

CITY OF PALM BEACH GARDENS
CITY COUNCIL
REGULAR MEETING
NOVEMBER 18, 2010

The regular meeting was called to order at 7:01 p.m. by Mayor Levy.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

PRESENT: Mayor David Levy, Vice Mayor Robert Premuroso, Councilmember Joseph Russo, Councilmember Eric Jablin, Councilmember Marcie Tinsley.

ABSENT: None.

III. ELECTION

The Deputy City Clerk read Resolution 88, 2010.

a. **RESOLUTION 88, 2010 – DECLARING THE RESULTS OF THE SPECIAL ELECTION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 2, 2010; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Councilmember Jablin made a motion to approve Resolution 88, 2010.

Councilmember Russo seconded.

Motion passed 4-0.

b. **ADMINISTER OATH OF OFFICE**

The Deputy City Clerk administered the Oath of Office to **Councilmember Marcie Tinsley**.

IV. ADDITIONS, DELETIONS, MODIFICATIONS

ADDITIONS

UNDER V. – ANNOUNCEMENTS/PRESENTATIONS

c. Recognition of the Green Market Sponsor

d. Recognition of the Veterans Day Sponsor

Under XII. – ITEMS FOR COUNCIL ACTION/DISCUSSION

a. City Charter

b. Personnel Policies Update

Councilmember Jablin made a motion for approval of the additions to the agenda.

Vice Mayor Premuroso seconded.

Motion passed 5-0.

V. ANNOUNCEMENTS AND PRESENTATIONS

a. **BEAUTIFICATION AWARD PRESENTATION TO PGA NATIONAL RESORT AND SPA**

Community Aesthetics Board **Assistant Staff Liaison Cynthia Unger** introduced the Commercial Category Beautification Award winner PGA National Resort and Spa.

b. **RECOGNITION OF THE YOUTH TRIATHLON SPONSORS**

Resource Manager Ann Schilling recognized sponsors Frenchman's Creek Charitable Foundation, Miller's Gardens Ale House and Whole Foods Market.

c. **RECOGNITION OF THE GREEN MARKET SPONSOR**

Resource Manager Ann Schilling recognized sponsor Southern Self Storage.

d. **RECOGNITION OF THE VETERANS DAY SPONSOR**

Resource Manager Ann Schilling recognized sponsor Doubletree Hotel.

1 **VI. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS**

2 **Councilmember Jablin** recognized the U.S. Army Signal Corps Band, Fort Gordon, Georgia
3 and staff for the Veterans Day celebration; the Taste of Downtown event at Downtown at the
4 Gardens and the beginning of the Big Heart Brigade Thanksgiving food preparation. **Vice**
5 **Mayor Premuroso** recognized staff and discussed the Mayor's Veterans Golf Tournament.
6 **Councilmember Russo** requested staff check the status of the PGA Boulevard Driver's
7 License Bureau being taken over by Palm Beach County and determine if improvements to
8 the building are possible. **Councilmember Tinsley** reported on the Veterans Day celebration
9 and thanked everyone who supported her during her campaign and election. **Mayor Levy**
10 reported attending the Palm Beach County Water Resource Task Force meeting and
11 announced that he is now the Chair.

12 **VII. CITY MANAGER REPORT**

13 None.

14 **VIII. COMMENTS FROM THE PUBLIC**

15 **Steve Cohen**, PGA Corridor Association, 10272 Heronwood Lane, Palm Beach Gardens;
16 **Roger Blangy**, 11658 Hemlock Street, Palm Beach Gardens; **Elizabeth Sither**, 2F Lexington
17 Land East, Palm Beach Gardens; **Linda Hughey**, 9120 Reed Drive, Palm Beach Gardens;
18 **Marilyn Jacobs**, 16 Bermuda Lake Drive, Palm Beach Gardens.

19 **IX. CONSENT AGENDA**

- 20 a. APPROVE MINUTES FROM OCTOBER 7, 2010 CITY COUNCIL MEETING.
21 b. APPROVE MINUTES FROM OCTOBER 21, 2010 CITY COUNCIL MEETING.
22 c. RESOLUTION 79, 2010 – DATA COMMUNICATION EQUIPMENT FOR THE
23 EMERGENCY OPERATIONS AND COMMUNICATIONS CENTER. A RESOLUTION
24 OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
25 AUTHORIZING A PURCHASE AWARD TO GOVCONNECTION, INC. FOR THE
26 PURCHASE OF DATA COMMUNICATION EQUIPMENT FOR THE EMERGENCY
27 OPERATIONS AND COMMUNICATIONS CENTER VIA AN EXISTING CONTRACT
28 WITH THE STATE OF FLORIDA (NO. 250-000-09-1); PROVIDING AN EFFECTIVE
29 DATE; AND FOR OTHER PURPOSES
30 d. RESOLUTION 84, 2010 – EASEMENT AGREEMENT IN FAVOR OF SEACOAST
31 UTILITY AUTHORITY. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
32 PALM BEACH GARDENS, FLORIDA APPROVING AN EASEMENT AGREEMENT IN
33 FAVOR OF SEACOAST UTILITY AUTHORITY FOR DRAINAGE AND UTILITY
34 EASEMENTS WITHIN LILAC PARK; PROVIDING AN EFFECTIVE DATE; AND FOR
35 OTHER PURPOSES.
36 e. RESOLUTION 86, 2010 – INTERLOCAL AGREEMENT WITH PALM BEACH
37 COUNTY BOARD OF COUNTY COMMISSIONERS. A RESOLUTION OF THE CITY
38 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN
39 INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY BOARD OF
40 COUNTY COMMISSIONERS TO RECEIVE THREE (3) GLIDESCOPIES® THROUGH A
41 COUNTY EMERGENCY MEDICAL SERVICES (EMS) GRANT AWARD FROM THE
42 FLORIDA DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL
43 SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
44 f. RESOLUTION 90, 2010 – ESTABLISHING SCHEDULE FOR REGULAR CITY
45 COUNCIL MEETINGS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
46 PALM BEACH GARDENS, FLORIDA AMENDING THE SCHEDULE FOR REGULAR
47 CITY COUNCIL MEETINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
48 PURPOSES.

1 g. PROCLAMATION – NATIONAL GIS DAY.
2 **Councilmember Jablin** made a motion for approval of the Consent Agenda.
3 **Vice Mayor Premuroso** seconded.
4 Motion passed 5-0.
5 **X. PUBLIC HEARINGS: (*Designates Quasi-Judicial Hearing)**
6 **Mayor Levy** announced the procedures for tonight’s proceedings.
7 Those preparing to give testimony were sworn in.
8 The Deputy City Clerk read Ordinance 24, 2010 by title.
9 a. ***ORDINANCE 24, 2010 – (2ND READING AND ADOPTION) AT&T PLANNED**
10 **UNIT DEVELOPMENT (PUD). AN ORDINANCE OF THE CITY COUNCIL OF THE**
11 **CITY OF PALM BEACH GARDENS, FLORIDA REZONING CERTAIN REAL**
12 **PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PALM BEACH**
13 **GARDENS, CONSISTING OF ONE (1) PARCEL OF REAL PROPERTY COMPRISED OF**
14 **ONE (1) PLATTED LOT TOTALING 0.93 ACRES, MORE OR LESS, IN SIZE,**
15 **LOCATED ON THE NORTH SIDE OF NORTHLAKE BOULEVARD APPROXIMATELY**
16 **500 FEET EAST OF NORTH CONGRESS AVENUE, WITH A STREET ADDRESS OF**
17 **3005 NORTHLAKE BOULEVARD, INFORMALLY KNOWN AS THE “AT&T**
18 **PROPERTY”;** PROVIDING THAT THIS PARCEL OF REAL PROPERTY, WHICH IS
19 MORE PARTICULARLY DESCRIBED HEREIN, SHALL BE ASSIGNED THE CITY
20 ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) OVERLAY
21 WITH AN UNDERLYING ZONING DESIGNATION OF GENERAL COMMERCIAL
22 (CG-1); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH
23 GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, A
24 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
25 EFFECTIVE DATE; AND FOR OTHER PURPOSES.
26 **RESOLUTION 75, 2010 IS A COMPANION ITEM TO ORDINANCE 24, 2010 AND**
27 **WILL REQUIRE COUNCIL ACTION**
28 ***RESOLUTION 75, 2010 – AT&T PLANNED UNIT DEVELOPMENT (PUD). A**
29 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,**
30 **FLORIDA APPROVING THE AT&T PLANNED UNIT DEVELOPMENT (PUD) SITE**
31 **PLAN, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS;**
32 **PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND**
33 **FOR OTHER PURPOSES.**
34 **Vice Mayor Premuroso** declared a conflict, left the dais and signed Form 8B.
35 No ex parte communication was declared.
36 **Mayor Levy** opened the public hearing.
37 **Presentation by: Marty Minor,** Urban Design Kilday Studios.
38 **Public Comment: David Freyman,** 140 Vintage Isle Lane, Palm Beach Gardens.
39 **Councilmember Russo** made a motion for a continuance to date certain December 2, 2010.
40 **Councilmember Jablin** seconded.
41 Motion passed 4-0.
42 **Vice Mayor Premuroso** returned to the dais.
43 The Deputy City Clerk read Resolution 81, 2010 by title.
44 b. ***RESOLUTION 81, 2010 – DIRTY MARTINI LOUNGE AT DOWNTOWN AT THE**
45 **GARDENS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM**
46 **BEACH GARDENS, FLORIDA APPROVING A MAJOR CONDITIONAL USE FOR THE**
47 **DIRTY MARTINI GRILLE, LLC, LOCATED WITHIN DOWNTOWN AT THE**
48 **GARDENS PLANNED COMMUNITY DEVELOPMENT (PCD) AT 11701 LAKE**

1 VICTORIA GARDENS AVENUE, SUITE 2105, AS MORE PARTICULARLY
2 DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN
3 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4 **Mayor Levy** and **Councilmember Jablin** declared ex parte communication.

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

6 **Presentation by: Donaldson Hearing**, Cotleur & Hearing; **Kevin Berman**, owner, Downtown
7 at the Gardens.

8 **Public Comment:** None.

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

10 **Councilmember Jablin** made a motion for approval for Resolution 81, 2010.

11 **Councilmember Tinsley** seconded.

12 Motion passed 5-0.

13 The Deputy City Clerk read Resolution 82, 2010 by title.

14 c. ***RESOLUTION 82, 2010 – NORTHCORP CORPORATE PARK PLANNED**
15 **COMMUNITY DEVELOPMENT (PCD)**. A RESOLUTION OF THE CITY COUNCIL OF
16 THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE MASTER
17 SIGNAGE PROGRAM FOR THE NORTHCORP CORPORATE PARK PLANNED
18 COMMUNITY DEVELOPMENT (PCD), GENERALLY BOUNDED BY THE GARDENS
19 STATION PUD TO THE NORTH, INTERSTATE 95 TO THE WEST, BURNS ROAD TO
20 THE SOUTH, AND THE FEC RAILWAY TO THE EAST, AS MORE PARTICULARLY
21 DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING
22 WAIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

23 No ex parte communication was declared.

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

25 **Presentation by: Brian Cheguis**, Cotleur & Hearing.

26 **Public Comment:** None.

27 **Councilmember Jablin** made a motion for approval for Resolution 82, 2010.

28 **Councilmember Russo** seconded.

29 Motion passed 5-0.

30 The Deputy City Clerk read Resolution 55, 2010 by title.

31 d. ***RESOLUTION 55, 2010 – (CONTINUED FROM OCTOBER 21, 2010)**
32 **AMENDMENT TO THE SOUTHAMPTON PLANNED UNIT DEVELOPMENT (PUD)**. A
33 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
34 FLORIDA APPROVING AN AMENDMENT TO THE SOUTHAMPTON PLANNED
35 UNIT DEVELOPMENT (PUD), LOCATED AT THE NORTHEAST CORNER OF
36 CENTRAL BOULEVARD AND PGA BOULEVARD, AS MORE PARTICULARLY
37 DESCRIBED HEREIN, TO ALLOW THE CONSTRUCTION OF 96 TOWNHOMES AND
38 58 SINGLE-FAMILY HOMES; PROVIDING WAIVERS; PROVIDING CONDITIONS OF
39 APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

40 **Vice Mayor Premuroso** and **Councilmember Tinsley** declared ex parte communication.

41 **Mayor Levy** continued the public hearing from October 21, 2010.

42 **City Attorney Lohman** directed all testimony and comments from the October 21, 2010
43 hearing be incorporated with this hearing.

44 The Deputy City Clerk swore in those preparing to give testimony.

45 **Harvey Oyer**, Shutts and Brown, attorney for the petitioner requested a postponement of the
46 hearing for Resolution 55, 2010.

47 **Public Comment:** None.

1 **Councilmember Russo** made a motion for approval of the postponement to date certain
2 December 16, 2010.

3 **Councilmember Jablin** seconded.

4 Motion passed 5-0.

5 **X. RESOLUTIONS**

6 The Deputy City Clerk read Resolution 80, 2010 by title.

7 a. **RESOLUTION 80, 2010 – PURCHASE OF ONE FIRE ENGINE.** A RESOLUTION OF
8 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
9 APPROVING THE PURCHASE OF ONE 2011 PIERCE IMPEL PUMPER FROM TEN-8
10 FIRE EQUIPMENT, INC., AN AUTHORIZED DEALER FOR FIRE ENGINES IN THE
11 STATE OF FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE ALL
12 DOCUMENTS NECESSARY TO EFFECTUATE SUCH PURCHASE; PROVIDING AN
13 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14 **Presentation by: Fire Chief Pete Bergel.**

15 **Public Comment:** None.

16 Discussion ensued.

17 **Councilmember Jablin** made a motion for approval of Resolution 80, 2010.

18 **Councilmember Russo** seconded.

19 Motion passed 5-0.

20 **XII. ITEMS FOR COUNCIL ACTION/DISCUSSION**

21 a. **CITY CHARTER**

22 The City Council reached consensus for **City Attorney Lohman** to review the Charter,
23 compile a list of changes and provide a report.

24 b. **PERSONNEL POLICIES UPDATE**

25 The City Council agreed not to change the personnel policies.

26 **XIII. CITY ATTORNEY REPORT**

27 None.

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1 **XIV. ADJOURNMENT**

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

3 **Councilmember Russo** seconded.

4 Motion passed 5-0.

5 The meeting adjourned at 9:07 p.m.

6 The next regularly scheduled City Council meeting will be held December 2, 2010.

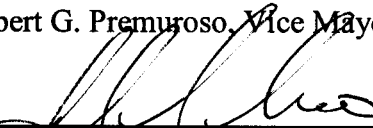
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8 **APPROVED:**

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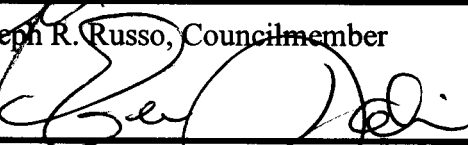
11 _____
12 David Levy, Mayor

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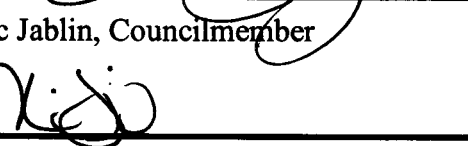
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15 Robert G. Premuroso, Vice Mayor

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18 Joseph R. Russo, Councilmember

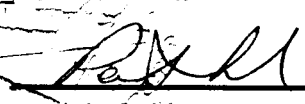
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21 Eric Jablin, Councilmember

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24 Marcie Tinsley, Councilmember

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36 **ATTEST:**

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38 _____
39 Patricia Snider, CMC
40 City Clerk

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45 **Note:** These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of
46 the meeting. A verbatim audio record is available from the Office of the City Clerk.

47 All referenced attachments are on file in the Office of the City Clerk.