

1 CITY OF PALM BEACH GARDENS
2 CITY COUNCIL
3 REGULAR MEETING
4 JULY 19, 2011
5

6 The regular meeting was called to order at 7:02 p.m. by Mayor Levy.

7 **I. PLEDGE OF ALLEGIANCE**

8 Mayor Levy requested a moment of silence for the passing of City residents Linda Huey and
9 William Olsen.

10 **II. ROLL CALL**

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

13 **ABSENT:** None.

14 **III. ADDITIONS, DELETIONS, MODIFICATIONS**

15 **ADDITION: UNDER CONSENT AGENDA**

16 g. PROCLAMATION – NATIONAL NIGHT OUT.

17 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

18 a. **RECOGNITION OF PALM BEACH GARDENS HIGH SCHOOL LADY GATORS SOFTBALL**
19 **STATE CHAMPIONSHIP.**

20 Mayor Levy and Councilmembers acknowledged the accomplishments of the Palm Beach
21 Gardens High School Lady Gators Softball Team.

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

23 Councilmember Tinsley expressed her sympathy to the Huey and Olsen families, commended
24 staff for their recognition by the Business Development Board and announced upcoming City
25 events. Councilmember Russo reported attending a North County Economic Development
26 Advisory Board meeting and the expected opening of Chromalloy Gas Turbine Corporation.
27 Vice Mayor Premuroso reported on the Palm Beach Gardens Historical Society, athletic teams
28 and facilities, Northern Palm Beach County Chamber of Commerce meeting and the opening of
29 Grimaldi's Pizzeria and Paris in Town Le Bistro at Downtown at the Gardens. Councilmember
30 Jablin reported the opening of 51 Supper Club in Downtown at the Gardens, congratulated
31 Director of Planning and Zoning Natalie Crowley on her marriage and thanked Barbara and
32 Tory Buckley for their work with the Amanda J. Buckley Give a Smile To a Child Foundation.
33 Mayor Levy reported attending Water Resource Task Force, League of Cities Board of
34 Directors and Regional Hazardous Materials Oversight Committee meetings.

35 **VI. CITY MANAGER REPORT**

36 None.

37 **VII. COMMENTS FROM THE PUBLIC**

38 Terence Brady, 4409 Lacey Oak Drive, Palm Beach Gardens; Iris Scheibl, 1029 Siena Oaks
39 Circle West, Palm Beach Gardens; Carol Estrada, 309 Riverside Drive, Palm Beach Gardens;
40 Mel Grossman, 161 Thornton Drive, Palm Beach Gardens.

41 **VIII. CONSENT AGENDA**

42 a. APPROVE MINUTES FROM MAY 25, 2011 CITY COUNCIL SPECIAL MEETING.

43 b. APPROVE MINUTES FROM JUNE 2, 2011 CITY COUNCIL MEETING.

44 c. **RESOLUTION 39, 2011 – STORM DEBRIS DISPOSAL SERVICES AGREEMENTS.** A
45 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
46 FLORIDA APPROVING ADDENDA TO STAND-BY AGREEMENTS WITH GRUBBS
47 EMERGENCY SERVICES, LLC AND OMNI PINNACLE, LLC FOR DISASTER
48 RECOVERY SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE ADDENDA;

1 AUTHORIZING THE CITY MANAGER TO APPROVE FUTURE ADDENDA; PROVIDING
2 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3 d. RESOLUTION 42, 2011 – EXTENSION OF STANDBY DISASTER RECOVERY
4 SERVICES AGREEMENTS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
5 PALM BEACH GARDENS, FLORIDA APPROVING AN EXTENSION OF THE STANDBY
6 DISASTER RECOVERY SERVICES AGREEMENTS WITH CERES ENVIRONMENTAL
7 SERVICES, INC., PHILLIPS & JORDAN, INC., AND ASHBRIIT, INC.; AUTHORIZING
8 THE MAYOR TO EXECUTE THE EXTENSIONS; PROVIDING AN EFFECTIVE DATE;
9 AND FOR OTHER PURPOSES

10 e. PROCLAMATION – PARKS AND RECREATION MONTH.

11 f. PROCLAMATION – TOLIVER-HARRINGTON FAMILY REUNION DAYS.

12 g. PROCLAMATION – NATIONAL NIGHT OUT.

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

14 Councilmember Russo seconded.

15 Motion passed 5-0.

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

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

18 Those preparing to give testimony were sworn in.

19 The City Clerk read Ordinance 9, 2011 and Resolution 24, 2011 by title.

20 a. *ORDINANCE 9, 2011 – (2nd READING AND ADOPTION) AMENDING THE PGA
21 NATIONAL PLANNED COMMUNITY DEVELOPMENT (PCD). AN ORDINANCE OF THE
22 CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING
23 THE PGA NATIONAL PLANNED COMMUNITY DEVELOPMENT (PCD), APPROVED
24 BY ORDINANCE 22, 1998, TO ELIMINATE CERTAIN CONDITIONS OF APPROVAL
25 RELATING TO RYDER CUP BOULEVARD; PROVIDING CONDITIONS OF APPROVAL;
26 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

27 RESOLUTION 24, 2011 IS A COMPANION ITEM TO ORDINANCE 9, 2011 AND WILL
28 REQUIRE COUNCIL ACTION.

29 *RESOLUTION 24, 2011 – TRAFFIC CONTROL AGREEMENT. A RESOLUTION OF THE
30 CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING
31 THE PGA NATIONAL TRAFFIC CONTROL AGREEMENT APPROVED BY
32 RESOLUTION 99, 2006 TO ELIMINATE CERTAIN CONDITIONS OF APPROVAL
33 RELATING TO RYDER CUP BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND
34 FOR OTHER PURPOSES.

35 Mayor Levy opened the public hearing.

36 Mayor Levy declared ex parte communication.

37 Staff Presentation: Senior Planner Richard Marrero.

38 Public Comment: Dawn Levinstein, 7100 Fairway Drive, Unit 29, Palm Beach Gardens.

39 Mayor Levy closed the public hearing.

40 Councilmember Jablin made a motion for approval of Ordinance 9, 2011 on second reading
41 and adoption.

42 Councilmember Russo seconded.

43 Motion passed 5-0.

44 Councilmember Jablin made a motion for approval of Resolution 24, 2011 on second reading
45 and adoption.

46 Councilmember Russo seconded.

47 Motion passed 5-0.

48 The City Clerk read Resolution 27, 2011 by title.

1 b. *RESOLUTION 27, 2011 – PALM BEACH COMMUNITY CHURCH/BORLAND
2 CENTER REQUEST FOR AN ADDITIONAL MONUMENT SIGN. A RESOLUTION OF
3 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
4 AMENDING THE BORLAND CENTER PLANNED UNIT DEVELOPMENT (PUD)
5 LOCATED ALONG THE NORTH SIDE OF PGA BOULEVARD BETWEEN GARDENS
6 SQUARE BOULEVARD AND SHADY LAKES DRIVE, AS MORE PARTICULARLY
7 DESCRIBED HEREIN; APPROVING WAIVERS TO ALLOW AN ADDITIONAL
8 MONUMENT SIGN WITH ELECTRONIC CHANGEABLE COPY AS MORE
9 PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL;
10 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11 Mayor Levy opened the public hearing.

12 Councilmember Jablin, Vice Mayor Premuroso, Councilmember Russo, Councilmember
13 Tinsley and Mayor Levy declared ex parte communication.

14 Petitioner Presentation: Donaldson Hearing, Cotleur & Hearing; Mike Nelson, Zeidler
15 Partnership Architects.

16 Staff Presentation: Planner Martin Schneider.

17 Discussion ensued.

18 Public Comment: Maureen Barber, 1614 Nature Court, Palm Beach Gardens; Lloyd Mims, 10
19 Corrick Road, Palm Beach Gardens; Bill Nix, 3430 Boulevard Chatelaine, Delray Beach; Kim
20 Rommel-Enright, 7101 182nd Road N, Jupiter; Terri Neil, 4885 PGA Boulevard, Palm Beach
21 Gardens; Steve Crist, 479 Tequesta Drive, Apartment 5, Tequesta; Sue Ellen Williams, 10873
22 Magnolia Street, Palm Beach Gardens; Marilyn Mattson, 170 Bent Tree, Palm Beach Gardens;
23 Janet Lange, 4 Old Fence Road, Palm Beach Gardens; Michael Gregory, 3335 Pine Hill Trail,
24 Palm Beach Gardens; Tim Miller, 126 Via Santa Cruz, Jupiter; Eileen Tucker, 1045 Shady
25 Lakes, Palm Beach Gardens; Steve Mathison, PGA Corridor Association, 5006 PGA
26 Boulevard, Palm Beach Gardens; Joel Channing, 5520 PGA Boulevard, Palm Beach Gardens;
27 Beverly Gregory, 3335 Pine Hill Trail, Palm Beach Gardens.

28 Mayor Levy closed the public hearing.

29 Petitioner Closing Statement: Donaldson Hearing, Cotleur & Hearing.

30 Discussion ensued.

31 Councilmember Russo made a motion for approval of the staff recommendation for a fixed
32 option monument sign.

33 Vice Mayor Premuroso seconded.

34 Motion passed 5-0.

35 The City Clerk read Ordinance 13, 2011 by title.

36 c. ORDINANCE 13, 2011 – (1st READING) PROPOSED COMMUNICATION TAX. AN
37 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
38 FLORIDA INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX RATE;
39 PROVIDING FOR INTENT; PROVIDING FOR INCREASED LOCAL COMMUNICATIONS
40 SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF
41 REVENUE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE;
42 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

43 Mayor Levy opened the public hearing.

44 Staff Presentation: Finance Administrator Allan Owens.

45 Public Comment: Fred Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens; Mel
46 Grossman, 161 Thornton Drive, Palm Beach Gardens; Carolyn Chaplik, 715 Hudson Bay
47 Drive, Palm Beach Gardens; Kevin Easton, 8342 Sunset Drive, Palm Beach Gardens; Iris
48 Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens; Michael Gregory, 3335 Pine Hill

1 Trail, Palm Beach Gardens; L. Marc Cohn, 135 Sedona Way, Palm Beach Gardens; Carol
2 Estrada, 309 Riverside Drive, Palm Beach Gardens; Eileen Tucker, 1045 Shady Lakes Circle,
3 Palm Beach Gardens.

4 Mayor Levy closed the public hearing.

5 Discussion ensued.

6 Vice Mayor Premuroso made a motion for approval of Ordinance 13, 2011 at 3.5 millage rate.

7 Councilmember Tinsley seconded.

8 Motion passed 5-0.

9 Councilmember Jablin made a motion to reorder the agenda and move
10 item RESOLUTION 33, 2011 – ADOPTING A PROPOSED MAXIMUM MILLAGE RATE to
11 be heard next.

12 Councilmember Tinsley seconded.

13 Motion passed 5-0.

14 **X. RESOLUTIONS**

15 The City Clerk read Resolution 33, 2011 by title.

16 a. RESOLUTION 33, 2011 – ADOPTING A PROPOSED MAXIMUM MILLAGE RATE. A
17 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
18 FLORIDA ADOPTING A PROPOSED MAXIMUM MILLAGE RATE FOR THE CITY OF
19 PALM BEACH GARDENS FOR FISCAL YEAR 2011/2012; SETTING THE DATE, TIME,
20 AND PLACE OF THE FIRST BUDGET HEARING; PROVIDING AN EFFECTIVE DATE;
21 AND FOR OTHER PURPOSES.

22 Staff Presentation: Finance Administrator Allan Owens.

23 Public Comment: Iris Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens; Eric Sain,
24 Realtors Association of the Palm Beaches, 316 North Bromeliad, West Palm Beach.

25 Councilmember Russo made a motion for approval of Resolution 33, 2011 at staff's
26 recommendation of maximum operating rate of 5.7404 and debt service millage of 1.821.

27 Councilmember Tinsley seconded.

28 Motion passed 5-0.

29 Councilmember Jablin made a motion for approval of setting the first public hearing date of
30 September 8, 2011 at 7:00 p.m. in city hall council chambers per staff recommendation.

31 Councilmember Russo seconded.

32 Motion passed 5-0.

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

34 The City Clerk read Resolution 36, 2011 by title.

35 d. *RESOLUTION 36, 2011 - SITE PLAN AMENDMENT AT DOWNTOWN AT THE
36 GARDENS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH
37 GARDENS, FLORIDA AMENDING THE MASTER LAKE AREA PLAN WITHIN
38 DOWNTOWN AT THE GARDENS LOCATED WITHIN THE REGIONAL CENTER
39 DEVELOPMENT OF REGIONAL IMPACT (DRI) / PLANNED COMMUNITY
40 DEVELOPMENT (PCD), AS MORE PARTICULARLY DESCRIBED HEREIN, TO MODIFY
41 CERTAIN CONDITIONS OF APPROVAL RELATIVE TO THE TIMING OF THE
42 INSTALLATION OF THE PLAN IMPROVEMENTS; PROVIDING CONDITIONS OF
43 APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

44 Mayor Levy opened the public hearing.

45 Mayor Levy, Vice Mayor Premuroso and Councilmember Tinsley declared ex parte
46 communication.

47 Petitioner Presentation: Donaldson Hearing, Cotleur & Hearing.

48 Public Comment: None.

1 Mayor Levy closed the public hearing.
2 Councilmember Jablin made a motion for approval of Resolution 36, 2011.
3 Councilmember Russo seconded.
4 Motion passed 5-0.
5 The City Clerk read Ordinance 14, 2011 by title.
6 e. ORDINANCE 14, 2011 – (1st READING) AMENDING CHAPTER 1. AN ORDINANCE
7 OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
8 AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 1. GENERAL
9 PROVISIONS. BY REPEALING SECTION 1-2. DEFINITIONS AND RULES OF
10 CONSTRUCTION. AND READOPTING SAME WITH FIVE (5) NEW DEFINITIONS
11 WHICH SHALL BE INCLUDED AMONG THE EXISTING DEFINITIONS IN
12 ALPHABETICAL ORDER; PROVIDING THAT EACH AND EVERY OTHER SECTION
13 AND SUBSECTION OF CHAPTER 1. SHALL REMAIN IN FULL FORCE AND EFFECT AS
14 PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY
15 CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND
16 FOR OTHER PURPOSES.
17 Mayor Levy opened the public hearing.
18 No ex parte communication was declared.
19 Staff Presentation: City Attorney R. Max Lohman.
20 Public Comment: Iris Scheibl, 1029 Siena Oaks Circle, Palm Beach Gardens; Kevin Easton,
21 8342 Sunset Drive, Palm Beach Gardens; Joe Doucette, 100 Australian Avenue, Palm Beach
22 Gardens; Fred Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens.
23 Mayor Levy closed the public hearing.
24 Discussion ensued.
25 Councilmember Jablin made a motion for approval of Ordinance 14, 2011.
26 Councilmember Russo seconded.
27 Motion passed 5-0.
28 The City Clerk read Ordinance 15, 2011 by title.
29 f. ORDINANCE 15, 2011 – (1ST READING) AMENDING ORDINANCE 7, 2010,
30 BUSINESS TAX AND REGISTRATION. AN ORDINANCE OF THE CITY COUNCIL OF
31 THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 66.
32 TAXATION. OF THE CITY CODE OF ORDINANCES BY REPEALING SECTION 66-58.
33 PROFESSIONS; STATE LICENSURE PREREQUISITE TO CITY BUSINESS TAX
34 RECEIPT. AND READOPTING SAME IN ORDER TO COMPLY WITH CHAPTER 205,
35 FLORIDA STATUTES; FURTHER AMENDING CHAPTER 66. BY REPEALING SECTION
36 66-68 AND READOPTING SAME, AS REVISED, FOR CLARIFICATION; PROVIDING
37 THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 66.
38 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED;
39 PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY
40 TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
41 Mayor Levy opened the public hearing.
42 No ex parte communication was declared.
43 Staff Presentation: Business Services Coordinator Kenthia White.
44 Public Comment: None.
45 Mayor Levy closed the public hearing.
46 Councilmember Jablin made a motion for approval of Ordinance 15, 2011.
47 Councilmember Russo seconded.
48 Motion passed 5-0.

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

2 None.

3 **XII. CITY ATTORNEY REPORT**

4 None.

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1 **XIII. ADJOURNMENT**

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

3 **Councilmember Russo** seconded.

4 Motion passed 5-0.

5 The meeting adjourned at 11:07 p.m.

6 The next regularly scheduled City Council meeting will be held August 11, 2011.

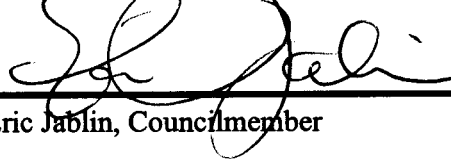
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8 **APPROVED:**

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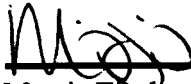
11 _____
12 David Levy, Mayor

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15 Robert G. Premuroso, Vice Mayor

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17 _____
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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39 Patricia Snider, CMC
40 City Clerk

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