

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

6 The regular meeting was called to order at 7:02p.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:** None.

12 **III. ADDITIONS, DELETIONS, MODIFICATIONS**

13 1. Resolution 79, 2011 A Resolution of the City Council of the City of Palm Beach Gardens,
14 Florida supporting the annual Holiday Joy Drive and approving incidental in-kind support for the
15 Holiday Joy Drive; providing an effective date; and for other purposes.

16 2. Proclamation – Arnold and Marilyn Lampert Appreciation Day.

17 **Council member Jablin** made a motion to approve the additions.

18 **Council Member Premuroso** seconded.

19 Motion passed 5-0.

20 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

21 None.

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

23 **Council Member Marcy Tinsley:** Attended the Veteran's Day Ceremony; the 6th Annual
24 Mayor's Veterans Golf Tournament; local Chamber Event; Annual PGA River House Event;
25 acknowledged a citizen's appreciation for Kenthia White's assistance; attended the ribbon
26 cutting ceremony and welcomed Burger Bar to the City; at the November 21st Recreational
27 Advisory Board Meeting held on November 21st, Tory Buckley was elected Chair and Timothy
28 Frohling was elected Vice Chair. Announced that special events are posted on the City's
29 Website. They include December 2nd, the 28th Annual Gift and Craft Show; December 4th, The
30 Young Singers of the Palm Beaches, including kids from Palm Beach Gardens will be doing a
31 holiday performance; December 7th, the annual tree lighting ceremony; December 10th the
32 annual Breakfast with Santa and Mrs. Claus event here at City Hall; wished everyone Happy
33 Holidays and gave thanks to staff, the City Manager and the City Attorney.

34 **Council Member Joe Russo:** Wished everyone Happy Holidays; thanked everyone that
35 participated in the Big Heart Brigade, which provided 102,350 meals this year; announced the
36 December 4th Christmas Caroling event, December 7th annual tree lighting event; thanked
37 everyone for a successful annual Mayor's Veterans Golf Event.

38 **Vice Mayor Bert Premuroso:** Thanked the Chief and all participants for the Big Heart Brigade;
39 announced the annual Christmas Caroling Event featuring the North Palm Beach Elementary 5th
40 Grade Students and Adult Choir from Trinity Methodist and Man of Honor Choir from Christ
41 Fellowship.

42 **Council Member Eric Jablin:** Thanked all that participated in the Big Heart Brigade and Christ
43 Fellowship Church; announced the Hannakuh Candle Lighting on December 21st; and wished
44 Happy Holiday Greetings to all.

45 **Mayor David Levy:** Wished everyone Happy Holidays and a wonderful New Year; announced
46 December 7th is Pearl Harbor Day; Resolution 79-2011 Joy Drive for underprivileged kids; a
47 special thanks to Judy Brandt for all of her work with this program and thanked staff for making
48 the City a special place.

49 **VI. CITY MANAGER REPORT**

1 Reported on contracting for Lobbying Services for the upcoming Legislative Session; which
2 begins January 10th. Discussion ensued.

3 **VII. COMMENTS FROM THE PUBLIC**

4 **Tom Gairnes**, 3101 PGA Boulevard, Palm Beach Gardens.

5 **Ynrose J. Pierre**, 680 Crocus Court, Palm Beach Gardens.

6 **VIII. CONSENT AGENDA**

7 a. APPROVE MINUTES FROM NOVEMBER 3, 2011 CITY COUNCIL MEETING.

8 b. PROCLAMATION - INTERNATIONAL GIRL EFFECT WEEK.

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

10 **Councilmember Premuroso** seconded.

11 Motion passed 5-0.

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

13 Those preparing to give testimony were sworn in.

14 The City Clerk read Resolution 55, 2010 by title.

15 a. RESOLUTION 55, 2010 – SOUTHAMPTON PUD. A RESOLUTION OF THE CITY
16 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN
17 AMENDMENT TO THE SOUTHAMPTON PLANNED UNIT DEVELOPMENT (PUD),
18 LOCATED AT THE NORTHEAST CORNER OF CENTRAL BOULEVARD AND PGA
19 BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, TO ALLOW THE
20 CONSTRUCTION OF 96 TOWNHOMES AND 58 SINGLE-FAMILY HOMES;
21 PROVIDING WAIVERS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING
22 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

23 **Mayor Levy** opened the Public Hearing.

24 Staff presentation: None.

25 Public comment: None.

26 **Mayor Levy** closed the Public Hearing.

27 **Vice Mayor Premuroso** made a motion for indefinite postponement of Resolution 55, 2010.

28 **Council Member Russo** seconded.

29 Motion passed 5-0.

30 The City Clerk read Ordinance 20, 2011 by title.

31 b. ORDINANCE 20, 2011 – (1st READING) - MODEL FERTILIZER. AN ORDINANCE OF
32 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
33 AMENDING CHAPTER 34. ENVIRONMENT AT ARTICLE II. POLLUTION CONTROL
34 BY ADOPTING NEW SECTIONS 34-33 – 34-46 IN ORDER TO ADDRESS EXCESSIVE
35 NUTRIENT LEVELS IN PALM BEACH COUNTY WATER BODIES BY ADOPTING
36 DEFINITIONS, MAKING LEGISLATIVE FINDINGS, OF PURPOSE AND INTENT,
37 PROVIDING FOR APPLICABILITY, TIMING OF FERTILIZER APPLICATIONS;
38 DESIGNATING FERTILIZER-FREE ZONES; PROVIDING FOR THE REGULATION
39 OF FERTILIZER CONTENT, APPLICATION RATES, AND APPLICATION
40 PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND
41 VEGETABLE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR
42 TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS;
43 PROVIDING FOR ENFORCEMENT; PROVIDING A CONFLICTS CLAUSE, A
44 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
45 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

46 **Mayor Levy** opened the Public Hearing.

47 Staff presentation: **City Engineer, Todd Engle**.

48 Public comment: None.

49 **Mayor Levy** closed the Public Hearing.

1 **Council Member Jablin** made a motion for approval of Ordinance 20, 2011, on first reading.

2 **Council Member Tinsley** seconded.

3 Motion passed 5-0.

4 The City Clerk read Ordinance 21, 2011 by title.

5 c. *ORDINANCE 21, 2011 – (2nd READING AND ADOPTION) REZONE THE HOWELL
6 WATKINS MIDDLE SCHOOL SITE. AN ORDINANCE OF THE CITY COUNCIL OF
7 THE CITY OF PALM BEACH GARDENS, FLORIDA REZONING CERTAIN REAL
8 PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PALM BEACH
9 GARDENS, CONSISTING OF ONE (1) PARCEL OF REAL PROPERTY TOTALING
10 20.40 ACRES, MORE OR LESS, IN SIZE LOCATED ON THE EAST SIDE OF
11 MACARTHUR BOULEVARD APPROXIMATELY ONE-QUARTER MILE NORTH OF
12 NORTHLAKE BOULEVARD, WITH A STREET ADDRESS OF 9480 AND 9482
13 MACARTHUR BOULEVARD, INFORMALLY KNOWN AS “HOWELL WATKINS
14 MIDDLE SCHOOL”; PROVIDING THAT THIS PARCEL OF REAL PROPERTY
15 WHICH IS MORE PARTICULARLY DESCRIBED HEREIN SHALL BE ASSIGNED
16 THE CITY ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)
17 OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF PUBLIC OR
18 INSTITUTIONAL (P/I); PROVIDING THAT THE ZONING MAP OF THE CITY OF
19 PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A
20 CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN
21 EFFECTIVE DATE; AND FOR OTHER PURPOSES

22 **RESOLUTION 64, 2011 IS A COMPANION ITEM TO ORDINANCE 21, 2011**
23 **AND WILL REQUIRE COUNCIL ACTION.**

24 The City Clerk read Resolution 64, 2011 by title.

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

31 **Mayor Levy** opened the Public Hearing.

32 Staff Presentation: **Director of Planning and Zoning, Natalie Crowley.**

33 Public Comment: None.

34 **Mayor Levy** closed the Public Hearing.

35 **Council Member Jablin** made a motion for approval of Ordinance 20, 2011, on 2nd reading and
36 adoption.

37 **Council Member Premuroso** seconded.

38 Motion passed 5-0.

39 **Council Member Jablin** made a motion for approval of Resolution 64, 2011.

40 **Council Member Premuroso** seconded.

41 Motion passed 5-0.

42 The City Clerk read Ordinance 23, 2011 by title.

43 d. ORDINANCE 23, 2011 – (1ST READING) HURRICANE SHUTTERS. AN ORDINANCE
44 OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
45 AMENDING CHAPTER 86, BUILDINGS AND BUILDING REGULATIONS AT
46 SECTION 86-29. HURRICANE SHUTTERS. IN ORDER TO PROVIDE REGULATION
47 OF THE TEMPORARY INSTALLATION OF STORM SHUTTERS; FURTHER
48 AMENDING CHAPTER 86 BY ADOPTING NEW SECTION 86-29.5., ENTITLED
49 “REGISTRATION REQUIRED”., ADOPTING REGULATIONS FOR THE ISSUANCE

1 OF A STORM SHUTTER PERMIT; PROVIDING A CONFLICTS CLAUSE, A
2 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
3 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4 Mayor Levy opened the Public Hearing.

5 Staff Presentation: Fire Chief, Pete Bergel.

6 Discussion ensued.

7 Public Comment: None.

8 Mayor Levy closed the Public Hearing.

9 Council Member Jablin made a motion for approval of Ordinance 23, 2011, on first
10 reading.

11 Council Member Premuroso seconded.

12 Motion passed 5-0.

13 The City Clerk read Resolution 74, 2011 by title.

14 e. *RESOLUTION 74, 2011 - BANYAN TREE PUD. A RESOLUTION OF THE CITY
15 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN
16 AMENDMENT TO THE BANYAN TREE PLANNED UNIT DEVELOPMENT (PUD)
17 SITE PLAN TO ALLOW AN ADDITIONAL MONUMENT SIGN AND LANDSCAPING
18 MODIFICATIONS ON PHASE III OF THE PUD, AS MORE PARTICULARLY
19 DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING CONDITIONS OF
20 APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

21 Mayor Levy opened the Public Hearing.

22 Staff Presentation: None.

23 Petitioner Presentation: Brian Chequis.

24 Public Comment: None.

25 Mayor Levy closed the Public Hearing.

26 Council Member Jablin made a motion for approval of Resolution 74, 2011.

27 Council Member Premuroso seconded.

28 Motion passed 5-0.

29 The City Clerk read Resolution 75, 2011 by title.

30 f. RESOLUTION 75, 2011 - SCRIPPS FLORIDA PHASE PHASE II/BRIGER PCD
31 AMENDMENT. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM
32 BEACH GARDENS, FLORIDA APPROVING A MISCELLANEOUS PETITION TO
33 AMEND THE SCRIPPS/FLORIDA PLANNED COMMUNITY DISTRICT (PCD)
34 DEVELOPMENT ORDER AT CONDITION OF APPROVAL #29 REGARDING
35 CERTAIN PLATTING REQUIREMENTS; PROVIDING AN EFFECTIVE DATE; AND
36 FOR OTHER PURPOSES.

37 **RESOLUTION 78, 2011 IS A COMPANION ITEM TO RESOLUTION 75, 2011**

38 The City Clerk read Resolution 78, 2011 by title.

39 g. RESOLUTION 78, 2011—SCRIPPS FLORIDA PHASE II BRIGER TRACT DRI –
40 REQUEST. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM
41 BEACH GARDENS, FLORIDA APPROVING AN EXCEPTION TO THE
42 REQUIREMENTS OF PLATTING FOR A FIVE- (5) ACRE UTILITY SITE LOCATED
43 WITHIN THE SCRIPPS FLORIDA PHASE II PLANNED COMMUNITY
44 DEVELOPMENT (PCD); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
45 PURPOSES.

46 Mayor Levy opened the Public Hearing.

47 Petitioner Presentation: Ken Tuma.

48 Staff Presentation: Director of Planning and Zoning, Natalie Crowley.

49 Public Comment: None.

1 **Mayor Levy** closed the Public Hearing.

2 **Council Member Jablin** made a motion for approval of Resolution 75, 2011.

3 **Council Member Premuroso** seconded.

4 Motion passed 5-0.

5 **Council Member Jablin** made a motion for approval of Resolution 78, 2011.

6 **Council Member Premuroso** seconded.

7 Motion passed 5-0.

8 **X. RESOLUTIONS**

9 The City Clerk read Resolution 69, 2011 by title.

- 10 a. RESOLUTION 69, 2011 – LEASE/BUY BACK AGREEMENT. A RESOLUTION OF
11 THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
12 APPROVING THE LEASE PURCHASE/TURN-IN OF TWO (2) RESCUE UNITS AND
13 AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO
14 EFFECTUATE SAID LEASE-PURCHASE; PROVIDING AN EFFECTIVE DATE; AND
15 FOR OTHER PURPOSES.

16 Staff Presentation: **Fire Chief, Pete Bergel.**

17 **Council Member Jablin** made a motion for approval of Resolution 69, 2011.

18 **Council Member Premuroso** seconded.

19 Motion passed 5-0.

20 The City Clerk read Resolution 76, 2011 by title.

- 21 b. RESOLUTION 76, 2011 - AMENDING FISCAL YEAR 2011/2012 BUDGET. A
22 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
23 FLORIDA AMENDING THE CITY OF PALM BEACH GARDENS' BUDGET FOR THE
24 FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012,
25 INCLUSIVE, BY APPROVING THE TRANSFER OF FUNDS PURSUANT TO SECTION
26 2-293. APPROPRIATIONS, CODE OF ORDINANCES FOR COSTS TO ESTABLISH A
27 PURCHASING AND CONTRACTS DIVISION; PROVIDING AN EFFECTIVE DATE;
28 AND FOR OTHER PURPOSES

29 Staff Presentation: **City Manager, Ron Ferris.**

30 Discussion ensued.

31 Public Comment: **Iris Scheibel, 1029 Siena Oaks, Palm Beach Gardens.**

32 Public Comment: **Fred Scheibl, 1029 Siena Oaks, Palm Beach Circle West, Palm Beach
33 Gardens.**

34 Discussion ensued.

35 **Council Member Jablin** made a motion for approval of Resolution 76, 2011.

36 **Council Member Premuroso** seconded.

37 Motion passed 5-0.

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

39 **Mayor Levy** authorized the City Manager to work with the Seacoast Utilities Board to develop
40 water re-use incentives programs.

41 **Council Member Russo** wished everyone Happy Holidays.

42 **XII. CITY ATTORNEY REPORT**

43 None.

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1 **XIII. ADJOURNMENT**

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

3 **Councilmember Premuroso** seconded.

4 Motion passed 5-0.

5 The meeting adjourned at 8:52p.m.

6 The next regularly scheduled City Council meeting will be held January 5, 2012.

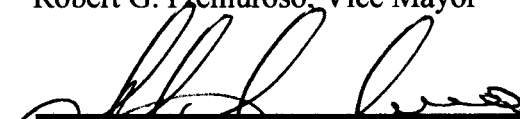
7 **APPROVED:**

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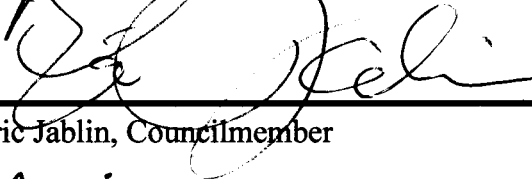
10 _____
11 David Levy, Mayor

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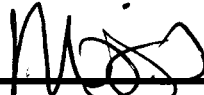
14 _____
15 Robert G. Premuroso, Vice Mayor

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19 Joseph R. Russo, Councilmember


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23 Eric Jablin, Councilmember

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27 Marcie Tinsley, Councilmember

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35 **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 the
46 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.