



**CITY OF PALM BEACH GARDENS
COUNCIL AGENDA
October 7, 2010
7:00 P.M.**

**Mayor Levy
Vice Mayor Premuroso
Council Member Russo
Council Member Jablin**

- I. **PLEDGE OF ALLEGIANCE**
- II. **ROLL CALL**
- III. **ADDITIONS, DELETIONS, MODIFICATIONS:**
- IV. **ANNOUNCEMENTS / PRESENTATIONS:**
- V. **ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS:**
- VI. **CITY MANAGER REPORT:**
NONE
- VII. **COMMENTS FROM THE PUBLIC: (For Items Not on the Agenda, please submit request form to the City Clerk prior to this Item)**
- VIII. **CONSENT AGENDA:**
 - a. APPROVE MINUTES FROM SEPTEMBER 16, 2010 CITY COUNCIL MEETING
 - b. RESOLUTION 54, 2010 – WORK AUTHORIZATION FOR MOCK ROOS, INC. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AUTHORIZING A WORK AUTHORIZATION TO MOCK ROOS AND ASSOCIATES, INC. FOR DESIGN AND CONSTRUCTION SERVICES RELATED TO THE REFURBISHMENT OF TWO ROADWAY BRIDGES LOCATED ON LIGHTHOUSE DRIVE AND ALLAMANDA DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
 - c. RESOLUTION 65, 2010 –CITY OF PALM BEACH GARDENS CANVASSING BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPOINTING THE SUPERVISOR OF ELECTIONS, OR DESIGNEE, AS AN ADDITIONAL MEMBER OF THE CITY OF PALM BEACH GARDENS CANVASSING BOARD; REQUESTING THE SUPERVISOR OF ELECTIONS, OR DESIGNEE, TO CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE CITY CLERK TO APPOINT ELECTION OFFICIALS FOR THE PURPOSE OF CONDUCTING THE SPECIAL ELECTION AND RUN-OFF ELECTION, IF APPLICABLE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

- a. **ORDINANCE 13, 2010** – (2nd READING AND ADOPTION) DUMPSTER/RECYCLING. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY REPEALING SECTION 78-378. DUMPSTERS. AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-379 BY REPEALING SUBSECTIONS (a)(3) AND (c), READOPTING SUBSECTION (c), AS REVISED, RENUMBERING FORMER SUBSECTIONS (a)(4), (a)(5), AND (a)(6) AS NEW SUBSECTIONS (a)(3), (a)(4), AND (a)(5) AND ADOPTING NEW SUBSECTION (d); PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- b. ***RESOLUTION 66, 2010** – MISCELLANEOUS SIGNAGE PETITION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE DEVELOPMENT ORDER APPROVING THE SITE PLAN FOR NORTHMIL PLAZA LOCATED ALONG THE NORTHEAST CORNER OF NORTHLAKE BOULEVARD AND MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN, IN ORDER TO MODIFY A CERTAIN CONDITION OF APPROVAL REGARDING THE PROJECT'S WALL SIGNAGE REQUIREMENTS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- c. **ORDINANCE 19, 2010** – (1ST READING) REVISE OUTDOOR SEATING, SPECIAL EVENTS AND LIVE ENTERTAINMENT. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY REPEALING SECTION 78-187. SPECIAL EVENTS. AND READOPTING SAME AS REVISED; FURTHER AMENDING CHAPTER 78. BY REPEALING SECTION 78-191. OUTDOOR SEATING. AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78 BY ADOPTING NEW SECTION 78-194. TO BE ENTITLED "LIVE ENTERTAINMENT PERMIT"; FURTHER AMENDING CHAPTER 78 AT SECTION 78-661. PERFORMANCE STANDARDS. BY REPEALING SUBSECTION (b) AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-751. DEFINITIONS. BY ADOPTING NEW DEFINITIONS FOR "CERTIFICATE OF COMPLETION", "CERTIFICATE OF COMPLETION (INFRASTRUCTURE PERMIT)", "CERTIFICATE OF OCCUPANCY (LAND DEVELOPMENT)", "dBA", "DEVELOPMENT, AS IT PERTAINS TO ART", "DEVELOPMENT", "INDOOR LIVE ENTERTAINMENT", "LIVE ENTERTAINMENT", "NATIONAL EVENT", "OUTDOOR BAR", "OUTDOOR LIVE ENTERTAINMENT", "REGIONAL EVENT", "SPEAKERS", AND "SPECIAL EVENT"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- d. [ORDINANCE 26, 2010](#) (1st READING) -- REPEALING SECTION 34-56. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 34. ENVIRONMENT. AT ARTICLE III. NOISE. BY REPEALING SECTION 34-56. GENERAL RESTRICTIONS. IN ITS ENTIRETY AND RESERVING SAME FOR FUTURE LEGISLATION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 34. ENVIRONMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

X. RESOLUTIONS:

- a. [RESOLUTION 63, 2010](#) – APPOINTING MEMBERS TO THE PLANNING, ZONING AND APPEALS BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS TO THE PLANNING, ZONING, AND APPEALS BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- b. [RESOLUTION 64, 2010](#) – APPOINTING MEMBERS TO THE ART IN PUBLIC PLACES ADVISORY BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS TO THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- c. [RESOLUTION 68, 2010](#) – APPOINTING MEMBERS TO THE COMMUNITY AESTHETICS BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS TO THE COMMUNITY AESTHETICS BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- d. [RESOLUTION 71, 2010](#) – APPOINTING MEMBERS TO THE RECREATION ADVISORY BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS TO THE PARKS AND RECREATION ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- e. [RESOLUTION 67, 2010](#) – NEW LIFE COMMUNITY CHURCH. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A MAJOR CONDITIONAL USE FOR THE NEW LIFE COMMUNITY CHURCH OF PALM BEACH COUNTY, INC., LOCATED WITHIN LOEHMANN'S PLAZA ON THE SOUTHWEST CORNER OF PGA BOULEVARD AND RCA BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- f. [RESOLUTION 72, 2010](#) – COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE BENEVOLENT ASSOCIATION FOR POLICE OFFICERS, SERGEANTS AND COMMUNICATION OPERATORS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AND RATIFYING AN AGREEMENT WITH THE POLICE BENEVOLENT ASSOCIATION FOR POLICE OFFICERS, SERGEANTS, AND COMMUNICATIONS OPERATORS EMPLOYED BY THE CITY'S POLICE DEPARTMENT FOR FISCAL YEAR 2010-2011; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- g. [RESOLUTION 73, 2010](#) – COLLECTIVE BARGAINING AGREEMENT WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION FOR THE FISCAL YEAR 2010-2011; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

XI. [ITEMS FOR COUNCIL ACTION/DISCUSSION:](#)

XII. [CITY ATTORNEY REPORT:](#)

XIII. [ADJOURNMENT](#)

PLEASE TAKE NOTICE AND BE ADVISED that if any interested party wishes to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such interested persons will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-799-4122 no later than 5 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

NOTE:

All presentation materials must be received by the City Clerk prior to the presentation to the Council.