

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 JUNE 3, 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, Councilmember Eric Jablin, Councilmember Jody Barnett.

11 **ABSENT:** None.

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

13 **ADDITION**

14 **CONSENT AGENDA**

15 **RESOLUTION 29, 2010 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
16 **PALM BEACH GARDENS, FLORIDA APPROVING THE PALM BEACH GARDENS**  
17 **MUNICIPAL COMPLEX CENTER PLAT; PROVIDING AN EFFECTIVE DATE; AND**  
18 **FOR OTHER PURPOSES.**

19 **Councilmember Jablin** made a motion for approval of the Addition.

20 **Councilmember Premuroso** seconded.

21 Motion passed 5-0.

22 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

23 a. **REPRESENTATIVE CARL DOMINO – LEGISLATIVE WRAP-UP.**

24 **Representative Domino** reported on the legislative session.

25 b. **RECOGNITION OF PALM BEACH GARDENS HIGH SCHOOL SOFTBALL CLASS**  
26 **6A CHAMPIONS.**

27 **Mayor Levy** and **Councilmembers** acknowledged the accomplishments of the **Palm Beach**  
28 **Gardens High School Softball Class 6A Champions.**

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

30 **Councilmember Barnett** had no report. **Councilmember Russo** reported attending the North  
31 County Economic Development Advisory Board meeting and the African American Golfers  
32 Hall of Fame Convention. **Vice Mayor Premuroso** reported attending the PGA Corridor  
33 Fireside Chat and the Budget Oversight Committee meeting. **Councilmember Jablin**  
34 reported attending Memorial Day events. **Mayor Levy** announced attending Memorial Day  
35 events and the League of Cities Gala.

36 **VI. CITY MANAGER REPORT**

37 **City Manager Ferris** acknowledged **Finance Administrator Allan Owens**, **Deputy**  
38 **Finance Administrator Mary Anderson-Pickle** and Finance Department staff and  
39 announced the City of Palm Beach Gardens has won the Government Finance Officer  
40 Association Award for distinguished Budget Presentation for 2009-2010 for the 13th  
41 consecutive year.

42 **VII. COMMENTS FROM THE PUBLIC**

43 None.

44 **VIII. CONSENT AGENDA**

45 a. APPROVE MINUTES FROM MAY 6, 2010 CITY COUNCIL MEETING.

46 b. **RESOLUTION 28, 2010 – OPPOSING AMENDING THE FLORIDA CONSTITUTION.**  
47 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH**  
48 **GARDENS, FLORIDA EXPRESSING OPPOSITION TO A PROPOSED AMENDMENT**

1 TO THE FLORIDA CONSTITUTION THAT WOULD FORCE VOTERS TO DECIDE  
2 ALL CHANGES TO A MUNICIPALITY'S OR COUNTY'S COMPREHENSIVE PLAN;  
3 AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY  
4 OUT THE PURPOSE AND INTENT OF THIS RESOLUTION; PROVIDING AN  
5 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6 c. RESOLUTION 31, 2010 – WATSON B. DUNCAN'S ACADEMY OF LITERARY  
7 AND FINE ARTS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM  
8 BEACH GARDENS, FLORIDA IN SUPPORT OF THE TRIBUTE TO WATSON B.  
9 DUNCAN III THROUGH THE IMPLEMENTATION OF THE WATSON B. DUNCAN  
10 LITERARY AND FINE ARTS ACADEMY AT WATSON B. DUNCAN MIDDLE  
11 SCHOOL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12 Councilmember Barnett requested Item b. be pulled.

13 Councilmember Russo made a motion for approval of the Consent Agenda without Item b.

14 Councilmember Jablin seconded.

15 Motion passed 5-0.

16 Councilmember Jablin made a motion for approval of Item b. Resolution 28, 2010.

17 Councilmember Russo seconded.

18 Motion passed 4-1 with Councilmember Barnett dissenting.

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

20 Mayor Levy announced the procedures for tonight's proceedings.

21 Those preparing to give testimony were sworn in.

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

23 a. ORDINANCE 8, 2010 – (2nd READING AND ADOPTION) AMEND THE LAND  
24 DEVELOPMENT REGULATION TO ALLOW FOR COMMUNITY GARDENS. AN  
25 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
26 FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY ADOPTING NEW  
27 SUBSECTION 78-159(j)(71) AND AMENDING TABLE 21: PERMITTED,  
28 CONDITIONAL AND PROHIBITED USE CHART IN ORDER TO CREATE A  
29 COMMUNITY GARDENS USE AND ADOPT REGULATIONS PERTAINING TO  
30 COMMUNITY GARDENS; PROVIDING THAT EACH AND EVERY OTHER SECTION  
31 AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN  
32 FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A  
33 CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY;  
34 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

35 Mayor Levy opened the public hearing.

36 Staff Presentation: Planner Richard Marrero.

37 Public Comment: Paul Machtel, 47 Balfour Road East, Palm Beach Gardens.

38 Mayor Levy closed the public hearing.

39 Councilmember Jablin made a motion for approval of Ordinance 8, 2010 on second reading  
40 and adoption.

41 Vice Mayor Premuroso seconded.

42 Motion passed 5-0.

43 The City Clerk read Ordinance 10, 2010.

44 b. \*ORDINANCE 10, 2010 - (2nd READING AND ADOPTION) ST. MARK'S  
45 EPISCOPAL CHURCH AND SCHOOL. AN ORDINANCE OF THE CITY COUNCIL OF  
46 THE CITY OF PALM BEACH GARDENS, FLORIDA PROVIDING FOR THE  
47 EXPANSION OF ST. MARK'S EPISCOPAL CHURCH AND SCHOOL, LOCATED AT  
48 THE CORNER OF GARDENS EAST DRIVE AND BURNS ROAD AND HAVING A

1 STREET ADDRESS OF 3395 BURNS ROAD; AMENDING ORDINANCE 24, 1999 AND  
2 ORDINANCE 32, 2000, WHICH APPROVED AND AMENDED, RESPECTIVELY, THE  
3 ST. MARK'S EPISCOPAL CHURCH AND SCHOOL PUD, IN ORDER TO TRANSFER  
4 AND AMEND THE SITE PLAN APPROVAL AND RELATED CONDITIONS OF  
5 APPROVAL TO A SEPARATE RESOLUTION; PROVIDING THAT FUTURE  
6 AMENDMENTS TO THE SITE PLAN AND CONDITIONS OF APPROVAL FOR THE  
7 PUD MAY BE MADE BY RESOLUTION OF THE CITY COUNCIL; PROVIDING A  
8 CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY;  
9 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
10 RESOLUTION 22, 2010 IS A COMPANION ITEM TO ORDINANCE 10, 2010 AND WILL  
11 REQUIRE COUNCIL ACTION.

12 RESOLUTION 22, 2010 - ST. MARK'S EPISCOPAL CHURCH AND SCHOOL. A  
13 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,  
14 FLORIDA AMENDING THE ST. MARK'S EPISCOPAL CHURCH AND SCHOOL  
15 PLANNED UNIT DEVELOPMENT (PUD) AND SITE PLAN IN ORDER TO ALLOW A  
16 44,593-SQUARE-FOOT EXPANSION TO THE EXISTING FACILITIES, AS MORE  
17 PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING  
18 CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR  
19 OTHER PURPOSES.

20 Mayor Levy opened the public hearing.

21 No ex parte communication was declared.

22 Presented Item: Dodi Glas, Gentile, Holloway & O'Mahoney.

23 A letter from James H. Duda was entered into the record.

24 Mayor Levy closed the public hearing.

25 Councilmember Jablin made a motion for approval of Ordinance 10, 2010 on second  
26 reading and adoption.

27 Vice Mayor Premuroso seconded.

28 Motion passed 5-0.

29 Councilmember Jablin made a motion for approval of Resolution 22, 2010 on second  
30 reading and adoption.

31 Vice Mayor Premuroso seconded.

32 Motion passed 5-0.

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

34 c. \*ORDINANCE 11, 2010 – (2nd READING AND ADOPTION) PARCEL 18 A07  
35 VOLUNTARY ANNEXATION. AN ORDINANCE OF THE CITY COUNCIL OF CITY  
36 OF PALM BEACH GARDENS, FLORIDA ANNEXING, PURSUANT TO A PETITION  
37 FOR VOLUNTARY ANNEXATION, A PARCEL OF LAND CONSISTING OF  
38 APPROXIMATELY TWELVE AND 39/100 (12.39) ACRES, GENERALLY LOCATED  
39 AT THE NORTHWEST CORNER OF THE INTERSECTION OF HOOD ROAD AND THE  
40 FLORIDA TURNPIKE, IN PALM BEACH COUNTY, FLORIDA, AS MORE  
41 PARTICULARLY DESCRIBED HEREIN; DECLARING THAT THE VOLUNTARY  
42 ANNEXATION PETITION BEARS THE SIGNATURE OF THE OWNER OF THE REAL  
43 PROPERTY ANNEXED HEREBY; AMENDING ARTICLE II OF THE CITY CHARTER  
44 BY REDEFINING THE CORPORATE LIMITS; PROVIDING A CONFLICTS CLAUSE, A  
45 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN  
46 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

47 Mayor Levy opened the public hearing.

48 Mayor Levy reported ex parte communication.

1 Presented Item: Jose Martinez, 95 Hood, LLC.  
2 Staff Presentation: Planner Martin Schneider.  
3 Public Comment: William Kist, 13265 Touchstone Court, Palm Beach Gardens; Palm Beach  
4 County Commissioner Karen Marcus, P.O. Box 1989, West Palm Beach; Robert Banks,  
5 Assistant County Attorney, 301 North Olive, Suite 601, West Palm Beach; Patricia Behn,  
6 Palm Beach County Planning, 2300 North Jog Road, West Palm Beach.  
7 Mayor Levy closed the public hearing.  
8 Discussion ensued.  
9 Councilmember Jablin made a motion to reopen the public hearing.  
10 Councilmember Russo seconded.  
11 Motion passed 5-0.  
12 Councilmember Jablin made a motion to continue Ordinance 11, 2010 to date certain  
13 June 17, 2010.  
14 Vice Mayor Premuroso seconded.  
15 Motion passed 5-0.  
16 The City Clerk read Resolution 25, 2010 by title.  
17 d. \*RESOLUTION 25, 2010 - AMENDMENT TO THE OAKBROOK SQUARE PUD  
18 MODIFYING THE MASTER SIGNAGE PROGRAM. A RESOLUTION OF THE CITY  
19 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE  
20 MASTER SIGNAGE PROGRAM OF THE OAKBROOK SQUARE SHOPPING CENTER  
21 PLANNED UNIT DEVELOPMENT (PUD) LOCATED AT THE NORTHEAST CORNER  
22 OF PGA BOULEVARD AND US HIGHWAY 1, AS MORE PARTICULARLY  
23 DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN  
24 EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
25 Mayor Levy opened the public hearing.  
26 Mayor Levy declared he has a cousin that is employed by Equity One.  
27 Presented Item: Gregory Davis, Equity One.  
28 Mayor Levy closed the public hearing.  
29 Councilmember Jablin made a motion to approve Resolution 25, 2010.  
30 Vice Mayor Premuroso seconded.  
31 Motion passed 5-0.  
32 The City Clerk read Resolution 26, 2010 by title.  
33 e. RESOLUTION 26, 2010 – ART IN PUBLIC PLACES FOR DOWNTOWN AT THE  
34 GARDENS. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM  
35 BEACH GARDENS, FLORIDA APPROVING THE ART IN PUBLIC PLACES FOR  
36 DOWNTOWN AT THE GARDENS, GENERALLY LOCATED WITHIN THE REGIONAL  
37 CENTER DRI/PCD AT THE SOUTHEAST CORNER OF THE INTERSECTION OF  
38 GARDENS PARKWAY AND ALTERNATE A1A, NORTH OF KYOTO GARDENS  
39 DRIVE AT 11701 LAKE VICTORIA GARDENS AVENUE, AS DESCRIBED MORE  
40 PARTICULARLY HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING  
41 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
42 Mayor Levy opened the public hearing.  
43 Presented Item: Kevin Berman, owner, Downtown at the Gardens.  
44 Mayor Levy closed the public hearing.  
45 Councilmember Russo made a motion to approve Resolution 26, 2010.  
46 Councilmember Jablin seconded.  
47 Motion passed 4-1 with Councilmember Barnett dissenting.  
48 The City Clerk read Resolution 27, 2010 by title.

1 f. \*RESOLUTION 27, 2010 - DOWNTOWN AT THE GARDENS – EXTEND THE  
2 TEMPORARY PARKING LOT USE ON THE GARDENS CORPORATE CENTER  
3 PARCEL - GOSMAN SITE. A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
4 OF PALM BEACH GARDENS, FLORIDA AMENDING A DEVELOPMENT ORDER  
5 CONDITION OF APPROVAL FOR DOWNTOWN AT THE GARDENS LOCATED  
6 WITHIN THE REGIONAL CENTER DRI/PCD, AS DESCRIBED MORE  
7 PARTICULARLY HEREIN, TO MODIFY A CERTAIN CONDITION OF APPROVAL  
8 RELATED TO TEMPORARY PARKING LOCATED ON THE GOSMAN PROPERTY;  
9 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10 Mayor Levy opened the public hearing.

11 Mayor Levy, Vice Mayor Premuroso, Councilmember Russo and Councilmember Jablin  
12 declared ex parte communication.

13 Presented Item: Kevin Berman, owner, Downtown at the Gardens.

14 Councilmember Jablin made a motion for approval of Resolution 27, 2010 with additions  
15 stated by City Attorney Lohman.

16 Vice Mayor Premuroso seconded.

17 Motion passed 5-0.

## 18 X. RESOLUTIONS

19 The City Clerk read Resolution 20, 2010 by title.

20 a. RESOLUTION 20, 2010 – RE-ESTABLISHING THE BUDGET OVERSIGHT  
21 COMMITTEE. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM  
22 BEACH GARDENS, FLORIDA RE-ESTABLISHING THE BUDGET OVERSIGHT  
23 COMMITTEE; PROVIDING A PURPOSE, POWERS, DUTIES, MEMBERSHIP, AND  
24 MEETINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

25 Mayor Levy opened the public hearing.

26 Staff Presentation: Finance Administrator Allan Owens.

27 Mayor Levy closed the public hearing.

28 Councilmember Jablin made a motion for approval of Resolution 20, 2010.

29 Councilmember Russo seconded.

30 Motion passed 5-0.

31 The City Clerk read Resolution 21, 2010 by title.

32 b. RESOLUTION 21, 2010 - REAPPOINTMENT OF FIVE (5) REGULAR MEMBERS  
33 TO THE BUDGET OVERSIGHT COMMITTEE. A RESOLUTION OF THE CITY  
34 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPOINTING FIVE  
35 (5) REGULAR MEMBERS TO THE BUDGET OVERSIGHT COMMITTEE; PROVIDING  
36 AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

37 Councilmember Jablin made a motion for approval of Resolution 21, 2010.

38 Councilmember Russo seconded.

39 Motion passed 5-0.

## 40 XI. ITEMS FOR COUNCIL ACTION/DISCUSSION

41 a. RESOLUTION OF COLLECTIVE BARGAINING IMPASSE BETWEEN THE CITY  
42 AND THE SEIU/FLORIDA PUBLIC SERVICES UNION.

43 Presented Item: Bob Norton, Labor Attorney, representing the City of Palm Beach Gardens;  
44 Carl Booth, SEIU/Florida Public Services Union Representative.

45 Councilmember Russo made a motion in favor of the City's position on Articles 18, 29, 30,  
46 34 and 35.

47 Councilmember Jablin seconded.

48 Motion passed 5-0.

1 **Councilmember Russo** made a motion in favor of the City's position on Article 14.  
2 **Councilmember Jablin** seconded.  
3 Motion passed 4-1 with **Councilmember Barnett** dissenting.  
4 b. BUDGET 2010/2011  
5 **Presented Item: Finance Administrator Allan Owens.**  
6 Council members stated their individual support for the proposed budget. Budget hearings  
7 will be held on September 16 and 30, 2010.  
8 **XII. CITY ATTORNEY REPORT**  
9 None.

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1 **XIII. ADJOURNMENT**

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

3 **Councilmember Jablin** seconded.

4 Motion passed 5-0.

5 The meeting adjourned at 10:24 p.m.

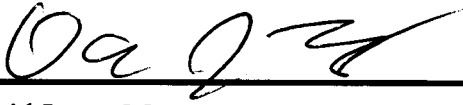
6 The next regularly scheduled City Council meeting will be held June 17, 2010.

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8 **APPROVED:**

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12 David Levy, Mayor

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15 Robert G. Premuroso, Vice Mayor

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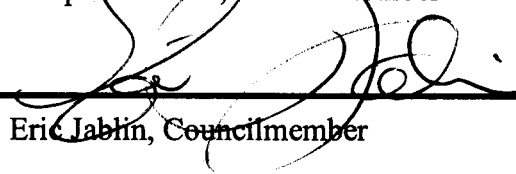
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21 Joseph R. Russo, Councilmember

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24 Eric Jablin, Councilmember

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29 **ATTEST:**

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34 Patricia Snider, CMC

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36 City Clerk

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39 **Note:** These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of  
the meeting. A verbatim audio record is available from the Office of the City Clerk.

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All referenced attachments are on file in the Office of the City Clerk.