



**CITY OF PALM BEACH GARDENS
COUNCIL AGENDA
July 10, 2014
7:00 P.M.**

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. ADDITIONS, DELETIONS, MODIFICATIONS:

IV. ANNOUNCEMENTS / PRESENTATIONS:

- a. RECOGNITION OF SPONSORS FOR THE GARDENS CUP GOLF TOURNAMENT.
- b. RECOGNITION OF LIEUTENANT ROBERT PIERIS - FIREFIGHTER OF THE YEAR. RECOGNITION BY THE AMERICAN LEGION POST # 371.
- c. RECOGNITION OF FIREMEDIC JUSTIN AUTWELL – PARAMEDIC OF THE YEAR. RECOGNIZED BY THE EMS PROVIDERS ASSOCIATION OF PALM BEACH COUNTY.
- d. RECOGNIZING PALM BEACH GARDENS POLICE EXPLORERS FOR 1ST PLACE FINISH IN THE “EXPLORING LAW ENFORCEMENT CHALLENGE” (REGIONAL COMPETITION).
- e. PROJECT OPALEYE.

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 JUNE 5, 2014 CITY COUNCIL MEETING.
- b. RESOLUTION 40, 2014 - PLAT-13-11-000053 – TRINITY UNITED METHODIST CHURCH. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE TRINITY UNITED METHODIST CHURCH PLAT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- c. RESOLUTION 45, 2014 - PROJECT OPALEYE. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA RECOMMENDING MEDYTOX SOLUTIONS, INC., A PROJECT REFERRED TO AS "PROJECT OPALEYE", BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, *FLORIDA STATUTES*; PROVIDING LOCAL FINANCIAL SUPPORT IN THE FORM OF UP TO \$36,000 FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND WITH HIGH-IMPACT SECTOR BONUS; PROVIDING CONDITIONS OF APPROVAL FOR THE FUNDING OF THE GRANT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- d. PROCLAMATION – NATIONAL NIGHT OUT.
- e. PROCLAMATION – PARKS AND RECREATION MONTH.

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

- a. *ORDINANCE 8, 2014 – (2nd READING AND ADOPTION). CHURCH IN THE GARDENS, INC. 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 3.23 ACRES IN SIZE, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF HOLLY DRIVE AND I-95, TO BE KNOWN AS THE CHURCH IN THE GARDENS PLANNED UNIT DEVELOPMENT (PUD); 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 RESIDENTIAL LOW DENSITY- 3 (RL-3); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**RESOLUTION 29, 2014 IS A COMPANION ITEM TO ORDINANCE 8, 2014
AND WILL REQUIRE COUNCIL ACTION.**

*RESOLUTION 29, 2014 – CHURCH IN THE GARDENS, INC. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A SITE PLAN AMENDMENT FOR THE CHURCH IN THE GARDENS PLANNED UNIT DEVELOPMENT (PUD); LOCATED AT THE NORTHEAST CORNER OF HOLLY DRIVE AND I-95, AS MORE PARTICULARLY DESCRIBED HEREIN, TO INCREASE THE OVERALL BUILDING AREA FROM 19,212 SQUARE FEET TO 38,299 SQUARE FEET AND CERTAIN OTHER SITE PLAN MODIFICATIONS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- b. ORDINANCE 9, 2014 – (2nd READING AND ADOPTION). POLICE OFFICERS' RETIREMENT TRUST FUND. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 50. POLICE. OF THE CODE OF ORDINANCES OF THE CITY OF PALM BEACH GARDENS, FLORIDA AT ARTICLE III. POLICE OFFICERS' RETIREMENT TRUST FUND. BY REPEALING SUBSECTION 50-62(c) AND READOPTING SAME, AS REVISED; BY REPEALING SECTION 50-116. NORMAL RETIREMENT. AND READOPTING SAME, AS REVISED; AND BY REPEALING SECTION 50-151. ELIGIBILITY TO PARTICIPATE. AND READOPTING SAME, AS REVISED IN ORDER TO IMPLEMENT THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PALM BEACH GARDENS AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 50. POLICE. 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 10, 2014 – (2nd READING AND ADOPTION). AMEND THE NATURE'S HIDEAWAY PLANNED UNIT DEVELOPMENT (PUD). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN APPLICATION FROM NATURE'S HIDEAWAY HOMEOWNERS ASSOCIATION INC. TO AMEND ORDINANCE 30, 1995, WHICH APPROVED THE NATURE'S HIDEAWAY PLANNED UNIT DEVELOPMENT (PUD), IN ORDER TO TRANSFER THE MASTER PLAN AND RELATED CONDITIONS OF APPROVAL TO RESOLUTION 32, 2014; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**RESOLUTION 32, 2014 IS A COMPANION ITEM TO ORDINANCE 10, 2014
AND WILL REQUIRE COUNCIL ACTION.**

*RESOLUTION 32, 2014 - AMEND THE NATURE'S HIDEAWAY PLANNED UNIT DEVELOPMENT (PUD). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN AMENDMENT TO THE NATURE'S HIDEAWAY PLANNED UNIT DEVELOPMENT (PUD) LOCATED WEST OF PROSPERITY FARMS ROAD, 0.17 MILES NORTH OF BURNS ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN AMENDMENT TO THE PUD RELATING TO NATIVE UPLAND PRESERVE REQUIREMENTS, INCORPORATING CONDITIONS OF APPROVAL FROM ORDINANCE 30, 1995, AND PROVIDING NEW CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- d. ORDINANCE 12, 2014 – (2nd READING AND ADOPTION). AMEND PGA BOULEVARD CORRIDOR OVERLAY. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. AT SECTION 78-221. PGA BOULEVARD CORRIDOR OVERLAY. BY REPEALING SUBSECTION (d) AND READOPTING SAME, AS REVISED, IN ORDER TO ALLOW MICROBREWERY/CRAFT BREWERY/BREW PUB AS A MAJOR CONDITIONAL USE WITHIN THE OVERLAY; FURTHER AMENDING CHAPTER 78. AT SECTION 78-751. DEFINITIONS. BY REPEALING THE DEFINITION OF “MICROBREWERY/CRAFT BREWERY/BREW PUB” AND READOPTING SAME, AS REVISED; 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.
- e. *ORDINANCE 13, 2014 – (2nd READING AND ADOPTION). AMENDMENT TO ZONING FOR THE CITY CENTER PLANNED UNIT DEVELOPMENT (PUD). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN APPLICATION FROM CFO2 PALM BEACH LP, THE OWNER OF THE CITY CENTRE PLANNED UNIT DEVELOPMENT (PUD), TO AMEND ORDINANCE 15, 1997, ORDINANCE 26, 1997, ORDINANCE 26, 1998, AND ORDINANCE 11, 1999, WHICH APPROVED AND AMENDED THE CITY CENTRE PUD, IN ORDER TO TRANSFER THE MASTER PLAN AND RELATED CONDITIONS OF APPROVAL TO RESOLUTION 39, 2014; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**RESOLUTION 39, 2014 IS A COMPANION ITEM TO ORDINANCE 13, 2014
AND WILL REQUIRE COUNCIL ACTION.**

- *RESOLUTION 39, 2014 - PUD AMENDMENT TO ALLOW MICROBREWERIES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN APPLICATION FROM CFO2 PALM BEACH LP, THE OWNER OF THE CITY CENTRE PLANNED UNIT DEVELOPMENT (PUD), A 13.58-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF U. S. HIGHWAY 1 AND PGA BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, FOR A PUD AMENDMENT TO ALLOW A MICROBREWERY WITHIN THE PUD AS A MAJOR CONDITIONAL USE AND INCORPORATING APPLICABLE CONDITIONS FROM ORDINANCE 15, 1997, ORDINANCE 26, 1997, ORDINANCE 26, 1998, AND ORDINANCE 11, 1999; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- f. *RESOLUTION 44, 2014 - BALLENISLES TEMPORARY MODULAR STRUCTURE. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A MISCELLANEOUS PETITION FOR THE BALLENISLES PLANNED COMMUNITY DEVELOPMENT (PCD), WHICH IS SITUATED SOUTH OF PGA BOULEVARD AND NORTH OF NORTHLAKE BOULEVARD, BETWEEN THE FLORIDA'S TURNPIKE AND NORTH MILITARY TRAIL, AS DESCRIBED MORE PARTICULARLY HEREIN, TO ALLOW CONSTRUCTION OF A TEMPORARY MODULAR STRUCTURE BETWEEN THE EXISTING ADMINISTRATIVE BUILDING AND TENNIS COURTS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- g. ORDINANCE 11, 2014 – (2nd READING AND ADOPTION). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 14. ANIMALS. BY REPEALING ARTICLE II. DOGS AND CATS. AND READOPTING SAME, AS REVISED, IN ORDER TO ADOPT NEW REGULATIONS REGARDING THE RETAIL SALE OF DOGS AND CATS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. ANIMALS. 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

X. RESOLUTIONS:

- a. RESOLUTION 38, 2014 – ADOPTING A PROPOSED MAXIMUM MILLAGE RATE. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA ADOPTING A PROPOSED MAXIMUM MILLAGE RATE FOR THE CITY OF PALM BEACH GARDENS FOR FISCAL YEAR 2014/2015; SETTING THE DATE, TIME, AND PLACE OF THE FIRST BUDGET HEARING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- b. RESOLUTION 42, 2014 – UPDATING THE SCHEDULE OF FEES AND CHARGES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA UPDATING THE SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES RENDERED BY THE CITY OF PALM BEACH GARDENS FOR ITS CITIZENS AND OTHER MEMBERS OF THE PUBLIC FOR FISCAL YEAR 2014/2015; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- c. RESOLUTION 46, 2014 – APPOINTMENTS TO THE ART IN PUBLIC PLACES ADVISORY BOARD (AIPP). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS TO THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- d. RESOLUTION 47, 2014 – APPOINTMENT TO THE PLANNING, ZONING AND APPEALS BOARD (PZAB). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF A SECOND ALTERNATE MEMBER TO THE PLANNING, ZONING, AND APPEALS BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- e. RESOLUTION 48, 2014 – CALLING A SPECIAL ISSUE REFERENDUM ELECTION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA CALLING A SPECIAL ISSUE REFERENDUM ELECTION; REQUESTING THE SUPERVISOR OF ELECTIONS TO PLACE THE PALM BEACH GARDENS NEEDS TERM LIMITS (PBGNTL) POLITICAL COMMITTEE'S BALLOT QUESTIONS ON THE NOVEMBER 4, 2014, GENERAL ELECTION BALLOT CONTINGENT UPON ALL STATUTORY AND PROCEDURAL PRECONDITIONS HAVING BEEN SATISFIED FOR SUCH PLACEMENT AND IN ACCORDANCE WITH SECTION 166.031, *FLORIDA STATUTES*; APPOINTING THE SUPERVISOR OF ELECTIONS, OR DESIGNEE, THE CITY CLERK, OR DESIGNEE, AND THE DEPUTY CITY CLERK, OR DESIGNEE, AS ADDITIONAL MEMBERS OF THE CITY OF PALM BEACH GARDENS' CANVASSING BOARD; REQUESTING THE SUPERVISOR OF ELECTIONS, OR DESIGNEE, TO CANVASS ALL ABSENTEE BALLOTS, TO CANVASS THE MUNICIPAL QUESTIONS ALONG WITH THE CITY'S CANVASSING BOARD, AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; REQUESTING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE CITY'S ISSUE REFERENDUM ELECTION; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO OVERSEE THE CITY'S ISSUE REFERENDUM ELECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

XI. ITEMS FOR COUNCIL ACTION/DISCUSSION:

a. CITY MANAGER EVALUATION.

b. **GAS STATION SIGNAGE**

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.