

## CITY OF PALM BEACH GARDENS COUNCIL AGENDA December 7, 2017 6:00 P.M.

Mayor Marino
Vice Mayor Marciano
Councilmember Woods
Councilmember Lane
Councilmember Litt

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. ADDITIONS, DELETIONS, MODIFICATIONS:
- IV <u>ANNOUNCEMENTS / PRESENTATIONS</u>:
  - a. HONDA CLASSIC COMMUNITY IMPACT PRESENTATION.
  - b. ST. MARKS CHURCH, INC. CONDUIT DEBT OBLIGATION BOND ACQUISITION PRESENTATION BY SKIP MILLER, ESQ., GREENSPOONMARDER.
  - c. LEASE AGREEMENT FOR DISTRICT PARK
  - d. DESIGN BUILD OF PUBLIC SERVICES OPERATIONS CENTER
- V. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS:
- VI. <u>COMMENTS FROM THE PUBLIC: (For Items Not on the Agenda, please submit request form to the City Clerk prior to this Item)</u>
- VII. CITY MANAGER REPORT:
- VIII. CONSENT AGENDA:
  - a. <u>APPROVE MINUTES</u> FROM NOVEMBER 2, 2017 CITY COUNCIL WORKSHOP MEETING.
  - b. **APPROVE MINUTES** FROM NOVEMBER 2, 2017 CITY COUNCIL MEETING.
  - c. RESOLUTION 54, 2017 LEASE AGREEMENT FOR DISTRICT PARK. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, APPROVING AN INTERLOCAL LEASE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF PALM BEACH GARDENS FOR THE DISTRICT PARK PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- d. <u>RESOLUTION 76, 2017</u> ANCIENT TREE PLAT. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, APPROVING THE ANCIENT TREE PLAT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- e. <u>RESOLUTION 78, 2017</u> PLAT FOR ALTON PARCEL G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, APPROVING THE PLAT FOR ARTISTRY WITHIN ALTON PLANNED COMMUNITY DEVELOPMENT (PCD); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- f. RESOLUTION 79, 2017 DESIGN BUILD OF PUBLIC SERVICES OPERATIONS CENTER. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AWARDING A CONTRACT TO AHRENS COMPANIES FOR THE DESIGN BUILD OF THE PUBLIC SERVICES OPERATIONS CENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH DESIGN BUILD CONTRACT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- g. RESOLUTION 80, 2017 EASEMENT DEED IN FAVOR OF SEACOAST UTILITY. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, GRANTING A NON-EXCLUSIVE EASEMENT TO SEACOAST UTILITY AUTHORITY FOR THE INSTALLATION, OPERATION, MAINTENANCE, AND SERVICE OF WATER AND SEWER FACILITIES; AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- h. RESOLUTION 81, 2017 CHILDREN'S HEALTHCARE CHARITIES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AWARDING A PUBLIC SAFETY GRANT FOR POLICE AND FIRE PERSONNEL TO THE CHILDREN'S HEALTHCARE CHARITY, INC. FOR THE 2018 HONDA CLASSIC PGA GOLF TOURNAMENT AND TO APPROVE A LEASE USE AGREEMENT TO USE THE MIRASOL AND PGA NATIONAL PARKS FOR VARIOUS PARKING FACILITIES AND GENERAL OPERATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- i. RESOLUTION 84, 2017 AUTHORIZING THE CITY MANAGER TO ALIENATE A 20' X 80' PARCEL. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AUTHORIZING THE SALE OF THAT CERTAIN 20' BY 80' PARCEL OF LAND BY QUIT-CLAIM DEED AND THE RETENTION OF A UTILITY EASEMENT FOR THE BENEFIT OF THE CITY AND THE SEACOAST UTILITY AUTHORITY; SUCH PARCEL BEING GENERALLY LOCATED AT 8511 40TH TERRACE NORTH; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS AND/OR INSTRUMENTS DEEMED NECESSARY AND PRUDENT TO EFFECTUATE THIS TRANSACTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- j. <u>PURCHASE AWARD</u> RENEWAL OF AGREEMENT FOR MISCELLANEOUS PUBLIC WORKS PROJECTS.
- k. PURCHASE AWARD PORTABLE TRUCK LIFTS FOR FLEET DIVISION.

- I. PURCHASE AWARD BLEACHER COVERS FOR NORTHSIDE OF GARDENS PARK.
- m. **PURCHASE AWARD** TRACKMAN SIMULATOR FOR GOLF TRAINING CENTER.

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

- a. ORDINANCE 20, 2017 (2ND READING AND ADOPTION) AMENDING CHAPTER 62 OF THE LAND DEVELOPMENT REGULATIONS FOR WIRELESS FACILITIES. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 62 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES ON EXISTING UTILITY POLES OR THE INSTALLATION OF NEW UTILITY POLES TO SUPPORT THE COLLOCATION OF SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES IN CITY-OWNED RIGHTS-OF-WAY AND AMENDING THE DEFINITIONS TO BE CONSISTENT WITH SECTION 337.401, FLORIDA STATUTES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- b. \*RESOLUTION 77, 2017 ART IN PUBLIC PLACES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING ART IN PUBLIC PLACES FOR THE CLARITY POINTE ASSISTED LIVING FACILITY WITHIN THE ALTON PLANNED COMMUNITY DEVELOPMENT (PCD), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- RESOLUTION 83. 2017 -- CONDUIT DEBT OBLIGATION BOND C. ACQUISITION. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF A DEBT OBLIGATION OF THE CITY IN THE AMOUNT NOT TO EXCEED \$10,500,000 (THE "DEBT OBLIGATION"), THE PROCEEDS OF WHICH WILL BE LOANED TO ST. MARK'S CHURCH, INC. (THE "BORROWER") AND USED BY THE BORROWER FOR THE PURPOSES OF (i) REFINANCING CERTAIN OUTSTANDING INDEBTEDNESS OF THE BORROWER INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF FACILITIES FOR THE BORROWER'S PRE-KINDERGARTEN TO GRADE 8 SCHOOL LOCATED AT 3395 BURNS ROAD, PALM BEACH GARDENS. FLORIDA 33410 (THE "FACILITY"), (ii) MAKING CERTAIN CAPITAL IMPROVEMENTS TO THE FACILITY, AND (iii) PAYING CERTAIN COSTS OF ISSUANCE OF THE DEBT OBLIGATION; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT; AWARDING THE DEBT OBLIGATION BY A NEGOTIATED SALE: APPROVING THE ISSUANCE OF THE DEBT OBLIGATION FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF THE DEBT OBLIGATION: AND MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE DEBT OBLIGATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE 21, 2017 - (2ND READING AND ADOPTION) AMEND PGA d. CORRIDOR CHART OF USES. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT. AT SECTION 78-159. PERMITTED USES, MINOR AND MAJOR CONDITIONAL USES, AND PROHIBITED USES. BY AMENDING TABLE 21: PERMITTED, CONDITIONAL, AND PROHIBITED USE CHART, TO ADD ELECTRIC AUTOMOBILE SHOWROOM; FURTHER AMENDING CHAPTER 78. AT SECTION 78-221 PGA BOULEVARD CORRIDOR OVERLAY BY REPEALING SUBSECTION (d) AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-751 TO ADOPT NEW DEFINITIONS "ELECTRIC AUTOMOBILE SHOWROOM". "ELECTRIC AUTOMOBILE", AND "HYBRID AUTOMOBILE"; 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.

# RESOLUTION 74, 2017 IS A COMPANION ITEM TO ORDINANCE 21, 2017 AND WILL REQUIRE COUNCIL ACTION.

\*RESOLUTION 74, 2017 - MAJOR CONDITIONAL USE APPROVAL. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, GRANTING APPROVAL OF A MAJOR CONDITIONAL USE TO ALLOW AN ELECTRIC AUTOMOBILE SHOWROOM USE WITHIN THE GARDENS MALL; THE SUBJECT SITE IS GENERALLY LOCATED NORTH OF PGA BOULEVARD, EAST OF FAIRCHILD GARDENS AVENUE, SOUTH OF GARDENS PARKWAY, AND WEST OF KEW GARDENS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE 30. 2017 - (1st READING) SMALL-SCALE COMPREHENSIVE e. MAP AMENDMENT FOR THE FLEET OPERATIONS BUILDING. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ADOPTING A SMALL-SCALE AMENDMENT TO ITS COMPREHENSIVE PLAN FUTURE LAND USE MAP IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, SPECIFICALLY SECTION 163.3184, ET SEQ., FLORIDA STATUTES, PURSUANT TO APPLICATION NO. CPSS-17-10-000007 THAT PROVIDES FOR AN AMENDMENT TO THE CITY'S FUTURE LAND USE MAP BY DESIGNATING ONE (1) PARCEL OF REAL PROPERTY COMPRISING APPROXIMATELY 2.07 ACRES IN SIZE, MORE OR LESS, AS "(I) INDUSTRIAL"; SUCH PARCEL BEING LOCATED GENERALLY AT THE SOUTHWEST CORNER OF BURNS ROAD AND IRONWOOD ROAD: PROVIDING FOR COMPLIANCE WITH ALL REQUIREMENTS OF CHAPTER 163. FLORIDA STATUTES: PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO); PROVIDING THAT THE FUTURE LAND USE 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.

- f. \*ORDINANCE 31, 2017 - (1ST READING) REZONING REQUEST FOR THE FLEET OPERATIONS BUILDING. 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 PARCEL OF REAL PROPERTY TOTALING 2.07 ACRES IN SIZE, MORE OR LESS, AND LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION AT BURNS ROAD AND IRONWOOD ROAD: 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 LIGHT INDUSTRIAL (M-1A); 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.
- ORDINANCE 24, 2017 (1ST READING) MUNICIPAL ANNEXATION OF g. UNINCORPORATED REAL PROPERTY. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ANNEXING A CONTIGUOUS AND COMPACT AREA OF UNINCORPORATED REAL PROPERTY COMPRISING A TOTAL OF 1,371 ACRES, MORE OR LESS, COMMONLY KNOWN AS "BAY HILL ESTATES. THE PRESERVE AT BAY HILL ESTATES. AND RUSTIC LAKES" IN ACCORDANCE WITH SECTION 171.0413, FLORIDA STATUTES, SUCH PARCELS BEING GENERALLY LOCATED ON THE SOUTH SIDE OF NORTHLAKE BOULEVARD AND ADJACENT TO THE IBIS GOLF AND COUNTRY CLUB, AS MORE PARTICULARLY DESCRIBED HEREIN: AMENDING ARTICLE II OF THE CITY CHARTER TO REDEFINE THE CORPORATE LIMITS PURSUANT TO INVOLUNTARY ANNEXATION; CALLING A REFERENDUM ON THE QUESTION OF ANNEXATION FOR THE REGISTERED ELECTORS WITHIN THE PROPERTY PROPOSED FOR ANNEXATION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF STATE. THE FLORIDA GOVERNOR'S OFFICE, AND PALM BEACH COUNTY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY: PROVIDING AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.
- h. ORDINANCE 26, 2017 (1ST READING) CHARTER LANGUAGE REVISIONS. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031, FLORIDA STATUTES, CALLING FOR A REFERENDUM TO BE HELD ON MARCH 13, 2018, PROPOSING TO THE ELECTORATE OF THE CITY THAT THE CITY CHARTER BE AMENDED AND REORGANIZED IN ORDER TO ADOPT AND IMPLEMENT THE RECOMMENDATIONS OF THE CITIZEN CHARTER REVIEW COMMITTEE; PROVIDING FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE CITY; SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- ORDINANCE 27, 2017 (1ST READING) TERM LIMITS. AN ORDINANCE OF i. THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA. ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031. FLORIDA STATUTES, CALLING FOR A REFERENDUM TO BE HELD ON MARCH 13, 2018, PROPOSING TO THE ELECTORATE OF THE CITY THAT THE CITY CHARTER BE AMENDED AT SECTION 4-1. TO CHANGE THE EXISTING CITY COUNCIL TERM LIMITS FROM TWO (2) CONSECUTIVE FULL TERMS TO THREE (3) CONSECUTIVE FULL TERMS: PROVIDING THAT THE REMAINDER OF THE CHARTER, AS MAY BE AMENDED BY THE ELECTORATE, SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE CITY: SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION: PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- ORDINANCE 28, 2017 (1ST READING) ELIGIBILITY TO SEEK ELECTION. AN j. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031, FLORIDA STATUTES, CALLING FOR A REFERENDUM TO BE HELD ON MARCH 13, 2018, PROPOSING TO THE ELECTORATE OF THE CITY THAT THE CITY CHARTER BE AMENDED AT SECTION 4-1. TO PROVIDE THAT ANY COUNCIL MEMBER WHO HAS LEFT OFFICE DUE TO TERM LIMITS MAY NOT BE RE-ELECTED FOR A PERIOD OF THREE (3) YEARS: PROVIDING THAT THE REMAINDER OF THE CHARTER, AS MAY BE AMENDED BY THE ELECTORATE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE CITY; SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION: PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY: PROVIDING AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.
- k. ORDINANCE 29, 2017 - (1ST READING) ESTABLISHING PLURALITY VOTE. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS. FLORIDA. ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031, FLORIDA STATUTES, CALLING FOR A REFERENDUM TO BE HELD ON MARCH 13, 2018, PROPOSING TO THE ELECTORATE OF THE CITY THAT THE CITY CHARTER BE AMENDED AT SECTION 4-1. TO PROVIDE THAT COUNCIL MEMBERS SHALL BE ELECTED BY PLURALITY RATHER THAN BY MAJORITY; PROVIDING THAT THE REMAINDER OF THE CHARTER. AS MAY BE AMENDED BY THE ELECTORATE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE CITY: SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION: PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

#### X. <u>RESOLUTIONS:</u>

#### XI. ITEMS FOR COUNCIL ACTION/DISCUSSION:

### XII. <u>CITY ATTORNEY REPORT:</u>

## 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 parties 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 five (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 <u>prior</u> to the presentation to the Council.