Jablin** made a motion for approval of Resolution 51, 2010.

39 **Vice Mayor Premuroso** seconded.

40 Motion passed 3-0.

41 The City Clerk read Resolution 53, 2010 by title.

42 f. RESOLUTION 53, 2010 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
43 OF PALM BEACH GARDENS, FLORIDA APPROVING A MONUMENT SIGN WITH  
44 AN ELECTRONIC MARQUEE AT PALM BEACH GARDENS COMMUNITY HIGH  
45 SCHOOL, LOCATED AT 4245 HOLLY DRIVE, AS MORE PARTICULARLY  
46 DESCRIBED HEREIN; PROVIDING FOR WAIVERS; PROVIDING FOR CONDITIONS  
47 OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

48 **Mayor Levy** opened the public hearing.

1 Petitioner Presentation by: **Planning Director Kris Garrison**, Palm Beach County School  
2 District.

3 Staff Presentation by: **Planning and Zoning Director Natalie Wong**.

4 **Mayor Levy** closed the public hearing.

5 **Councilmember Jablin** made a motion for approval of Resolution 53, 2010.

6 **Vice Mayor Premuroso** seconded.

7 Motion passed 3-0.

8 **X. RESOLUTIONS**

9 The City Clerk read Resolution 45, 2010 by title.

10 **RESOLUTION 45, 2010 - ANNUAL INSURANCE RENEWALS.** A RESOLUTION OF  
11 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA  
12 APPROVING THE RENEWALS OF BLUE CROSS BLUE SHIELD OF FLORIDA,  
13 POLICY NUMBER 91062, GUARDIAN POLICY NUMBER 407008, AND LINCOLN  
14 FINANCIAL POLICY NUMBERS 000010074146 AND 000010074147 FOR FISCAL  
15 YEAR 2010/2011; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16 **Mayor Levy** opened the public hearing.

17 Presentation by: **Human Resources Generalist Lauren Ferreira**.

18 **Mayor Levy** closed the public hearing.

19 **Councilmember Jablin** made a motion for approval of Resolution 45, 2010.

20 **Vice Mayor Premuroso** seconded.

21 Motion passed 3-0.

22 **XI. ITEMS FOR COUNCIL ACTION/DISCUSSION**

23 None.

24 **XII. CITY ATTORNEY REPORT**

25 None.

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1 **XIII. ADJOURNMENT**

2 **Councilmember Jablin** made a motion to adjourn.

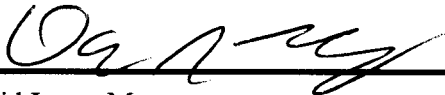
3 **Vice Mayor Premuroso** seconded.


4 Motion passed 3-0.

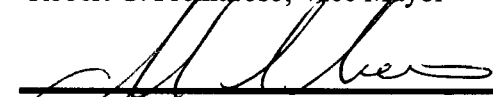
5 The meeting adjourned at 9:12 p.m.

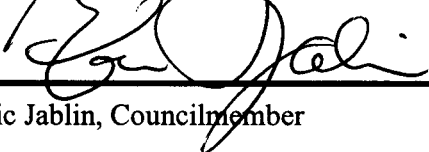
6 The next regularly scheduled City Council meeting will be held September 16, 2010.

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8 **APPROVED:**


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13 David Levy, Mayor

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17 Robert G. Premuroso, Vice Mayor

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21 Joseph R. Russo, Councilmember

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25 Eric Jablin, Councilmember

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31 **ATTEST:**

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35 Patricia Snider, CMC  
36 City Clerk

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40 Note: These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of  
41 the meeting. A verbatim audio record is available from the Office of the City Clerk.  
42 All referenced attachments are on file in the Office of the City Clerk.