

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 SEPTEMBER 16, 2010  
5

6 The regular meeting was called to order at 7:03 p.m. by Mayor Levy.

7 **I. PLEDGE OF ALLEGIANCE**

8 **II. ROLL CALL**

9 **PRESENT:** Mayor David Levy, Vice Mayor Robert Premuroso, Councilmember Joseph  
10 Russo, Councilmember Eric Jablin.

11 **ABSENT:** None.

12 **III. ADDITIONS, DELETIONS, MODIFICATIONS**

13 **ADDITIONS**

14 **UNDER CONSENT**

15 RESOLUTION 70, 2010 – APPOINTING THE CITY ENGINEER.

16 **UNDER PUBLIC HEARING NON-QUASI**

17 ORDINANCE 21, 2010 – AMENDING CHAPTER 78. AT ARTICLE V. BY  
18 REPEALING DIVISION 7. SIGNS.

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

20 Vice Mayor Premuroso seconded.

21 Motion passed 4-0.

22 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

23 a. BEAUTIFICATION AWARDS – BENJAMIN SCHOOL AND PALM BEACH STATE  
24 COLLEGE.

25 Community Aesthetics Board Chair Terence Brady announced the award winners and the  
26 City Council presented the awards.

27 b. RECOGNIZING SARAH SMITH, HEAD SWIM COACH, FOR RECEIVING THE  
28 “VIKKI WELLS COMMITMENT TO EXCELLENCE AWARD.”

29 South Florida Recreation Swim League Board members Tyrene Morgans and Andra Weber  
30 presented the award and Mayor Levy and the City Council members acknowledged Sarah  
31 Smith for her achievements.

32 c. RECOGNIZING MATT DOHERTY, SOFTWARE SYSTEMS MANAGER, FOR  
33 RECEIVING THE CERTIFICATION OF CHIEF INFORMATION OFFICER FROM THE  
34 FLORIDA INSTITUTE OF GOVERNMENT.

35 Mayor Levy and City Council members acknowledged Matt Doherty for his achievements.

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

37 Mayor Levy, Vice Mayor Premuroso, Councilmember Russo and Councilmember Jablin  
38 acknowledged the efforts and contributions by city staff and donors for the 9-1-1 Memorial  
39 Plaza. Councilmember Jablin had no further report. Vice Mayor Premuroso thanked City  
40 Clerk Snider for her help with the polling location at Howell Watkins Middle School and  
41 noted that the Budget Oversight Committee will present their report at the September 30,  
42 2010 meeting. Councilmember Russo announced the cancellation of the September and  
43 November Bioscience Land Protection Advisory Board meetings. The next meeting will be  
44 held in January 2011. Mayor Levy reported attending the Water Resource Task Force  
45 meeting.

46 **VI. CITY MANAGER REPORT**

47 None.

1 **VII. COMMENTS FROM THE PUBLIC**

2 **Dr. Mark Marciano**, 2610 Prosperity Oaks Court, Palm Beach Gardens; **Carol Estrada**, 309  
3 Riverside Drive, Palm Beach Gardens.

4 **VIII. CONSENT AGENDA**

5 a. **RESOLUTION 36, 2010 – LOW VOLTAGE WIRING INSTALLATION FOR**  
6 **EMERGENCY OPERATIONS COMMUNICATIONS CENTER.** A RESOLUTION OF  
7 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA  
8 AUTHORIZING A PURCHASE AWARD TO UNIVERSAL CABLING SYSTEMS, INC.  
9 TO SUPPLY AND INSTALL FIBER OPTIC AND COPPER CABLING FOR THE  
10 EMERGENCY OPERATIONS AND COMMUNICATIONS CENTER VIA AN EXISTING  
11 CONTRACT WITH THE SCHOOL DISTRICT OF ST. LUCIE COUNTY (NO. 09-08E);  
12 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

13 b. **PROCLAMATION** – CONSTITUTION WEEK.

14 c. **RESOLUTION 70, 2010** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
15 OF PALM BEACH GARDENS, FLORIDA ACCEPTING AND RATIFYING THE CITY  
16 MANAGER’S RECOMMENDATION THAT TODD ENGLE BE APPOINTED AS THE  
17 CITY ENGINEER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

19 **Vice Mayor Premuroso** seconded.

20 Motion passed 4-0.

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

22 a. PRESENTATION OF THE FISCAL YEAR 2010/2011 BUDGET.

23 **Presentation by: Finance Administrator Allan Owens.**

24 The City Clerk read Ordinance 23, 2010 by title.

25 b. **ORDINANCE 23, 2010 – (1ST READING) ADOPTING FISCAL YEAR 2010/2011**  
26 **BUDGET.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
27 GARDENS, FLORIDA ADOPTING THE BUDGET FOR THE CITY OF PALM BEACH  
28 GARDENS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010, AND  
29 ENDING SEPTEMBER 30, 2011; PROVIDING A CONFLICTS CLAUSE AND A  
30 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
31 PURPOSES.

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

33 **Presentation by: Finance Administrator Allan Owens.**

34 **Public Comment: Tom Sosey**, 149 Bent Tree Drive, Palm Beach Gardens; **Eileen Tucker**,  
35 1045 Shady Lakes Circle, Palm Beach Gardens; **Pat Hughey**, 9120 Reed Drive, Palm Beach  
36 Gardens; **Joan Elias**, 1009 Diamond Head Way, Palm Beach Gardens.

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

38 Discussion ensued.

39 **Councilmember Jablin** made a motion to adopt a proposed operating millage rate of 5.83  
40 mils and debt millage rate of .1854 for a total tentative millage rate of 6.0154 mils for FY  
41 2010–2011.

42 **Councilmember Russo** seconded.

43 Motion passed 3-1 with **Councilmember Premuroso** dissenting.

44 **Councilmember Jablin** announced that the proposed millage rate represents a decrease from  
45 the roll-back rate by 3.294 percent.

46 **Councilmember Jablin** made a motion to approve Ordinance 23, 2010 on first reading,  
47 adopting a tentative budget for fiscal year 2010/2011, and setting the second and final reading  
48 for September 30, 2010 at 7:00 p.m. in Council Chambers.

1 **Councilmember Russo** seconded.

2 Motion passed 4-0.

3 The City Clerk read Ordinance 13, 2010 by title.

4 c. **ORDINANCE 13, 2010 – (1st READING) DUMPSTER/RECYCLING.** AN  
5 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
6 FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY REPEALING  
7 SECTION 78-378. DUMPSTERS. AND READOPTING SAME, AS REVISED; FURTHER  
8 AMENDING CHAPTER 78. AT SECTION 78-379 BY REPEALING SUBSECTIONS  
9 (a)(3) AND (c), READOPTING SUBSECTION (c), AS REVISED, RENUMBERING  
10 FORMER SUBSECTIONS (a)(4), (a)(5), AND (a)(6) AS NEW SUBSECTIONS (a)(3),  
11 (a)(4), AND (a)(5) AND ADOPTING NEW SUBSECTION (d); PROVIDING THAT EACH  
12 AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND  
13 DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY  
14 ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND  
15 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
16 PURPOSES.

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

18 **Presentation by: Planner Martin Schneider.**

19 **Public Comment:** None.

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

21 Discussion ensued.

22 **Councilmember Jablin** made a motion for approval of Ordinance 13, 2010 on first reading.

23 **Vice Mayor Premuroso** seconded.

24 Motion passed 4-0.

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

26 d. **ORDINANCE 20, 2010 - (2nd READING AND ADOPTION) FIREFIGHTERS' PENSION**  
27 **PLAN.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
28 GARDENS, AMENDING CHAPTER 38. FIRE PREVENTION AND PROTECTION. BY  
29 REPEALING SUBSECTIONS 38-53(1), 38-54(6), 38-60(1)b, SECTIONS 38-68 AND 38-69 AND  
30 READOPTING SAME, AS REVISED, AND BY ADOPTING NEW SUBSECTION 38-57(2)e IN  
31 ORDER TO EXTEND TRUSTEE TERMS FROM TWO YEARS TO FOUR YEARS, TO  
32 INCREASE THE CAP OF INTERNATIONAL SECURITY EXPOSURE, TO COMPLY WITH  
33 PROTECTING FLORIDA'S INVESTMENT ACT AND TO EXPAND THE ELIGIBLE  
34 INVESTMENT VEHICLES, TO COMPLY WITH USERRA FOR PRE-RETIREMENT DEATH  
35 BENEFITS, TO ALLOW RETIREES TO CHANGE THE DESIGNATED SURVIVOR UP TO TWO  
36 TIMES AFTER RETIREMENT WITHOUT APPROVAL OF THE BOARD OF TRUSTEES AND  
37 VERIFICATION OF GOOD HEALTH, TO FULLY FUND NONFORFEITABLE BENEFITS UPON  
38 TERMINATION OF THE PLAN, AND TO ALLOW RETIREES TO DIRECT PAYMENT OF  
39 CERTAIN INSURANCE PREMIUMS FROM BENEFIT PAYMENTS; PROVIDING A  
40 CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY;  
41 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

43 **Staff Presentation by: Finance Administrator Allan Owens.**

44 **Presentation by: Joe Bogdahn,** The Bogdahn Group.

45 **Public Comment:** None.

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

47 Discussion ensued.

48 **Councilmember Jablin** made a motion for approval of Ordinance 20, 2010 on second  
49 reading and adoption.

1 **Councilmember Russo** seconded.  
2 Motion passed 4-0.  
3 The City Clerk read Ordinance 22, 2010 by title.  
4 d. **ORDINANCE 22, 2010 - (2ND READING AND ADOPTION) AMENDING THE CODE**  
5 **OF ORDINANCE.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM  
6 BEACH GARDENS, FLORIDA AMENDING CHAPTER 14. ANIMALS. OF THE CODE  
7 OF ORDINANCES BY CREATING A NEW ARTICLE III. ENTITLED “DOG-FRIENDLY  
8 DINING”, IN ORDER TO ESTABLISH A LOCAL EXEMPTION TO CERTAIN  
9 PROVISIONS OF GENERAL LAW AND AGENCY RULES RELATING TO PUBLIC  
10 FOOD SERVICE ESTABLISHMENTS IN ORDER TO PERMIT PATRONS’ DOGS AT  
11 CERTAIN DESIGNATED OUTDOOR PORTIONS OF SUCH ESTABLISHMENTS  
12 PURSUANT TO SECTION 509.233, FLORIDA STATUTES; PROVIDING THAT EACH  
13 AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. ANIMALS.  
14 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED;  
15 PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND  
16 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
17 PURPOSES.  
18 **Mayor Levy** opened the public hearing.  
19 **Presentation by: Operations Director David Reyes.**  
20 **Public Comment:** None.  
21 **Mayor Levy** closed the public hearing.  
22 Discussion ensued.  
23 **Councilmember Jablin** made a motion for approval of Ordinance 22, 2010 on first reading.  
24 **Councilmember Russo** seconded.  
25 Motion passed 4-0.  
26 **Comment by: Sue Comerford,** Regent, Seminole Chapter, Daughters of the American  
27 Revolution, 301 Plymouth Road, West Palm Beach.  
28 f. **RESOLUTION 61, 2010 - BANYAN TREE HISTORICAL MARKER PETITION.** A  
29 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
30 FLORIDA AUTHORIZING THE CITY MANAGER TO SIGN THE FLORIDA  
31 HISTORICAL MARKER APPLICATION AND TO PLACE A HISTORICAL MARKER  
32 AT THE BANYAN TREE SITE ON MACARTHUR BOULEVARD; PROVIDING AN  
33 EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
34 **Mayor Levy** opened the public hearing.  
35 **Presentation by: Resource Manager Allyson Black.**  
36 **Public Comment:** None.  
37 **Mayor Levy** closed the public hearing.  
38 **Councilmember Jablin** made a motion for approval of Resolution 61, 2010.  
39 **Councilmember Russo** seconded.  
40 Motion passed 4-0.  
41 g. **ORDINANCE 21, 2010** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
42 OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. AT ARTICLE V.  
43 BY REPEALING DIVISION 7. SIGNS. AND READOPTING SAME, AS REVISED, IN  
44 ORDER TO COMPREHENSIVELY REVISE AND CLARIFY THE CITY’S SIGN  
45 DEFINITIONS. BY ADOPTING NEW DEFINITIONS FOR “SIGN, CODE; FURTHER  
46 AMENDING CHAPTER 78. AT SECTION 78-751. EVENT SIGNAGE”, “SIGN, RIGHT-  
47 OF-WAY BANNER”, “SURFACE AREA”, AND “VISIBILITY TRIANGLES (AKA,  
48 SAFESITE TRIANGLES)”; PROVIDING THAT EACH AND EVERY OTHER SECTION

1 AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN  
2 FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A  
3 CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY;  
4 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5 Mayor Levy opened the public hearing.

6 Presentation by: Planner Martin Schneider.

7 Public Comment: None.

8 Mayor Levy closed the public hearing.

9 Councilmember Jablin made a motion for approval of Ordinance 21, 2010.

10 Councilmember Russo seconded.

11 Motion passed 4-0.

12 **X. RESOLUTIONS**

13 The City Clerk read Resolution 60, 2010 by title.

14 a. RESOLUTION 60, 2010 - PURCHASE INSURANCE POLICIES FOR PROPERTY  
15 AND CASUALTY INSURANCE. A RESOLUTION OF THE CITY COUNCIL OF THE  
16 CITY OF PALM BEACH GARDENS, FLORIDA TO RENEW INSURANCE POLICIES  
17 FOR PROPERTY, CASUALTY, PUBLIC OFFICIALS, AND RELATED INSURANCE  
18 FROM PREFERRED GOVERNMENTAL INSURANCE TRUST; AUTHORIZING THE  
19 MAYOR TO EXECUTE THE CONTRACT; PROVIDING AN EFFECTIVE DATE; AND  
20 FOR OTHER PURPOSES.

21 Mayor Levy opened the public hearing.

22 Presentation by: Finance Administrator Allan Owens.

23 Public Comment: Shane Caldwell, 1905 Lake Markham Preserve Trail, Lake Mary, FL;  
24 Hasib Bangloria, 1525 International Parkway, Lake Mary, FL; Glenn Tobey, 276 Lake  
25 Brittany Court, Lake Mary, FL; Don Noel, 1641 Pepperwood Circle, North Palm Beach;  
26 Kurt Heyman, PO Box 958455, Lake Mary, FL; Sam Ellington, 8570 Thousand Pines  
27 Court, West Palm Beach, FL.

28 Mayor Levy closed the public hearing.

29 Discussion ensued.

30 Councilmember Russo made a motion for approval of Resolution 60, 2010.

31 Oouncilmember Jablin seconded.

32 Motion passed 4-0.

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

34 None.

35 **XII. CITY ATTORNEY REPORT**

36 None.

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1 **XIII. ADJOURNMENT**

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

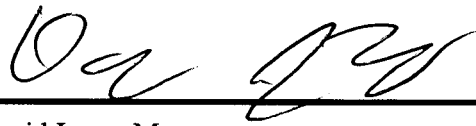
3 **Councilmember Russo** seconded.

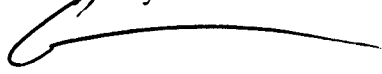
4 Motion passed 4-0.

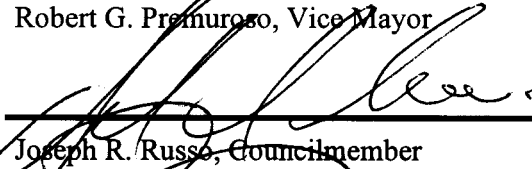
5 The meeting adjourned at 10:27 p.m.

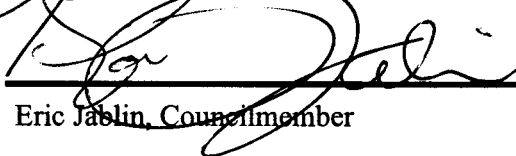
6 The next regularly scheduled City Council meeting will be held September 30, 2010.

7  
8 **APPROVED:**

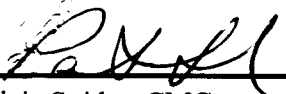
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13 David Levy, Mayor

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17 \_\_\_\_\_  
18 Robert G. Premuroso, Vice Mayor

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21 \_\_\_\_\_  
22 Joseph R. Russo, Councilmember

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26 Eric Jablin, Councilmember

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31 **ATTEST:**

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35 \_\_\_\_\_  
36 Patricia Snider, CMC  
37 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.