

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 November 3, 2011  
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 Levy, Vice Mayor Premuroso, Council Member Russo, Council Member  
10 Jablin, Council Member Tinsley.

11 **ABSENT:**

12 None.

13 **III. ADDITIONS, DELETIONS, MODIFICATIONS**

14 None.

15 **RESOLUTION 73-2011, FACILITIES USE AGREEMENT.**

16 **Council Member Jablin** made a motion to approve Resolution 73-2011.

17 **Council Member Tinsley** seconded.

18 Motion passed 5-0.

19 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

20 None.

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

22 **Council Member Tinsley** attended the opening of the Green Market; Hallogreen and pumpkin  
23 carving event, Banyan Tree Ceremony, Pitch For The Cure event and announced the upcoming  
24 6<sup>th</sup> Annual Veteran's Golf Tournament.

25 **Council Member Russo** Hosted the North County Economic Development Advisory Board  
26 Meeting and thanked staff for attendance and participation; attended the Honda Classic Board of  
27 Directors Meeting.

28 **Vice Mayor Premuroso** Announced the Business Development Board's Life Sciences  
29 upcoming luncheon; Historical Society and PGA Golf tournament.

30 **Council Member Jablin** Commented on parking associated with the Green Market; upcoming  
31 Veteran's Day event on the Plaza.

32 **Mayor Levy** Attended the Hispanic Chamber of Commerce's second Latin Fest; Howell  
33 Watkins Middle School Veterans dedication event, Duncan Middle School Veterans dedication  
34 event, Veteran's Day event on the Plaza on November 11, 2011, and announced the upcoming  
35 annual Big Heart Brigade at Fire Station #3.

36 **VI. CITY MANAGER REPORT**

37 **City Manager, Ron Ferris** reported staff time and costs related to responses for information by  
38 the Palm Beach County Inspector General.

39 **VII. COMMENTS FROM THE PUBLIC**

40 **Eric McClelland**, 363, Unit #2 in Crestwood Chase, Palm Beach Gardens;

41 **Anita Carbone**, 11 Thurston Drive, Palm Beach Gardens.

42 **VIII. CONSENT AGENDA**

43 a. APPROVE MINUTES FROM OCTOBER 6, 2011 CITY COUNCIL MEETING.

44 b. RESOLUTION 70, 2011 - EASEMENT WITH NORTHCORP PROPERTY OWNERS'  
45 ASSOCIATION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM  
46 BEACH GARDENS, FLORIDA APPROVING AN EASEMENT AGREEMENT BETWEEN  
47 THE CITY OF PALM BEACH GARDENS AND THE NORTHCORP CORPORATE PARK  
48 PROPERTY OWNERS' ASSOCIATION, INC., AS MORE PARTICULARLY DESCRIBED  
49 HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

50 c. PROCLAMATION – CHORAL SOCIETY PROCLAMATION.

1 d. PROCLAMATION –MAESTRO BOB LAPPIN AND THE PALM BEACH POPS.  
2 **Councilmember Jablin** made a motion for approval of the Consent Agenda.  
3 **Councilmember Premuroso** seconded.  
4 Motion passed 5-0.  
5 **IX. 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 City Clerk read Ordinance 16, 2011 by title.  
9 a. **ORDINANCE 16, 2011 – (2nd READING AND ADOPTION)** AMEND SECTION 78-57.  
10 TARGETED EXPEDITED PERMITTING PROCESS. AN ORDINANCE OF THE CITY  
11 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING  
12 CHAPTER 78. LAND DEVELOPMENT. BY REVISING SECTION 78-57. TARGETED  
13 EXPEDITED PERMITTING PROGRAM. IN ORDER TO UPDATE THE TARGETED  
14 EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PURPOSES;  
15 PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF  
16 CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT  
17 AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY  
18 CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND  
19 FOR OTHER PURPOSES.  
20 **Mayor Levy** opened the public hearing.  
21 **Staff presentation: Director of Planning and Zoning, Natalie Crowley.**  
22 **Petitioner Presentation: Steve Matheson.**  
23 **Public Comment: None.**  
24 **Mayor Levy** closed the public hearing.  
25 **Councilmember Jablin** made a motion to approve Ordinance 16, 2011 on second reading and  
26 adoption.  
27 **Councilmember Tinsley** seconded.  
28 Motion passed 5-0.  
29 The City Clerk read Ordinance 17, 2011 by title.  
30 b. **ORDINANCE 17, 2011 - (2<sup>nd</sup> READING AND ADOPTION)** AMEND SECTION 78-92.  
31 FEES. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
32 GARDENS, FLORIDA AMENDING ARTICLE III. DEVELOPMENT REVIEW  
33 PROCEDURES, DIVISION 4. CITYWIDE IMPACT FEES, OF CHAPTER 78. LAND  
34 DEVELOPMENT. OF THE CITY CODE OF ORDINANCES BY REPEALING SECTION 78-  
35 92. FEES. AND READOPTING SAME, AS REVISED, IN ORDER TO UPDATE IMPACT  
36 FEES PURSUANT TO SECTION 78-95. REVIEW.; PROVIDING THAT EACH AND  
37 EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND  
38 DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY  
39 ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND  
40 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
41 PURPOSES.  
42 **Mayor Levy** opened the public hearing.  
43 **Staff presentation: Director of Planning and Zoning, Natalie Crowley.**  
44 **Petitioner Presentation: Steve Matheson.**  
45 **Public Comment: None.**  
46 **Mayor Levy** closed the public hearing.  
47 **Councilmember Jablin** made a motion to approve Ordinance 17, 2011 on second reading and  
48 adoption.  
49 **Councilmember Tinsley** seconded.  
50 Motion passed 5-0.

1 The City Clerk read Ordinance 21, 2011 by title.  
2 c. \*ORDINANCE 21, 2011 – (1<sup>st</sup> READING) REZONE THE HOWELL WATKINS MIDDLE  
3 SCHOOL SITE. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM  
4 BEACH GARDENS, FLORIDA REZONING CERTAIN REAL PROPERTY WITHIN THE  
5 CORPORATE LIMITS OF THE CITY OF PALM BEACH GARDENS, CONSISTING OF  
6 ONE (1) PARCEL OF REAL PROPERTY TOTALING 20.40 ACRES, MORE OR LESS, IN  
7 SIZE LOCATED ON THE EAST SIDE OF MACARTHUR BOULEVARD  
8 APPROXIMATELY ONE-QUARTER MILE NORTH OF NORTHLAKE BOULEVARD,  
9 WITH A STREET ADDRESS OF 9480 AND 9482 MACARTHUR BOULEVARD,  
10 INFORMALLY KNOWN AS “HOWELL WATKINS MIDDLE SCHOOL”; PROVIDING  
11 THAT THIS PARCEL OF REAL PROPERTY WHICH IS MORE PARTICULARLY  
12 DESCRIBED HEREIN SHALL BE ASSIGNED THE CITY ZONING DESIGNATION OF  
13 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY WITH AN UNDERLYING ZONING  
14 DESIGNATION OF PUBLIC OR INSTITUTIONAL (P/I); PROVIDING THAT THE ZONING  
15 MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY;  
16 PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING  
17 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
18 **Mayor Levy** opened the public hearing.  
19 **Staff presentation: Director of Planning and Zoning, Natalie Crowley**  
20 **Public Comment: None.**  
21 **Mayor Levy** closed the public hearing.  
22 **Councilmember Jablin** made a motion to approve Ordinance 21, 2011 on first reading.  
23 **Councilmember Premuroso** seconded  
24 Motion passed 5-0.  
25 RESOLUTION 64, 2011 IS A COMPANION ITEM TO ORDINANCE 21, 2011 AND  
26 WILL REQUIRE COUNCIL ACTION ON SECOND READING.  
27 \*RESOLUTION 64, 2011 - REZONE THE HOWELL WATKINS MIDDLE SCHOOL SITE. A  
28 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
29 FLORIDA APPROVING THE HOWELL WATKINS MIDDLE SCHOOL PLANNED UNIT  
30 DEVELOPMENT (PUD) SITE PLAN, AS MORE PARTICULARLY DESCRIBED HEREIN;  
31 PROVIDING A WAIVER; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN  
32 EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
33 d. ORDINANCE 22, 2011 - (2<sup>nd</sup> READING AND ADOPTION) ELECTRIC FRANCHISE. AN  
34 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
35 FLORIDA GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS  
36 AND ASSIGNS AN ELECTRIC FRANCHISE IMPOSING PROVISIONS AND  
37 CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO  
38 THE CITY OF PALM BEACH GARDENS; PROVIDING A CONFLICTS CLAUSE AND A  
39 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
40 PURPOSES.  
41 **Mayor Levy** opened the public hearing.  
42 **Staff presentation: Finance Director, Allan Owens**  
43 **Public Comment: None.**  
44 **Mayor Levy** closed the public hearing.  
45 **Councilmember Jablin** made a motion to approve Ordinance 21, 2011 on second reading and  
46 adoption.  
47 **Councilmember Premuroso** seconded  
48 Motion passed 5-0.  
49 e. \*RESOLUTION 71, 2011 - MAJOR CONDITIONAL USE OF “LOUNGE”. A  
50 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,

1 FLORIDA APPROVING THE MAJOR CONDITIONAL USE “NIGHTCLUB, BAR OR  
2 LOUNGE” IN ORDER TO ALLOW A LOUNGE, INFORMALLY KNOWN AS CABO  
3 FLATS RESTAURANT, WITHIN THE DOWNTOWN AT THE GARDENS PLANNED  
4 COMMUNITY DEVELOPMENT (PCD), LOCATED AT 11701 LAKE VICTORIA  
5 GARDENS AVENUE, SUITE 5101, AS MORE PARTICULARLY DESCRIBED HEREIN;  
6 PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND  
7 FOR OTHER PURPOSES.

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

9 **Staff presentation: Director of Planning and Zoning, Natalie Crowley.**

10 **Petitioner presentation: Andy Delgado and Steve Matheson.**

11 **Public Comment:** None.

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

13 **Councilmember Jablin** made a motion to approve Resolution 71, 2011.

14 **Councilmember Premuroso** seconded

15 Motion passed 5-0.

16 **X. RESOLUTIONS:**

17 a. **RESOLUTION 60, 2011 - AGREEMENT WITH TOTAL MAINTENANCE BUILDING**  
18 **SERVICES.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
19 GARDENS, FLORIDA APPROVING A UNIFIED AGREEMENT WITH TOTAL  
20 MAINTENANCE BUILDING SERVICES, INC. FOR MOWING AND LANDSCAPING  
21 SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS;  
22 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

23 **Staff presentation: Director of Parks and Public Works, Charlotte Presensky**

24 **Councilmember Jablin** made a motion to approve Resolution 60, 2011.

25 **Councilmember Premuroso** seconded

26 Motion passed 5-0.

27 b. **RESOLUTION 68, 2011 – REFUNDING BONDS.** A RESOLUTION OF THE CITY  
28 **COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA** AUTHORIZING THE  
29 ISSUANCE OF ITS PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2011A,  
30 AND TAXABLE PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2011B, IN AN  
31 AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, FOR THE PURPOSE  
32 OF REFUNDING THE CITY’S PUBLIC IMPROVEMENT AND REFUNDING BONDS,  
33 SERIES 2003; AWARDING THE SALE OF SUCH BONDS TO RAYMOND JAMES &  
34 ASSOCIATES, INC. AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE  
35 CONTRACT WITH RAYMOND JAMES & ASSOCIATES, INC. FOR SUCH BONDS BY  
36 NEGOTIATED SALE; FIXING THE DENOMINATIONS, MATURITIES, INTEREST  
37 RATES, REDEMPTION PROVISIONS, AND OTHER DETAILS WITH RESPECT TO SUCH  
38 BONDS; AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND  
39 A FINAL OFFICIAL STATEMENT IN CONNECTION WITH THE SALE AND  
40 DISTRIBUTION OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY  
41 OF AN ESCROW DEPOSIT AGREEMENT; DESIGNATING A PAYING AGENT AND  
42 REGISTRAR FOR SUCH BONDS; ADOPTING A BOOK ENTRY SYSTEM OF  
43 REGISTRATION FOR THE BONDS; DESIGNATING THE SERIES 2011A BONDS TO BE  
44 QUALIFIED TAX-EXEMPT OBLIGATIONS WITHIN THE MEANING OF SECTION  
45 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING  
46 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

47 **Staff presentation: Finance Director, Allan Owens**

48 **Public Comment:** None.

49 **Councilmember Jablin** made a motion to approve Resolution 68, 2011.

50 **Councilmember Tinsley** seconded

1 Motion passed 5-0.  
2 c. RESOLUTION 72, 2011 - PURCHASE AWARD FOR TIRES AND RELATED  
3 SERVICES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
4 GARDENS, FLORIDA APPROVING THE PURCHASE OF TIRES AND RELATED  
5 SERVICES FROM DAN CALLAGHAN ENTERPRISES, INC., D/B/A CALLAGHAN TIRE,  
6 VIA AN EXISTING CONTRACT WITH THE FLORIDA SHERIFFS ASSOCIATION AND  
7 THE FLORIDA ASSOCIATION OF COUNTIES (NO. 11/13-05-120); PROVIDING AN  
8 EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
9 Staff presentation: Operations Director, Sanitation and Fleet Maintenance, Mike Morrow  
10 Public Comment: None.  
11 Councilmember Jablin made a motion to approve Resolution 72, 2011.  
12 Councilmember Premuroso seconded  
13 Motion passed 5-0.  
14 d. RESOLUTION 73-2011, FACILITIES USE AGREEMENT.  
15 Council Member Jablin made a motion to approve Resolution 73-2011.  
16 Council Member Tinsley seconded.  
17 Motion passed 5-0  
18 **XI. ITEMS FOR COUNCIL ACTION/DISCUSSION:**  
19 Mayor Levy Discussed Carlton Oaks' interest in Annexation into the City.  
20 **XII. CITY ATTORNEY REPORT:**  
21 City Attorney, R. Max Lohman reported legal funding mechanism for Inspector General's  
22 Office and discussed various cities interest in joining the lawsuit.  
23 Councilmember Jablin made a motion to approve joining the lawsuit.  
24 Councilmember Premuroso seconded.  
25 Motion passed 5-0.

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1 **XIII. ADJOURNMENT**

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

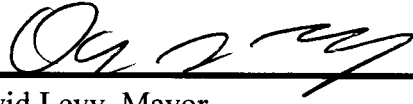
3 **Councilmember Russo** seconded.

4 Motion passed 5-0.

5 The meeting adjourned at 9:04 p.m.

6 The next regularly scheduled City Council meeting will be held December 1, 2011.

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8 **APPROVED:**

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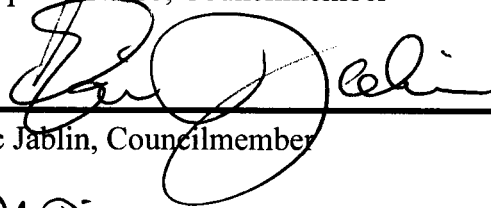
11 \_\_\_\_\_  
12 David Levy, Mayor

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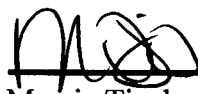
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15 Robert G. Premuroso, Vice Mayor

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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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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.