

1 CITY OF PALM BEACH GARDENS
2 CITY COUNCIL
3 REGULAR MEETING
4 JANUARY 7, 2010
5

6 The regular meeting was called to order at 7:02 p.m. by Mayor Russo.

7 **I. PLEDGE OF ALLEGIANCE**

8 **II. ROLL CALL**

9 **PRESENT:** Mayor Joseph Russo, Vice Mayor David Levy, Councilmember Eric Jablin,
10 Councilmember Jody Barnett, Councilmember Robert Premuroso.

11 **ABSENT:** None.

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

13 None.

14 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

15 a. Mayor's Veterans Golf Tournament – check presentation.

16 Presented Item: Mayor Russo presented the check to representatives of the West Palm Beach
17 Veterans Administration Medical Center.

18 **V. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS**

19 Vice Mayor Levy reported he qualified by petition to run in the upcoming municipal
20 election; attended a Plat 1 Crime Watch meeting and that Palm Beach Community College
21 changed its name to Palm Beach State College. Councilmember Barnett, Councilmember
22 Premuroso, and Councilmember Jablin wished everyone a happy New Year.
23 Councilmember Jablin reminded everyone about the Sunday Green Market. Mayor Russo
24 reported he qualified by petition to run in the upcoming municipal election; attended the
25 Annual Economic Forum; discussed SB 360 with County Commissioner Karen Marcus and
26 will discuss the Evergrene School Bus issue with the School Board.

27 **VI. CITY MANAGER REPORT**

28 None.

29 **VII. COMMENTS FROM THE PUBLIC**

30 Dr. Mark Marciano, 2610 Prosperity Oaks Court, Palm Beach Gardens.

31 **VIII. CONSENT AGENDA**

32 a. Approve minutes from December 17, 2009.

33 b. Proclamation – Arbor Day.

34 c. Proclamation – Gary and Jennifer Lesser.

35 Vice Mayor Levy made a motion for approval of the Consent Agenda.

36 Councilmember Jablin seconded.

37 Motion passed 5-0.

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

39 Mayor Russo announced the procedures for tonight's proceedings.

40 Those preparing to give testimony were sworn in.

41 The City Clerk read Resolution 2, 2010 by title.

42 a. ***Resolution 2, 2010 - PGA National temporary module structure.** A Resolution of the
43 City Council of the City of Palm Beach Gardens, Florida approving a miscellaneous petition
44 for the PGA National Resort Community Development of Regional Impact (DRI) / Planned
45 Community Development (PCD), which is bounded by PGA Boulevard to the North,
46 Northlake Boulevard to the South, the Florida Turnpike to the East, and the C-18 Canal to the
47 West, as described more particularly herein, to allow construction of a temporary modular

1 structure at the East end of the existing driving range at the PGA National Resort Core Golf
2 Course; providing conditions of approval; providing an effective date; and for other purposes.
3 **Mayor Russo** opened the public hearing.
4 No ex parte communication was declared.
5 **Presented Item: Anne Booth**, Urban Design Kilday Studio.
6 **Public Comment: None.**
7 **Mayor Russo** closed the public hearing.
8 **Vice Mayor Levy** made a motion for approval.
9 **Councilmember Jablin** seconded.
10 Motion passed 5-0.
11 The City Clerk read Ordinance 24, 2009 by title.
12 **b. Ordinance 24, 2009 – (2nd reading and adoption) Hilltop Gardens Large-scale**
13 **Comprehensive Plan Future Land Use Plan Amendment.** An Ordinance of the City
14 Council of the City of Palm Beach Gardens, Florida adopting a large scale amendment to its
15 Comprehensive Development Plan in accordance with the mandates set forth in Chapter 163,
16 Florida Statutes, specifically Section 163.3184, et seq., Florida Statutes, pursuant to
17 application No. CPMA-09-03-000011, which provides for an amendment to the City’s Future
18 Land Use Map designating one (1) parcel of real property comprising approximately twenty-
19 three and 16/100 (23.16+) acres, more or less, in size as “(C) Commercial”; such parcel being
20 located generally North of Northlake Boulevard, East of the C-17 Canal, South of the
21 Seacoast Utility Richard Road Plant, and West of the Hilltop Park Mobile Home Park,
22 informally known as “Hilltop Gardens”; providing for compliance with all requirements of
23 Chapter 163, Florida Statutes; providing for transmittal to DCA; providing a conflicts clause,
24 a severability clause, and authority to codify; providing an effective date; and for other
25 purposes.
26 **Mayor Russo** opened the public hearing.
27 No ex parte communication was declared.
28 **Presented Item: Ken Tuma**, Urban Design Kilday Studio.
29 **Public Comment: Dennis Russo**, 2324 Holly Lane, Palm Beach Gardens; **Carol Estrada**,
30 309 Riverside Drive, Palm Beach Gardens.
31 **Staff Comment: Planning Manager Natalie Wong.**
32 **Mayor Russo** closed the public hearing.
33 **Vice Mayor Levy** made a motion for approval.
34 **Councilmember Jablin** seconded.
35 Motion passed 5-0.
36 The City Clerk read Ordinance 25, 2009 by title.
37 **c. *Ordinance 25, 2009 – (2nd reading and adoption) Hilltop Gardens Rezoning.** An
38 Ordinance of the City Council of the City of Palm Beach Gardens, Florida rezoning one (1)
39 parcel of real property comprising approximately twenty-three and 16/100 (23.16+) acres,
40 more or less, in size; such parcel being located North of Northlake Boulevard, East of the C-
41 17 Canal, South of the Seacoast Utility Richard Road Plant, and West of the Hilltop Park
42 Mobile Home Park, informally known as “Hilltop Gardens”; from Residential Medium (RM)
43 to Commercial General (CG1) zoning district; providing that the City zoning district map be
44 revised accordingly; providing a conflicts clause and a severability clause; providing authority
45 to codify; providing an effective date; and for other purposes.
46 **Mayor Russo** opened the public hearing.
47 No ex parte communication was declared.

1 **Mayor Russo** directed that the comments from Ordinance 24, 2009 are to be considered for
2 Ordinance 25, 2009 as well.

3 **Mayor Russo** closed the public hearing.

4 **Vice Mayor Levy** made a motion for approval.

5 **Councilmember Jablin** seconded.

6 Motion passed 5-0.

7 The City Clerk read Ordinance 36, 2009 by title.

8 **d. Ordinance 36, 2009 – (2nd reading and adoption) Amendment to the City Code**
9 **regarding platting requirements.** An Ordinance of the City Council of the City of Palm
10 Beach Gardens, Florida amending Chapter 78. Land Development. at Section 78-43. Review
11 of Applications for Development Order Approval by repealing Table 1 of Section 78-43 and
12 readopting same, as revised; further amending Chapter 78 by repealing Section 78-426.
13 Variances. and readopting same, as revised, for internal consistency; further amending
14 Chapter 78 by repealing Subsections 78-427 (b)(1) and (b)(2) and Section 78-428 and
15 readopting same, as revised, in order to provide criteria for platting exceptions; further
16 amending Chapter 78 by adopting new Section 78-429, entitled “Requirements in Lieu of
17 Platting” and new Section 78-430, entitled “Other Platting Requirements” in order to provide
18 regulations when Platting is not required; further amending Chapter 78 by repealing Sections
19 78-441, 78-445, and 78-446 and readopting same, as revised, in order to clarify application
20 requirements for subdivision plans and to establish regulations for technical compliance
21 review and approval; providing that each and every other Section and Subsection of Chapter
22 78. Land Development. shall remain in full force and effect as previously adopted; providing
23 a conflicts clause, a severability clause, and authority to codify; providing an effective date;
24 and for other purposes.

25 **Mayor Russo** opened the public hearing.

26 No ex parte communication was declared.

27 **Public Comment:** None.

28 **Mayor Russo** closed the public hearing.

29 **Vice Mayor Levy** made a motion for approval.

30 **Councilmember Jablin** seconded.

31 Motion passed 5-0.

32 The City Clerk read Ordinance 38, 2009 by title.

33 **e. Ordinance 38, 2009 – (2nd reading and adoption) Amending Fiscal Year 2009/2010**
34 **Budget.** An Ordinance of the City Council of the City of Palm Beach Gardens, Florida
35 amending the City of Palm Beach Gardens’ budget for the fiscal year beginning October 1,
36 2009, and ending September 30, 2010, inclusive; providing a conflicts clause and a
37 severability clause; providing an effective date; and for other purposes.

38 **Presented Item: Finance Administrator Allan Owens.**

39 **Mayor Russo** opened the public hearing.

40 **Public Comment:** None.

41 **Mayor Russo** closed the public hearing.

42 **Vice Mayor Levy** made a motion for approval.

43 **Councilmember Jablin** seconded.

44 Motion passed 5-0.

45 The City Clerk read Ordinance 39, 2009 by title.

46 **f. Ordinance 39, 2009 - (2nd reading and adoption) Amending Fiscal Year 2009/2010**
47 **Budgeted Fund Balances Actual Amounts.** An Ordinance of the City Council of the City of
48 Palm Beach Gardens, Florida amending the City of Palm Beach Gardens’ budget for the fiscal

1 year beginning October 1, 2009, and ending September 30, 2010, inclusive; providing a
2 conflicts clause, and a severability clause; providing an effective date; and for other purposes.

3 Presented Item: Finance Administrator Allan Owens.

4 Mayor Russo opened the public hearing.

5 Public Comment: None.

6 Mayor Russo closed the public hearing.

7 Vice Mayor Levy made a motion for approval.

8 Councilmember Jablin seconded.

9 Motion passed 5-0.

10 The City Clerk read Ordinance 40, 2009 by title.

11 g. Ordinance 40, 2009 - (2nd reading and adoption) Amending the General Employees

12 Pension Plan. An Ordinance of the City Council of the City of Palm Beach Gardens, Florida

13 amending Chapter 3. Personnel Program. Article XII. General Employees' Pension Plan (DB)

14 at Section 3-128. Board of Trustees. by repealing subsections (a) – (d) and readopting same,

15 as revised, in order to amend the composition of the board and to authorize the board to

16 contract with Florida Municipal Pension Trust Fund for administrative and investment

17 management services; further amending Chapter 3. at Section 3-129. Finances and Fund

18 Management. by repealing Subsection (c) and readopting same, as revised, in order to add the

19 Florida Municipal Pension Trust Fund to the list of permitted service providers; providing that

20 each and every other Section and Subsection of Chapter 3. Personnel Program. shall remain in

21 full force and effect as previously adopted; providing a conflicts clause, a severability clause,

22 and authority to codify; providing an effective date; and for other purposes.

23 Mayor Russo opened the public hearing.

24 Presented Item: Finance Administrator Allan Owens.

25 Mayor Russo closed the public hearing.

26 Vice Mayor Levy made a motion for approval.

27 Councilmember Jablin seconded.

28 Motion passed 5-0.

29 **X. RESOLUTIONS**

30 None.

31 **XI. ORDINANCES (For Consideration on First Reading)**

32 None.

33 **XII. ITEMS FOR COUNCIL ACTION/DISCUSSION**

34 Mayor Russo congratulated the Dwyer High School Football Team and invited them to

35 attend a February City Council meeting for recognition.

36 **XIII. CITY ATTORNEY REPORT**

37 The City Clerk read Resolution 4, 2010 by title.

38 Resolution 4, 2010 - Stipulated Agreement with Wendy Ross. A Resolution of the City

39 Council of the City of Palm Beach Gardens, Florida approving a Stipulated Agreement and

40 General Release between the City of Palm Beach Gardens and Wendy M. Ross/Ross

41 Sculpture Studio; providing an effective date; and for other purposes.

42 Presented Item: City Attorney R. Max Lohman.

43 Discussion ensued.

44 Vice Mayor Levy made a motion for approval.



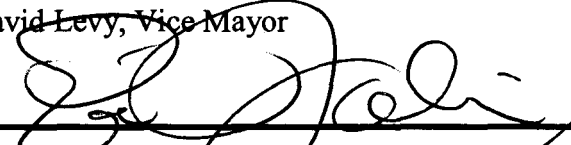
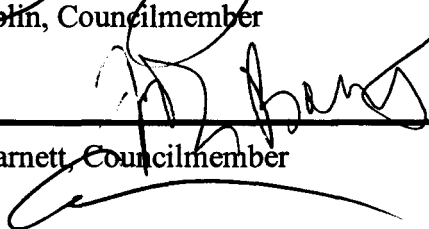
45 Councilmember Jablin seconded.

46 Motion passed 5-0.


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1 **XV. ADJOURNMENT**
2 **Councilmember Jablin** made a motion to adjourn.
3 **Vice Mayor Levy** seconded.
4 Motion passed 5-0.
5 The meeting adjourned at 7:56 p.m.
6 The next regularly scheduled City Council meeting will be held January 14, 2010.

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8 **APPROVED:**

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12 _____
13 Joseph R. Russo, Mayor
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16 David Levy, Vice Mayor
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19 Eric Jablin, Councilmember
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22 Jody Barnett, Councilmember
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24 Robert G. Premuroso, Councilmember
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31 **ATTEST:**

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34 _____
35 Patricia Snider, CMC
36 City Clerk
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40 **Note:** These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of
41 the meeting. A verbatim audio record is available from the Office of the City Clerk.
42 All referenced attachments are on file in the Office of the City Clerk.