

1 CITY OF PALM BEACH GARDENS
2 CITY COUNCIL
3 REGULAR MEETING
4 AUGUST 11, 2011
5

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

7 **I. PLEDGE OF ALLEGIANCE**

8 **II. ROLL CALL**

9 **PRESENT:** Mayor David Levy, Councilmember Eric Jablin, Councilmember Marcie Tinsley.

10 **ABSENT:** Vice Mayor Robert Premuroso, Councilmember Joseph Russo

11 **III. ADDITIONS, DELETIONS, MODIFICATIONS**

12 **Item IV.** Co-sponsorship of the Big Heart Brigade of the Palm Beaches.

13 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

14 Presentation of Fire Rescue Life Saving Award.

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

16 **Councilmember Tinsley** reported attending National Night Out event, Parks and Recreation
17 Advisory Board meeting will be on Monday August 15th at 6:00 p.m., Donald Ross Road
18 underneath I-95 will close nightly from August 17th to September 19th, Burns Road Community
19 Center will be closed from August 22nd to August 28th, school begins on August 22nd,
20 Congressman West tentative Town Hall meeting on August 30th from 5:00 to 7:00 p.m. at Burns
21 Road Community Center and redistricting meetings will be in Stuart on August 15th and FAU
22 Boca Raton on August 16th. **Mayor Levy** asked for a moment of silence in recognition of the
23 deaths of Lulu Zuckweiler and Bea Horowitz, attended the League of Cities Environmental
24 Committee meeting. League of Cities appointed members to the Fire Rescue Level of Service
25 Committee and Water Resource Task Force, the next meeting will be held on Wednesday,
26 August 24th at 10:00 a.m. at the Nova Southeastern Campus in Palm Beach Gardens off Military
27 Trail. **Councilmember Jablin** thanked Mayor Levy for the moment of silence for his mother-in-
28 law Bea Horowitz.

29 **VI. CITY MANAGER REPORT**

30 None.

31 **VII. COMMENTS FROM THE PUBLIC**

32 **Cheryl Miller**, 408 Commons Way, Palm Beach Gardens.

33 **VIII. CONSENT AGENDA**

34 a. APPROVE MINUTES FROM JULY 19, 2011 CITY COUNCIL MEETING.

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

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

37 Those preparing to give testimony were sworn in.

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

39 a. **ORDINANCE 13, 2011 – (2nd READING AND ADOPTION) PROPOSED COMMUNICATION**
40 **TAX. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,**
41 **FLORIDA INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX RATE;**
42 **PROVIDING FOR INTENT; PROVIDING FOR INCREASED LOCAL COMMUNICATIONS**
43 **SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE;**
44 **PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN**
45 **EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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

47 **Staff Presentation: Finance Administrator, Allan Owens**

1 Public Comment: Margaret Shannon, 1111 Orinoco Way, Palm Beach Gardens, Matt Wolfe,
2 543 Ivy Avenue, Palm Beach Gardens, Fred Scheibl, 1029 Siena Oaks Circle West, Palm Beach
3 Gardens, Iris Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens, Louis Satriano,
4 4703 Lakemont Court, Palm Beach Gardens, Sid Dinerstein, 15 St. George Place, Palm Beach
5 Gardens, Joan Elias, 1009 Diamond Head Way, Palm Beach Gardens, Kevin Easton, 8342
6 Sunset Drive, Palm Beach Gardens, Lew Steinberg, 8453 Beaconhill Road, Palm Beach
7 Gardens, Barbara Grossman, 161 Thornton Drive, Palm Beach Gardens, John Chaplik, 715
8 Hudson Bay Drive, Palm Beach Gardens.

9 Mayor Levy closed the public hearing.

10 Councilmember Jablin made a motion for approval of Ordinance 13, 2011 on second reading.

11 Councilmember Tinsley seconded.

12 Motion passed 3-0.

13 The City Clerk read Ordinance 14, 2011 by title.

14 b. ORDINANCE 14, 2011 – (2nd READING AND ADOPTION) AMENDING CHAPTER 1. AN
15 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
16 AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 1. GENERAL PROVISIONS.
17 BY REPEALING SECTION 1-2. DEFINITIONS AND RULES OF CONSTRUCTION. AND
18 READOPTING SAME WITH FIVE (5) NEW DEFINITIONS WHICH SHALL BE INCLUDED
19 AMONG THE EXISTING DEFINITIONS IN ALPHABETICAL ORDER; PROVIDING THAT
20 EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 1. SHALL REMAIN
21 IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS
22 CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
23 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

24 Mayor Levy opened the public hearing.

25 Staff Presentation: None.

26 Public Comment: Iris Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens, Fred
27 Scheibl, 1029 Siena Oaks Circle West, Palm Beach Gardens, Kevin Easton, 8342 Sunset Drive,
28 Palm Beach Gardens.

29 Mayor Levy closed the public hearing.

30 Councilmember Jablin made a motion for approval of Ordinance 14, 2011 on second reading.

31 Councilmember Tinsley seconded.

32 Motion passed 3-0.

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

34 c. ORDINANCE 15, 2011 - (2nd READING AND ADOPTION) AMENDING ORDINANCE 7,
35 2010, BUSINESS TAX AND REGISTRATION. AN ORDINANCE OF THE CITY COUNCIL OF
36 THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 66. TAXATION.
37 OF THE CITY CODE OF ORDINANCES BY REPEALING SECTION 66-58. PROFESSIONS;
38 STATE LICENSURE PREREQUISITE TO CITY BUSINESS TAX RECEIPT. AND
39 READOPTING SAME IN ORDER TO COMPLY WITH CHAPTER 205, FLORIDA STATUTES;
40 FURTHER AMENDING CHAPTER 66. BY REPEALING SECTION 66-68 AND READOPTING
41 SAME, AS REVISED, FOR CLARIFICATION; PROVIDING THAT EACH AND EVERY OTHER
42 SECTION AND SUBSECTION OF CHAPTER 66. SHALL REMAIN IN FULL FORCE AND
43 EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A
44 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE
45 DATE; AND FOR OTHER PURPOSES.

46 Mayor Levy opened the public hearing.

47 Staff Presentation: Business Services Coordinator, Kenthia White

48 Public Comment: None.

49 Mayor Levy closed the public hearing.

50 Councilmember Jablin made a motion for approval of Ordinance 15, 2011 on second reading.

1 **Councilmember Tinsley** seconded.
2 Motion passed 3-0.
3 The City Clerk read Resolution 38, 2011 by title.
4 d. **RESOLUTION 38, 2011 - FRENCHMAN'S CREEK PLANNED COMMUNITY**
5 **DEVELOPMENT (PCD)**. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM
6 BEACH GARDENS, FLORIDA APPROVING A MAJOR SITE PLAN AMENDMENT TO THE
7 FRENCHMAN'S CREEK PLANNED COMMUNITY DEVELOPMENT (PCD) TO ALLOW AN
8 EIGHT (8) FOOT PERIMETER FENCE TO BE LOCATED AROUND THE ENTIRE PCD, AS
9 MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING
10 CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
11 PURPOSES.
12 **Mayor Levy** opened the public hearing.
13 **Councilmember Tinsley, Councilmember Jablin** and **Mayor Levy** declared ex parte
14 communication.
15 Petitioner Presentation: **Jennifer Morton**, Land Design South
16 Staff Presentation: **Kathryn Wilson**, Planner
17 Public Comment: **Tom Rice, Sr.**, 12871 LaRoche Court, Palm Beach Gardens.
18 **Mayor Levy** closed the public hearing.
19 **Councilmember Jablin** made a motion for approval of Resolution 38, 2011.
20 **Councilmember Tinsley** seconded.
21 Motion passed 3-0.
22 The City Clerk read Resolution 43, 2011 by title.
23 e. **RESOLUTION 43, 2011 - VILLAGE SQUARE II PLANNED UNIT DEVELOPMENT (PUD)**
24 **AMENDMENT**. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH
25 GARDENS, FLORIDA APPROVING AN AMENDMENT TO THE PLANNED UNIT
26 DEVELOPMENT (PUD) SITE PLAN FOR THE 2.57-ACRE PARCEL OF LAND GENERALLY
27 LOCATED SOUTH OF RCA BOULEVARD, WEST OF PROSPERITY FARMS ROAD, AND
28 ADJACENT TO THE VILLAGE SQUARE PUD, AS MORE PARTICULARLY DESCRIBED
29 HEREIN, MORE COMMONLY REFERRED TO AS THE "VILLAGE SQUARE II PUD";
30 ALLOWING FOR AN INCREASE TO THE MEDICAL OFFICE SQUARE FOOTAGE ON THE
31 SITE, MINOR SITE AND LANDSCAPE PLAN MODIFICATIONS, AND APPROVING A
32 MASTER SIGNAGE PROGRAM; PROVIDING WAIVERS; PROVIDING CONDITIONS OF
33 APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
34 **Mayor Levy** opened the public hearing.
35 **Councilmember Tinsley**, declared ex parte communication.
36 Petitioner Presentation: **Ken Tuma**, Urban Design Kilday Studios.
37 Staff Presentation: None.
38 Public Comment: None.
39 **Mayor Levy** closed the public hearing.
40 **Councilmember Jablin** made a motion for approval of Resolution 43, 2011.
41 **Councilmember Tinsley** seconded.
42 Motion passed 3-0.
43 The City Clerk read Resolution 44, 2011, Resolution 45, 2011 and Resolution 46, 2011 by title.
44 f. **RESOLUTION 44, 2011 - OLD PALM PLANNED COMMUNITY DEVELOPMENT (PCD)**
45 **AMENDMENT FOR PARCEL F1 (CLUBHOUSE PARCEL)**. A RESOLUTION OF THE CITY
46 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE SITE
47 PLAN FOR PARCEL F1 (A/K/A THE CLUBHOUSE PARCEL) LOCATED WITHIN THE OLD
48 PALM PLANNED COMMUNITY DEVELOPMENT (PCD), GENERALLY BOUNDED BY PGA
49 BOULEVARD TO THE SOUTH, WESTWOOD GARDENS TO THE NORTH, CENTRAL
50 BOULEVARD AND INTERSTATE 95 TO THE EAST, AND FLORIDA'S TURNPIKE TO THE

1 WEST, IN ORDER TO REMOVE FOURTEEN (14) UNBUILT CASITA UNITS AND TO ADD
2 FOUR (4) TENNIS COURTS IN THEIR PLACE, AS MORE PARTICULARLY DESCRIBED
3 HEREIN; DELETING CERTAIN CONDITIONS OF APPROVAL; PROVIDING CONDITIONS OF
4 APPROVAL; PROVIDING WAIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
5 PURPOSES.

6 g. RESOLUTION 45, 2011 – OLD PALM PLANNED COMMUNITY DEVELOPMENT (PCD)
7 AMENDMENT FOR PARCEL A (SABAL PALM). A RESOLUTION OF THE CITY COUNCIL OF
8 THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE SITE PLAN FOR
9 PARCEL A (A/K/A SABAL PALM) LOCATED WITHIN THE OLD PALM PLANNED
10 COMMUNITY DEVELOPMENT (PCD), GENERALLY BOUNDED BY PGA BOULEVARD TO
11 THE SOUTH, WESTWOOD GARDENS TO THE NORTH, CENTRAL BOULEVARD AND
12 INTERSTATE 95 TO THE EAST, AND FLORIDA'S TURNPIKE TO THE WEST, ALLOWING
13 FOR TEN (10) UNBUILT DWELLING UNITS DELETED FROM PARCEL F1 TO BE ADDED TO
14 PARCEL A, MODIFYING THE SITE AND LANDSCAPE PLANS, AND REVISING THE DESIGN
15 GUIDELINES FOR PARCEL A, AS MORE PARTICULARLY DESCRIBED HEREIN;
16 PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR
17 OTHER PURPOSES.

18 h. RESOLUTION 46, 2011 - OLD PALM PLANNED COMMUNITY DEVELOPMENT (PCD)
19 AMENDMENT FOR PARCEL C (MAJESTY PALM). A RESOLUTION OF THE CITY COUNCIL
20 OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE SITE PLAN FOR
21 PARCEL C LOCATED WITHIN THE OLD PALM PLANNED COMMUNITY DEVELOPMENT
22 (PCD), GENERALLY BOUNDED BY PGA BOULEVARD TO THE SOUTH, WESTWOOD
23 GARDENS TO THE NORTH, CENTRAL BOULEVARD AND INTERSTATE 95 TO THE EAST,
24 AND FLORIDA'S TURNPIKE TO THE WEST, IN ORDER TO RELOCATE FOR FOUR (4)
25 UNBUILT DWELLING UNITS FROM PARCEL F1 TO PARCEL C2 (A/K/A MAJESTY PALM),
26 RECONFIGURE CERTAIN LOTS, AND REVISE THE DESIGN GUIDELINES FOR PARCEL
27 C2, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF
28 APPROVAL; PROVIDING WAIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
29 PURPOSES.

30 Mayor Levy opened the public hearing.

31 Ex parte communication: None.

32 Petitioner Presentation: Anne Booth, Urban Design Kilday Studios.

33 Staff Presentation: None.

34 Mayor Levy closed the public hearing.

35 Councilmember Jablin made a motion for approval of Resolution 44, 2011.

36 Councilmember Tinsley seconded.

37 Motion passed 3-0.

38 Councilmember Jablin made a motion for approval of Resolution 45, 2011.

39 Councilmember Tinsley seconded.

40 Motion passed 3-0.

41 Councilmember Jablin made a motion for approval of Resolution 46, 2011.

42 Councilmember Tinsley seconded.

43 Motion passed 3-0.

44 X. RESOLUTIONS

45 The City Clerk read Resolution 40, 2011 by title.

46 a. RESOLUTION 40, 2011 – HEALTH INSURANCE RENEWAL. A RESOLUTION OF THE
47 CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE
48 RENEWALS OF BLUE CROSS BLUE SHIELD OF FLORIDA, POLICY NUMBER 91062,
49 GUARDIAN POLICY NUMBER 407008, AND LINCOLN FINANCIAL POLICY NUMBERS
50 000010074146 AND 000010074147, FOR FISCAL YEAR 2011/2012; PROVIDING AN
51 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1 Staff Presentation: **Human Resources Generalist, Lauren Ferreira.**

2 Public Comment: None.

3 **Councilmember Jablin** made a motion for approval of Resolution 40, 2011.

4 **Councilmember Tinsley** seconded.

5 Motion passed 3-0.

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

7 **Councilmember Tinsley** was contacted by Mr. Joe Doucette from the Inspector General's office
8 to schedule a meeting. All Council had received the same message. She requested instead of
9 having individual meetings that a workshop meeting with City Council, City Manager, City
10 Attorney, staff and the public be considered. There was Council consensus directing the City
11 Manager to schedule a workshop with the Inspector General for Thursday, October 20, 2011.

12 **XII. CITY ATTORNEY REPORT**

13 None.

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1 **XIII. ADJOURNMENT**

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

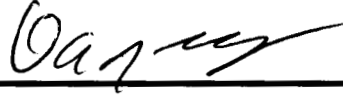
3 **Councilmember Tinsley** seconded.

4 Motion passed 3-0.

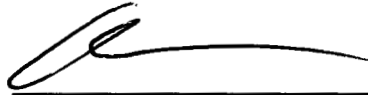
5 The meeting adjourned at 9:21 p.m.

6 The next regularly scheduled City Council meeting will be held September 8, 2011.

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8 **APPROVED:**

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11 _____
12 David Levy, Mayor

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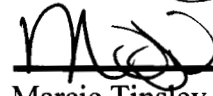
15 _____
16 Robert G. Premuroso, Vice Mayor

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21 Joseph R. Russo, Councilmember

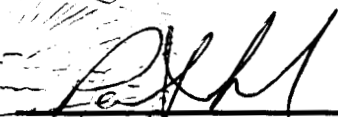
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24 _____
25 Eric Jablin, Councilmember

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29 Marcie Tinsley, Councilmember

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36 **ATTEST:**

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40 Patricia Snider, CMC
41 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.