



**CITY OF PALM BEACH GARDENS  
COUNCIL AGENDA  
November 3, 2011  
7:00 P.M.**

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

- 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:**
- 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 OCTOBER 6, 2011 CITY COUNCIL MEETING.
  - b. RESOLUTION 70, 2011 - EASEMENT WITH NORTHCORP PROPERTY OWNERS' ASSOCIATION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF PALM BEACH GARDENS AND THE NORTHCORP CORPORATE PARK PROPERTY OWNERS' ASSOCIATION, INC., AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
  - c. PROCLAMATION – CHORAL SOCIETY PROCLAMATION.
  - d. PROCLAMATION – MAESTRO BOB LAPPIN AND THE PALM BEACH POPS.

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

- a. **ORDINANCE 16, 2011** – (2<sup>nd</sup> READING AND ADOPTION) AMEND SECTION 78-57. TARGETED EXPEDITED PERMITTING PROCESS. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY REVISING SECTION 78-57. TARGETED EXPEDITED PERMITTING PROGRAM. IN ORDER TO UPDATE THE TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PURPOSES; 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. **ORDINANCE 17, 2011** - (2<sup>nd</sup> READING AND ADOPTION) AMEND SECTION 78-92. FEES. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING ARTICLE III. DEVELOPMENT REVIEW PROCEDURES, DIVISION 4. CITYWIDE IMPACT FEES, OF CHAPTER 78. LAND DEVELOPMENT. OF THE CITY CODE OF ORDINANCES BY REPEALING SECTION 78-92. FEES. AND READOPTING SAME, AS REVISED, IN ORDER TO UPDATE IMPACT FEES PURSUANT TO SECTION 78-95. REVIEW.; 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.
- c. **\*ORDINANCE 21, 2011** – (1<sup>st</sup> READING) REZONE THE HOWELL WATKINS MIDDLE SCHOOL SITE. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA REZONING CERTAIN REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PALM BEACH GARDENS, CONSISTING OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 20.40 ACRES, MORE OR LESS, IN SIZE LOCATED ON THE EAST SIDE OF MACARTHUR BOULEVARD APPROXIMATELY ONE-QUARTER MILE NORTH OF NORTHLAKE BOULEVARD, WITH A STREET ADDRESS OF 9480 AND 9482 MACARTHUR BOULEVARD, INFORMALLY KNOWN AS “HOWELL WATKINS MIDDLE SCHOOL”; PROVIDING THAT THIS PARCEL OF REAL PROPERTY WHICH IS MORE PARTICULARLY DESCRIBED HEREIN SHALL BE ASSIGNED THE CITY ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF PUBLIC OR INSTITUTIONAL (P/I); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**RESOLUTION 64, 2011 IS A COMPANION ITEM TO ORDINANCE 21, 2011  
AND WILL REQUIRE COUNCIL ACTION ON SECOND READING.**

\*RESOLUTION 64, 2011 - REZONE THE HOWELL WATKINS MIDDLE SCHOOL SITE. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE HOWELL WATKINS MIDDLE SCHOOL PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A WAIVER; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- d. [ORDINANCE 22, 2011](#) - (2<sup>nd</sup> READING AND ADOPTION) ELECTRIC FRANCHISE. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS AN ELECTRIC FRANCHISE IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF PALM BEACH GARDENS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
  
- e. [\\*RESOLUTION 71, 2011](#) - MAJOR CONDITIONAL USE OF "LOUNGE". A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE MAJOR CONDITIONAL USE "NIGHTCLUB, BAR OR LOUNGE" IN ORDER TO ALLOW A LOUNGE, INFORMALLY KNOWN AS CABO FLATS RESTAURANT, WITHIN THE DOWNTOWN AT THE GARDENS PLANNED COMMUNITY DEVELOPMENT (PCD), LOCATED AT 11701 LAKE VICTORIA GARDENS AVENUE, SUITE 5101, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**X. RESOLUTIONS:**

- a. [RESOLUTION 60, 2011](#) - AGREEMENT WITH TOTAL MAINTENANCE BUILDING SERVICES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A UNIFIED AGREEMENT WITH TOTAL MAINTENANCE BUILDING SERVICES, INC. FOR MOWING AND LANDSCAPING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
  
- b. [RESOLUTION 68, 2011](#) – REFUNDING BONDS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AUTHORIZING THE ISSUANCE OF ITS PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2011A, AND TAXABLE PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2011B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, FOR THE PURPOSE OF REFUNDING THE CITY'S PUBLIC IMPROVEMENT AND REFUNDING BONDS, SERIES 2003; AWARDING THE SALE OF SUCH BONDS TO RAYMOND JAMES & ASSOCIATES, INC. AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE CONTRACT WITH RAYMOND JAMES & ASSOCIATES, INC. FOR SUCH BONDS BY NEGOTIATED SALE; FIXING THE DENOMINATIONS, MATURITIES, INTEREST RATES, REDEMPTION PROVISIONS, AND OTHER DETAILS WITH RESPECT TO SUCH BONDS; AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT IN CONNECTION WITH THE SALE AND DISTRIBUTION OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; DESIGNATING A PAYING AGENT AND REGISTRAR FOR SUCH BONDS; ADOPTING A BOOK ENTRY SYSTEM OF REGISTRATION FOR THE BONDS; DESIGNATING THE SERIES 2011A BONDS TO BE QUALIFIED TAX-EXEMPT OBLIGATIONS WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- c. [RESOLUTION 72, 2011](#) - PURCHASE AWARD FOR TIRES AND RELATED SERVICES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE PURCHASE OF TIRES AND RELATED SERVICES FROM DAN CALLAGHAN ENTERPRISES, INC., D/B/A CALLAGHAN TIRE, VIA AN EXISTING CONTRACT WITH THE FLORIDA SHERIFFS ASSOCIATION AND THE FLORIDA ASSOCIATION OF COUNTIES (NO. 11/13-05-120); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- d. [RESOLUTION 73, 2011](#) - FACILITIES USE AGREEMENT FOR THE BIG HEART BRIGADE.

**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.**