

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 OCTOBER 7, 2010  
5

6 The regular meeting was called to order at 7:00 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 None.

14 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

15 None.

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

17 Councilmember Jablin thanked everyone for their cards of condolence on the passing of his  
18 mother. Vice Mayor Premuroso reported the Palm Beach Gardens Historical Society  
19 meeting will be held on October 13, 2010 and noted the annual reading event.  
20 Councilmember Russo reported attending the North County Economic Advisory Board  
21 meeting and announced the opening of the Green Market on Sunday, October 9, 2010. Mayor  
22 Levy reported attending the Community Aesthetics Advisory Board meeting.

23 **VI. CITY MANAGER REPORT**

24 None.

25 **VII. COMMENTS FROM THE PUBLIC**

26 None.

27 **VIII. CONSENT AGENDA**

28 a. APPROVE MINUTES FROM SEPTEMBER 16, 2010 CITY COUNCIL MEETING.

29 b. RESOLUTION 54, 2010 – WORK AUTHORIZATION FOR MOCK ROOS, INC. A  
30 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
31 FLORIDA AUTHORIZING A WORK AUTHORIZATION TO MOCK ROOS AND  
32 ASSOCIATES, INC. FOR DESIGN AND CONSTRUCTION SERVICES RELATED TO  
33 THE REFURBISHMENT OF TWO ROADWAY BRIDGES LOCATED ON LIGHTHOUSE  
34 DRIVE AND ALLAMANDA DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR  
35 OTHER PURPOSES.

36 c. RESOLUTION 65, 2010 – CITY OF PALM BEACH GARDENS CANVASSING  
37 BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
38 GARDENS, FLORIDA APPOINTING THE SUPERVISOR OF ELECTIONS, OR  
39 DESIGNEE, AS AN ADDITIONAL MEMBER OF THE CITY OF PALM BEACH  
40 GARDENS CANVASSING BOARD; REQUESTING THE SUPERVISOR OF  
41 ELECTIONS, OR DESIGNEE, TO CANVASS ALL ABSENTEE BALLOTS; TO  
42 CANVASS THE MUNICIPAL ELECTION; AND TO CONDUCT THE LOGIC AND  
43 ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE  
44 CITY CLERK TO APPOINT ELECTION OFFICIALS FOR THE PURPOSE OF  
45 CONDUCTING THE SPECIAL ELECTION AND RUN-OFF ELECTION, IF  
46 APPLICABLE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

48 Vice Mayor Premuroso seconded.

1 Motion passed 4-0.

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

3 **Mayor Levy** announced the procedures for tonight's proceedings.

4 Those preparing to give testimony were sworn in.

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

6 a. ORDINANCE 13, 2010 – (2<sup>nd</sup> READING AND ADOPTION) DUMPSTER/RECYCLING. AN  
7 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA  
8 AMENDING CHAPTER 78. LAND DEVELOPMENT. BY REPEALING SECTION 78-378.  
9 DUMPSTERS. AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER  
10 78. AT SECTION 78-379 BY REPEALING SUBSECTIONS (a)(3) AND (c), READOPTING  
11 SUBSECTION (c), AS REVISED, RENUMBERING FORMER SUBSECTIONS (a)(4), (a)(5), AND  
12 (a)(6) AS NEW SUBSECTIONS (a)(3), (a)(4), AND (a)(5) AND ADOPTING NEW SUBSECTION  
13 (d); PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF  
14 CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS  
15 PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE,  
16 AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
17 PURPOSES.

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

19 **Presentation by: Director of Planning and Zoning Natalie Wong.**

20 **Public Comment:** None.

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

22 **Councilmember Jablin** made a motion to approve Ordinance 13, 2010.

23 **Vice Mayor Premuroso** seconded.

24 Motion passed 4-0.

25 The City Clerk read Resolution 66, 2010 by title.

26 b. RESOLUTION 66, 2010 – MISCELLANEOUS SIGNAGE PETITION. A  
27 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
28 FLORIDA AMENDING THE DEVELOPMENT ORDER APPROVING THE SITE PLAN  
29 FOR NORTHMIL PLAZA LOCATED ALONG THE NORTHEAST CORNER OF  
30 NORTHLAKE BOULEVARD AND MILITARY TRAIL, AS MORE PARTICULARLY  
31 DESCRIBED HEREIN, IN ORDER TO MODIFY A CERTAIN CONDITION OF  
32 APPROVAL REGARDING THE PROJECT'S WALL SIGNAGE REQUIREMENTS;  
33 PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND  
34 FOR OTHER PURPOSES.

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

36 No ex parte was declared

37 **Presentation by: Ann Booth, Urban Design Kilday Studios.**

38 **Public Comment:** None.

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

40 Discussion ensued.

41 **Councilmember Jablin** made a motion to approve Resolution 66, 2010.

42 **Vice Mayor Premuroso** seconded.

43 Motion passed 4-0.

44 The City Clerk read Ordinance 19, 2010 by title.

45 c. ORDINANCE 19, 2010 – (1<sup>ST</sup> READING) REVISE OUTDOOR SEATING, SPECIAL  
46 EVENTS AND LIVE ENTERTAINMENT. AN ORDINANCE OF THE CITY COUNCIL  
47 OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78.  
48 LAND DEVELOPMENT. BY REPEALING SECTION 78-187. SPECIAL EVENTS. AND  
49 READOPTING SAME AS REVISED; FURTHER AMENDING CHAPTER 78. BY

1 REPEALING SECTION 78-191. OUTDOOR SEATING. AND READOPTING SAME, AS  
2 REVISED; FURTHER AMENDING CHAPTER 78 BY ADOPTING NEW SECTION 78-  
3 194. TO BE ENTITLED “LIVE ENTERTAINMENT PERMIT”; FURTHER AMENDING  
4 CHAPTER 78 AT SECTION 78-661. PERFORMANCE STANDARDS. BY REPEALING  
5 SUBSECTION (b) AND READOPTING SAME, AS REVISED; FURTHER AMENDING  
6 CHAPTER 78. AT SECTION 78-751. DEFINITIONS. BY ADOPTING NEW  
7 DEFINITIONS FOR “CERTIFICATE OF COMPLETION”, “CERTIFICATE OF  
8 COMPLETION (INFRASTRUCTURE PERMIT)”, “CERTIFICATE OF OCCUPANCY  
9 (LAND DEVELOPMENT)”, “dBA”, “DEVELOPMENT, AS IT PERTAINS TO ART”,  
10 “DEVELOPMENT”, “INDOOR LIVE ENTERTAINMENT”, “LIVE ENTERTAINMENT”,  
11 “NATIONAL EVENT”, “OUTDOOR BAR”, “OUTDOOR LIVE ENTERTAINMENT”,  
12 “REGIONAL EVENT”, “SPEAKERS”, AND “SPECIAL EVENT”; PROVIDING THAT  
13 EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND  
14 DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY  
15 ADOPTED; 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: Resource Manager Allyson Black, Acoustical Consultant Edward  
20 Duggar.

21 Public Comment: Joey Eichner, PGA Corridor Association, Palm Beach Gardens; Ed Chase,  
22 Northern Palm Beach County Chamber of Commerce, 3402 Gardens East Drive, Palm Beach  
23 Gardens; Joel Channing, 59 St. George Place; Palm Beach Gardens.

24 Mayor Levy closed the public hearing.

25 Councilmember Jablin made a motion to approve Ordinance 19, 2010 on first reading.

26 Vice Mayor Premuroso seconded.

27 Motion passed 4-0.

28 The City Clerk read Ordinance 26, 2010 by title.

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

39 Mayor Levy opened the public hearing.

40 Public Comment: None.

41 Mayor Levy closed the public hearing.

42 Councilmember Jablin made a motion for approval of Ordinance 26, 2010 on first reading.

43 Vice Mayor Premuroso seconded.

44 Motion passed 4-0.

#### 45 X. RESOLUTIONS

46 The City Clerk read Resolution 63, 2010 by title.

47 a. RESOLUTION 63, 2010 – APPOINTING MEMBERS TO THE PLANNING, ZONING  
48 AND APPEALS BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

1 PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF  
2 REGULAR AND ALTERNATE MEMBERS TO THE PLANNING, ZONING, AND  
3 APPEALS BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
4 PURPOSES.

5 Mayor Levy opened the public hearing.

6 Mayor Levy closed the public hearing.

7 Discussion ensued.

8 Councilmember Jablin made a motion for approval of Resolution 63, 2010.

9 Councilmember Russo seconded.

10 Motion passed 4-0.

11 The City Clerk read Resolution 64, 2010 by title.

12 b. RESOLUTION 64, 2010 – APPOINTING MEMBERS TO THE ART IN PUBLIC  
13 PLACES ADVISORY BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE  
14 CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF  
15 REGULAR AND ALTERNATE MEMBERS TO THE ART IN PUBLIC PLACES  
16 ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
17 PURPOSES.

18 Mayor Levy opened the public hearing.

19 Mayor Levy closed the public hearing.

20 Discussion ensued.

21 Councilmember Jablin made a motion for approval of Resolution 64, 2010.

22 Councilmember Russo seconded.

23 Motion passed 4-0.

24 The City Clerk read Resolution 68, 2010 by title.

25 d. RESOLUTION 68, 2010 – APPOINTING MEMBERS TO THE COMMUNITY AESTHETICS  
26 BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
27 GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE  
28 MEMBERS TO THE COMMUNITY AESTHETICS BOARD; PROVIDING AN EFFECTIVE  
29 DATE; AND FOR OTHER PURPOSES.

30 Mayor Levy opened the public hearing.

31 Mayor Levy closed the public hearing.

32 Discussion ensued.

33 Councilmember Jablin made a motion for approval of Resolution 68, 2010.

34 Councilmember Russo seconded.

35 Motion passed 4-0.

36 The City Clerk read Resolution 71, 2010 by title.

37 e. RESOLUTION 71, 2010 – APPOINTING MEMBERS TO THE RECREATION ADVISORY  
38 BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
39 GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE  
40 MEMBERS TO THE PARKS AND RECREATION ADVISORY BOARD; PROVIDING AN  
41 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

42 Mayor Levy opened the public hearing.

43 Mayor Levy closed the public hearing.

44 Discussion ensued.

45 Councilmember Jablin made a motion for approval of Resolution 71, 2010.

46 Councilmember Russo seconded.

47 Motion passed 4-0.

48 The City Clerk read Resolution 67, 2010 by title.

1 f. RESOLUTION 67, 2010 – NEW LIFE COMMUNITY CHURCH. A RESOLUTION OF  
2 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA  
3 APPROVING A MAJOR CONDITIONAL USE FOR THE NEW LIFE COMMUNITY  
4 CHURCH OF PALM BEACH COUNTY, INC., LOCATED WITHIN LOEHMANN’S  
5 PLAZA ON THE SOUTHWEST CORNER OF PGA BOULEVARD AND RCA  
6 BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING  
7 CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR  
8 OTHER PURPOSES.

9 Mayor Levy opened the public hearing.

10 Presentation by: Pastor Scrivner Damon, New Life Community Church.

11 Staff Presentation: Planner Martin Schneider.

12 Mayor Levy closed the public hearing.

13 Councilmember Jablin made a motion for approval of Resolution 67, 2010.

14 Vice Mayor Premuroso seconded.

15 Motion passed 4-0.

16 The City Clerk read Resolution 72, 2010 by title.

17 f. RESOLUTION 72, 2010 – COLLECTIVE BARGAINING AGREEMENT WITH THE  
18 POLICE BENEVOLENT ASSOCIATION FOR POLICE OFFICERS, SERGEANTS AND  
19 COMMUNICATION OPERATORS. A RESOLUTION OF THE CITY COUNCIL OF THE  
20 CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AND RATIFYING AN  
21 AGREEMENT WITH THE POLICE BENEVOLENT ASSOCIATION FOR POLICE  
22 OFFICERS, SERGEANTS, AND COMMUNICATIONS OPERATORS EMPLOYED BY  
23 THE CITY’S POLICE DEPARTMENT FOR FISCAL YEAR 2010-2011; AUTHORIZING  
24 THE MAYOR AND CITY MANAGER TO EXECUTE SAID AGREEMENT;  
25 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

26 Mayor Levy opened the public hearing.

27 Presentation by: Human Resources Administrator Stewart.

28 Public Comment: Gary Gomoll, 78 Ironwood Way North, Palm Beach Gardens.

29 Mayor Levy closed the public hearing.

30 Councilmember Jablin made a motion for approval of Resolution 72, 2010.

31 Vice Mayor Premuroso seconded.

32 Motion passed 4-0.

33 The City Clerk read Resolution 73, 2010 by title.

34 g. RESOLUTION 73, 2010 – COLLECTIVE BARGAINING AGREEMENT WITH THE  
35 SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES  
36 UNION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
37 GARDENS, FLORIDA APPROVING AND RATIFYING A COLLECTIVE BARGAINING  
38 AGREEMENT WITH THE SERVICE EMPLOYEES INTERNATIONAL  
39 UNION/FLORIDA PUBLIC SERVICES UNION FOR THE FISCAL YEAR 2010-2011;  
40 AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE SAID  
41 AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

42 Mayor Levy opened the public hearing.

43 Presentation by: Human Resources Administrator Stewart.

44 Mayor Levy directed Mr. Gomoll’s comments from Resolution 72, 2010 be incorporated.

45 Mayor Levy closed the public hearing.

46 Councilmember Jablin made a motion for approval of Resolution 73, 2010.

47 Vice Mayor Premuroso seconded.

48 Motion passed 4-0.

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

2 None.

3 **XII. CITY ATTORNEY REPORT**

4 None.

5 **XIII. ADJOURNMENT**

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

7 **Councilmember Russo** seconded.

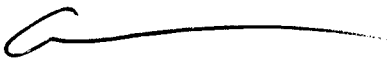
8 Motion passed 4-0.


9 The meeting adjourned at 8:17 p.m.


10 The next regularly scheduled City Council meeting will be held October 21, 2010.

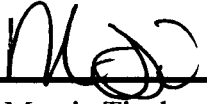
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12 **APPROVED:**

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16 \_\_\_\_\_  
17 David Levy, Mayor

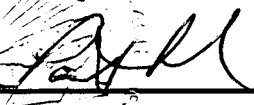
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21 Robert G. Premuroso, Vice Mayor

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24 \_\_\_\_\_  
25 Joseph R. Russo, Councilmember

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29 Eric Jablin, Councilmember

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32 \_\_\_\_\_  
33 Marcie Tinsley, Councilmember

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38 **ATTEST:**

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43 Patricia Snider, CMC  
44 City Clerk

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