

1 CITY OF PALM BEACH GARDENS
2 CITY COUNCIL
3 REGULAR MEETING
4 FEBRUARY 18, 2010
5

6 The regular meeting was called to order at 7:01 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. Honda Classic Delegation of Economic Impact.

16 **Operations Director Tim Kasher** introduced Honda Classic **Tournament Director Ed**
17 **McEnroe** and **Executive Director Kenneth Kennerly** who presented the economic impacts
18 the event has on the community. **Mayor Russo** thanked **Mr. McEnroe** and **Mr. Kennerly** for
19 their work and the contributions made by the Honda Classic.

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

21 **Councilmember Barnett** reported attending the Art in Public Places Advisory Board
22 meeting. **Vice Mayor Levy** will attend a League of Cities environmental meeting.

23 **Councilmembers** reached consensus for **Vice Mayor Levy** to represent the views of the City.

24 **Councilmember Jablin** reported on the installation of the MacArthur statue.

25 **Councilmember Premuroso** had no report. **Mayor Russo** reported attending the Rotary
26 Club, appeared on the Honda Classic radio show, attended Arti Gras, the girls softball
27 opening, the ribbon cutting of the Evergrene bus shelter and commented on the Nicklaus
28 Foundation's donations for children's charities.

29 **VI. CITY MANAGER REPORT**

30 None.

31 **VII. COMMENTS FROM THE PUBLIC**

32 **Roger Blangy**, 11658 Hemlock Street, Palm Beach Gardens; **Carol Estrada**, 309 Riverside
33 Drive, Palm Beach Gardens.

34 **VIII. CONSENT AGENDA**

35 a. Approve Minutes from January 14, 2010 City Council meeting.

36 b. Approve Minutes from January 21, 2010 City Council meeting.

37 c. **RESOLUTION 5, 2010 - AGREEMENT WITH THE CHILDREN'S**
38 **HEALTHCARE CHARITY, INC. FOR THE 2010 HONDA CLASSIC.** A

39 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
40 FLORIDA APPROVING AN AGREEMENT WITH THE CHILDREN'S HEALTHCARE
41 CHARITY, INC. FOR THE 2010 HONDA CLASSIC PGA GOLF TOURNAMENT TO
42 PROVIDE TEMPORARY VOLUNTEER PARKING, A PUBLIC SAFETY GRANT FOR
43 OFF-DUTY POLICE AND FIRE PERSONNEL, AND EXCLUSIVE USE OF MIRASOL
44 PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

45 d. **RESOLUTION 7, 2010 - APPOINT THE SUPERVISOR OF ELECTIONS AS AN**
46 **ADDITIONAL MEMBER TO THE CITY'S CANVASSING BOARD.** A RESOLUTION
47 OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA
48 APPOINTING THE SUPERVISOR OF ELECTIONS, OR HER DESIGNEE, AS AN

1 ADDITIONAL MEMBER OF THE CITY OF PALM BEACH GARDENS CANVASSING
2 BOARD; REQUESTING THE SUPERVISOR OF ELECTIONS, OR DESIGNEE, TO
3 CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION;
4 AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION
5 MACHINERY; AUTHORIZING THE CITY CLERK TO APPOINT ELECTION
6 OFFICIALS FOR THE PURPOSE OF CONDUCTING THE MUNICIPAL ELECTION;
7 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8 e. PROCLAMATION – FLORIDA SURVEYORS & MAPPERS WEEK.

9 f. PROCLAMATION – HONDA CLASSIC CHAMPION – YE YANG DAY

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

11 Councilmember Jablin seconded.

12 Motion passed 5-0.

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

14 Mayor Russo announced the procedures for tonight’s proceedings.

15 Those preparing to give testimony were sworn in.

16 The City Clerk read Ordinance 2, 2010.

17 a. **ORDINANCE 2, 2010 – (2ND READING AND ADOPTION) POLICE OFFICERS’**
18 **RETIREMENT TRUST FUND.** AN ORDINANCE OF THE CITY COUNCIL OF THE
19 CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 50. POLICE.
20 OF THE CITY OF PALM BEACH GARDENS CODE OF ORDINANCES AT SECTION
21 50-61. DEFINITIONS. BY REPEALING THE DEFINITIONS OF “CREDITED SERVICE”,
22 “POLICE OFFICER”, AND “SALARY” AND READOPTING SAME, AS REVISED;
23 FURTHER AMENDING CHAPTER 50 BY REPEALING SECTIONS 50-82, 50-90, 50-124
24 AND 50-127 AND SUBSECTIONS 50-114(E), 50-118(D), 50-120(B) AND 50-152(D) IN
25 ORDER TO ADOPT PROVISIONS OF THE HEROES EARNINGS ASSISTANCE AND
26 RELIEF TAX ACT OF 2008 INTO THE POLICE PENSION TRUST FUND
27 REGULATIONS AND FOR CONSISTENCY WITH CHAPTER 185, FLORIDA
28 STATUTES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND
29 SUBSECTION OF CHAPTER 50. POLICE. SHALL REMAIN IN FULL FORCE AND
30 EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A
31 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
32 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

33 Mayor Russo opened the public hearing.

34 Staff Presentation: Finance Administrator Allan Owens.

35 Public Comment: None.

36 Mayor Russo closed the public hearing.

37 Vice Mayor Levy made a motion for approval.

38 Councilmember Jablin seconded.

39 Motion passed 5-0.

40 The City Clerk read Ordinance 3, 2010 and Resolution 3, 2010 by title.

41 b. ***ORDINANCE 3, 2010 - (2ND READING AND ADOPTION) REGIONS BANK**
42 **PLANNED UNIT DEVELOPMENT MAJOR CONDITIONAL USE WITH SITE**
43 **PLAN.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH
44 GARDENS, FLORIDA REZONING CERTAIN REAL PROPERTY WITHIN THE
45 CORPORATE LIMITS OF THE CITY OF PALM BEACH GARDENS, CONSISTING OF
46 ONE (1) PARCEL OF REAL PROPERTY COMPRISED OF ONE (1) PLATTED LOT
47 TOTALING 1.54 ACRES, MORE OR LESS, IN SIZE LOCATED ON THE NORTH SIDE
48 OF NORTHLAKE BOULEVARD APPROXIMATELY 500 FEET EAST OF I-95, WITH A

1 STREET ADDRESS OF 3855 NORTHLAKE BOULEVARD, INFORMALLY KNOWN AS
2 THE "REGIONS BANK PROPERTY"; PROVIDING THAT THIS PARCEL OF REAL
3 PROPERTY WHICH IS MORE PARTICULARLY DESCRIBED HEREIN SHALL BE
4 ASSIGNED THE CITY ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT
5 (PUD) OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF CG-1;
6 PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS
7 BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A
8 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
9 PURPOSES.

10 **RESOLUTION 3, 2010 IS A COMPANION ITEM TO ORDINANCE 3, 2010 AND**
11 **WILL REQUIRE COUNCIL ACTION.**

12 **RESOLUTION 3, 2010 - REGIONS BANK PLANNED UNIT DEVELOPMENT**
13 **MAJOR CONDITIONAL USE.** A RESOLUTION OF THE CITY COUNCIL OF THE
14 CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE REGIONS BANK
15 PLANNED UNIT DEVELOPMENT (PUD), MAJOR CONDITIONAL USE, AND SITE
16 PLAN IN ORDER TO ALLOW A 3,820-SQUARE-FOOT BANK WITH FIVE (5) DRIVE-
17 THRU LANES AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING
18 WAIVERS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE
19 DATE; AND FOR OTHER PURPOSES.

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

21 No ex parte communication was declared.

22 **Staff Presentation: Planner Kathryn Wilson, Planning Manager Natalie Wong.**

23 **Public Comment: Linda Hughey, 9120 Reed Drive, Palm Beach Gardens.**

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

25 **Vice Mayor Levy** made a motion for approval and adoption of Ordinance 3, 2010 on second
26 reading.

27 **Councilmember Jablin** seconded.

28 Motion passed 5-0.

29 **Vice Mayor Levy** made a motion for approval of Resolution 3, 2010.

30 **Councilmember Jablin** seconded.

31 Motion passed 5-0.

32 The City Clerk read Ordinance 5, 2010.

33 c. **ORDINANCE 5, 2010 – (2ND READING AND ADOPTION) PAIN CLINIC.** AN
34 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
35 FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY ADOPTING NEW
36 SUBSECTION 78-159(J)(47.1) AND BY AMENDING TABLE 21: PERMITTED,
37 CONDITIONAL AND PROHIBITED USE CHART IN ORDER TO ADOPT
38 REGULATIONS PERTAINING TO MEDICAL OFFICES; FURTHER AMENDING
39 CHAPTER 78 AT SECTION 78-751. DEFINITIONS. BY REPEALING THE
40 DEFINITIONS OF "DRUGSTORE OR PHARMACY", "OFFICE, MEDICAL OR
41 DENTAL", AND "OFFICE, BUSINESS OR PROFESSIONAL" AND READOPTING
42 SAME, AS REVISED, IN ORDER TO REVISE AND CLARIFY SUCH DEFINITIONS;
43 PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF
44 CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND
45 EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A
46 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
47 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

1 **Staff Presentation: Planner Richard Marrero.**
2 **Mayor Russo** closed the public hearing.
3 **Vice Mayor Levy** made a motion for approval and adoption of Ordinance 5, 2010 on second
4 reading.
5 **Councilmember Jablin** seconded.
6 Motion passed 5-0.

7 **X. RESOLUTIONS**

8 None.

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

10 None.

11 **XIII. CITY ATTORNEY REPORT**

12 None.

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1 **XV. ADJOURNMENT**

2 **Vice Mayor Levy** made a motion to adjourn.

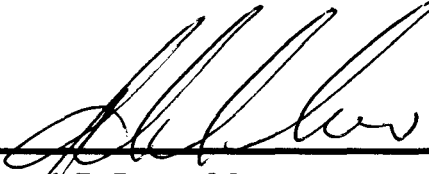
3 **Councilmember Levy** seconded.

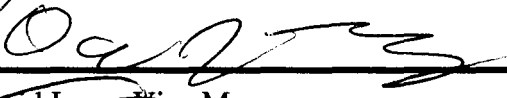
4 Motion passed 5-0.


5 The meeting adjourned at 7: 47 p.m.

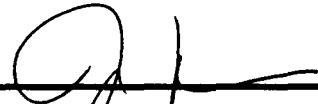
6 The next regularly scheduled City Council meeting will be held March 4, 2010.

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8 **APPROVED:**

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12 _____
13 Joseph R. Russo, Mayor

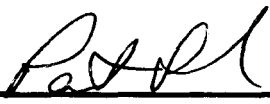
14 
15 _____
16 David Levy, Vice Mayor

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19 Eric Jablin, Councilmember

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23 Jody Barnett, Councilmember

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27 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.