

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 MAY 20, 2010  
5

6 The regular meeting was called to order at 7:04 p.m. by Mayor Levy.

7 **I. PLEDGE OF ALLEGIANCE**

8 **II. ROLL CALL**

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

11 **ABSENT:** Councilmember Eric Jablin, Councilmember Jody Barnett.

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

13 **ADDITION**

14 a. **RESOLUTION 30, 2010** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
15 OF PALM BEACH GARDENS, FLORIDA APPROVING A “PIGGYBACK”  
16 AGREEMENT WITH PUBLIC RESTROOM COMPANY FOR THE PURCHASE OF A  
17 PRE-FABRICATED CONCRETE FLUSH TOILET BUILDING TO BE LOCATED AT  
18 PGA NATIONAL PARK VIA AN EXISTING CONTRACT WITH LEON COUNTY  
19 (NO. BC-07-16-09-51); AUTHORIZING THE MAYOR TO EXECUTE THE  
20 AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

21 **Councilmember Russo** made a motion for approval of the Addition.

22 **Councilmember Premuroso** seconded.

23 Motion passed 3-0.

24 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

25 a. **RECOGNITION OF SPONSORS FOR RECREATION DEPARTMENT PROGRAMS.**

26 **Mayor Levy** and **Resource Manager Ann Schilling** acknowledged **Med Express** and **A**  
27 **Latte Fun** for their support.

28 b. **RECOGNITION OF SPONSORS FOR GRILLIN’ IN THE GARDENS.**

29 **Mayor Levy** and **Fire Chief Pete Bergel** acknowledged **Seaview Radio**, **Palm Beach**  
30 **Gardens Medical Center** and **The Gardens Mall** for their support.

31 c. **RECOGNITION OF BENJAMIN SCHOOL LACROSSE TEAM – STATE BOY’S 1A**  
32 **LACROSSE CHAMPIONS.**

33 **Mayor Levy** acknowledged the accomplishments of the **Benjamin School Lacrosse Team.**

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

35 **Vice Mayor Premuroso** had no report. **Councilmember Russo** reported attending the  
36 Bioscience Land Protection Advisory Board meeting, three companies are going to locate in  
37 North County, the State of Florida will match other grants that we have and attended the  
38 Honda Classic board meeting. **Mayor Levy** announced two Memorial Day events: the  
39 Memorial Day Service at 9:00 a.m. at City Hall and a groundbreaking ceremony for the  
40 09.11.01 Art Memorial to be held at Fire Station No. 3 at noon, attended the 2010 Citizens  
41 Police Academy graduation and the Palm Beach County Water Resource Task Force meeting.

42 **Mayor Levy** acknowledge **Palm Beach County Commissioner Karen Marcus.**

43 **VI. CITY MANAGER REPORT**

44 None.

45 **VII. COMMENTS FROM THE PUBLIC**

46 **Eileen Tucker**, 1045 Shady Lakes Circle, Palm Beach Gardens; **Tom Cairnes**, PGA Corridor  
47 Association, 3101 PGA Boulevard, Palm Beach Gardens.  
48

1 **VIII. CONSENT AGENDA**

- 2 a. APPROVE MINUTES FROM APRIL 1, 2010 CITY COUNCIL MEETING.  
3 b. APPROVE MINUTES FROM APRIL 15, 2010 CITY COUNCIL MEETING.  
4 c. PROCLAMATION – NATIONAL MISSING CHILDREN’S DAY.

5 **Vice Mayor Premuroso** made a motion for approval of the Consent Agenda.

6 **Councilmember Russo** seconded.

7 Motion passed 3-0.

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

9 **Mayor Levy** announced the procedures for tonight’s proceedings.

10 Those preparing to give testimony were sworn in.

11 The City Clerk read Ordinance 8, 2010 by title.

12 a. ORDINANCE 8, 2010 – (1st READING) AMEND THE LAND DEVELOPMENT  
13 REGULATION TO ALLOW FOR COMMUNITY GARDENS. AN ORDINANCE OF THE  
14 CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING  
15 CHAPTER 78. LAND DEVELOPMENT. BY ADOPTING NEW SUBSECTION 78-  
16 159(j)(71) AND AMENDING TABLE 21: PERMITTED, CONDITIONAL AND  
17 PROHIBITED USE CHART IN ORDER TO CREATE A COMMUNITY GARDENS USE  
18 AND ADOPT REGULATIONS PERTAINING TO COMMUNITY GARDENS;  
19 PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF  
20 CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND  
21 EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A  
22 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN  
23 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

24 **Mayor Levy** opened the public hearing.

25 **Staff Presentation: Planner Richard Marrero.**

26 **Public Comment: Vito DeFrancisco**, 1049 Shady Lakes Drive, Palm Beach Gardens; **Paul**

27 **Machtel**, 47 Balfour Road East, Palm Beach Gardens.

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

29 **Councilmember Russo** made a motion for approval of Ordinance 8, 2010 on first reading.

30 **Vice Mayor Premuroso** seconded.

31 Motion passed 3-0.

32 The City Clerk read Ordinance 10, 2010.

33 b. ORDINANCE 10, 2010 – (1st READING) ST. MARK’S EPISCOPAL CHURCH AND  
34 SCHOOL. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH  
35 GARDENS, FLORIDA PROVIDING FOR THE EXPANSION OF ST. MARK’S  
36 EPISCOPAL CHURCH AND SCHOOL, LOCATED AT THE CORNER OF GARDENS  
37 EAST DRIVE AND BURNS ROAD AND HAVING A STREET ADDRESS OF 3395  
38 BURNS ROAD; AMENDING ORDINANCE 24, 1999 AND ORDINANCE 32, 2000,  
39 WHICH APPROVED AND AMENDED, RESPECTIVELY, THE ST. MARK’S  
40 EPISCOPAL CHURCH AND SCHOOL PUD, IN ORDER TO TRANSFER AND AMEND  
41 THE SITE PLAN APPROVAL AND RELATED CONDITIONS OF APPROVAL TO A  
42 SEPARATE RESOLUTION; PROVIDING THAT FUTURE AMENDMENTS TO THE  
43 SITE PLAN AND CONDITIONS OF APPROVAL FOR THE PUD MAY BE MADE BY  
44 RESOLUTION OF THE CITY COUNCIL; PROVIDING A CONFLICTS CLAUSE, A  
45 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN  
46 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

47 RESOLUTION 22, 2010 IS A COMPANION ITEM TO ORDINANCE 10, 2010

48 AND WILL REQUIRE COUNCIL ACTION ON SECOND READING.

1 RESOLUTION 22, 2010 – ST. MARK’S EPISCOPAL CHURCH AND SCHOOL. A  
2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
3 FLORIDA AMENDING THE ST. MARK’S EPISCOPAL CHURCH AND SCHOOL  
4 PLANNED UNIT DEVELOPMENT (PUD) AND SITE PLAN IN ORDER TO ALLOW A  
5 44,593-SQUARE-FOOT EXPANSION TO THE EXISTING FACILITIES, AS MORE  
6 PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING  
7 CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR  
8 OTHER PURPOSES.

9 Mayor Levy opened the public hearing.

10 No ex parte communication was declared.

11 Presented Item: Dodi Glas, Gentile, Holloway & O’Mahoney.

12 Mayor Levy closed the public hearing.

13 Councilmember Russo made a motion for approval of Ordinance 10, 2010 on first reading.

14 Vice Mayor Premuroso seconded.

15 Motion passed 3-0.

16 The City Clerk read Ordinance 11, 2010 by title.

17 c. ORDINANCE 11, 2010 – (1<sup>ST</sup> READING) PARCEL 18 A07 VOLUNTARY  
18 ANNEXATION. AN ORDINANCE OF THE CITY COUNCIL OF CITY OF PALM  
19 BEACH GARDENS, FLORIDA ANNEXING, PURSUANT TO A PETITION FOR  
20 VOLUNTARY ANNEXATION, A PARCEL OF LAND CONSISTING OF  
21 APPROXIMATELY TWELVE AND 39/100 (12.39) ACRES, GENERALLY LOCATED  
22 AT THE NORTHWEST CORNER OF THE INTERSECTION OF HOOD ROAD AND THE  
23 FLORIDA TURNPIKE, IN PALM BEACH COUNTY, FLORIDA, AS MORE  
24 PARTICULARLY DESCRIBED HEREIN; DECLARING THAT THE VOLUNTARY  
25 ANNEXATION PETITION BEARS THE SIGNATURE OF THE OWNER OF THE REAL  
26 PROPERTY ANNEXED HEREBY; AMENDING ARTICLE II OF THE CITY CHARTER  
27 BY REDEFINING THE CORPORATE LIMITS; PROVIDING A CONFLICTS CLAUSE, A  
28 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN  
29 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

30 Mayor Levy opened the public hearing.

31 Mayor Levy reported ex parte communication.

32 Presented Item: Jose Martinez, 95 Hood, LLC.

33 Staff Presentation: Interim Growth Management Administrator Natalie Wong.

34 Public Comment: Palm Beach County Commissioner Karen Marcus, P.O. Box 1989, West  
35 Palm Beach; Patricia Behn, Palm Beach County Planning, 2300 North Jog Road, West Palm  
36 Beach; David Rafaidus, 6073 Brandon Street, Palm Beach Gardens; Timothy Lyons, 6148  
37 Celedon Circle, Palm Beach Gardens; Susan Sperber, 6215 Finsbury Court, Palm Beach  
38 Gardens; Sheldon Myers, 13241 Sand Grouse Court, Palm Beach Gardens.

39 Mayor Levy closed the public hearing.

40 Councilmember Russo made a motion for approval of Ordinance 11, 2010 on first reading.

41 Vice Mayor Premuroso seconded.

42 Motion passed 3-0.

#### 43 X. RESOLUTIONS

44 The City Clerk read Resolution 30, 2010 by title.

45 a. RESOLUTION 30, 2010 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
46 OF PALM BEACH GARDENS, FLORIDA APPROVING A “PIGGYBACK”  
47 AGREEMENT WITH PUBLIC RESTROOM COMPANY FOR THE PURCHASE OF A  
48 PRE-FABRICATED CONCRETE FLUSH TOILET BUILDING TO BE LOCATED AT

1 PGA NATIONAL PARK VIA AN EXISTING CONTRACT WITH LEON COUNTY (NO.  
2 BC-07-16-09-51); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT;  
3 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4 Mayor Levy opened the public hearing.

5 Presented Item: Construction Services Director Todd Engle.

6 Councilmember Russo made a motion for approval of Resolution 30, 2010 on first reading.

7 Vice Mayor Premuroso seconded.

8 Motion passed 3-0.

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

10 None

11 **XII. CITY ATTORNEY REPORT**

12 None.

13  
14  
15  
16 *(The remainder of this page intentionally left blank.)*  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

1 **XIII. ADJOURNMENT**

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

3 **Vice Mayor Premuroso** seconded.

4 Motion passed 3-0.

5 The meeting adjourned at 8:46 p.m.

6 The next regularly scheduled City Council meeting will be held June 3, 2010.

7  
8 **APPROVED:**

9  
10 

11 \_\_\_\_\_  
12 David Levy, Mayor

13 

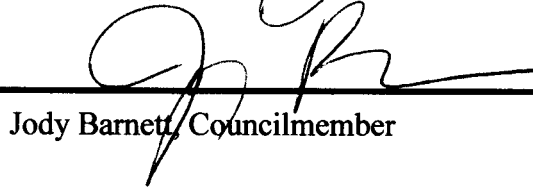
14 \_\_\_\_\_  
15 Robert G. Premuroso, Vice Mayor

16 

17 \_\_\_\_\_  
18 Joseph R. Russo, Councilmember

19 

20 \_\_\_\_\_  
21 Eric Jablin, Councilmember

22 

23 \_\_\_\_\_  
24 Jody Barnett, Councilmember

25  
26  
27  
28  
29  
30  
31 **ATTEST:**

32 

33 \_\_\_\_\_  
34 Patricia Snider, CMC  
35 City Clerk

36  
37  
38  
39  
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.