

1 CITY OF PALM BEACH GARDENS  
2 CITY COUNCIL  
3 REGULAR MEETING  
4 MAY 5, 2011  
5

6 The regular meeting was called to order at 7:01 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 Russo,  
10 Councilmember Eric Jablin.

11 **ABSENT:** Councilmember Marcie Tinsley.

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

13 **UNDER ITEMS FOR COUNCIL ACTION/DISCUSSION**

14 b. Bluegill Trail Extension to Beeline Highway and Northlake Boulevard.

15 **Councilmember Jablin** made a motion in favor of the addition.

16 **Vice Mayor Premuroso** seconded.

17 Motion passed 4-0.

18 **V. ANNOUNCEMENTS AND PRESENTATIONS**

19 **Mayor Levy** requested the Announcements and Presentations portion of the agenda be reordered  
20 so that item a. be heard last.

21 **Councilmember Jablin** made a motion to reorder the Announcements and Presentations portion  
22 of the Agenda.

23 **Vice Mayor Premuroso** seconded.

24 Motion passed 4-0.

25 b. Recognition of Spring Event Sponsors.

26 **Recreation Resource Manager Ann Schilling** introduced and thanked the Spring Event  
27 sponsors. **Mayor Levy** presented the plaques.

28 c. North County Neighborhood Coalition, Inc.

29 **Paul Sisson**, of the North County Neighborhood Coalition, Inc., gave a presentation.

30 a. Recognition of Dwyer High School's Boys Basketball 5A State Championship.

31 **Athletics Director Mike Kelly** introduced the coaches and members and presented certificates.

32 **VI. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS**

33 **Councilmember Jablin** reported attending the CareHere facility opening and the last  
34 GreenMarket of the season. **Vice Mayor Premuroso** thanked staff for their work on the Annual  
35 Easter Egg Hunt; announced upcoming meetings of the Palm Beach Gardens Historical Society;  
36 congratulated The Benjamin School Lacrosse team for their state title and recognized **Finance**  
37 **Administrator Allan Owens** and Finance Department members for receiving the Distinguished  
38 Budget Presentation Award. **Councilmember Russo** announced the Amanda J. Buckley Fourth  
39 Annual Golf Tournament at the Municipal Golf Course on May 14, 2011; stated he expects good  
40 news from The Honda Classic for the next meeting and stated his concerns regarding the Palm  
41 Beach County Commission on Ethics. **Mayor Levy** congratulated winners from the semi-annual  
42 Palm Beach Gardens Police Department awards ceremony; attended the Annual Police  
43 Foundation and League of Cities meetings; discussed his concern about the language used in the  
44 Ethics Ordinance, 423-5, and requested people to review and contact the County Commission;  
45 acknowledged the passing of Town of Lake Park **Mayor Deborah (Desca) DuBois** and the U.S.  
46 Special Forces on eliminating Osama bin Laden.

47 **VII. CITY MANAGER REPORT**

1 **City Manager Ferris** presented an update on the required Ethics Ordinance training. Council  
2 asked for a training session open to the public as early in June as possible.  
3 The Sancilio Company prepaid their \$350,000.00 Economic Development Fund loan on May 2,  
4 2011 including accrued interest. The money will be returned to the Economic Development  
5 Fund for future use.

6 **VIII. COMMENTS FROM THE PUBLIC**

7 **Tom Cairnes**, representing the PGA Corridor Association, 3101 PGA Boulevard, Palm Beach  
8 Gardens; **Carol Estrada**, 309 Riverside Drive, Palm Beach Gardens.

9 **IX. CONSENT AGENDA**

- 10 a. APPROVE MINUTES FROM APRIL 7, 2011 CITY COUNCIL MEETING.  
11 b. PROCLAMATION – NATIONAL MISSING CHILDREN’S DAY.  
12 c. PROCLAMATION – WATER REUSE WEEK.  
13 d. PROCLAMATION – NATIONAL POLICE WEEK.

14 **Councilmember Jablin** made a motion for approval of the Consent Agenda.

15 **Vice Mayor Premuroso** seconded.

16 Motion passed 4-0.

17 **X. PUBLIC HEARINGS: (\*Designates Quasi-Judicial Hearing)**

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

19 Those preparing to give testimony were sworn in.

20 The Deputy City Clerk read Ordinance 4, 2011 by title.

21 a. ORDINANCE 4, 2011 – (2nd READING AND ADOPTION) ENVIRONMENTAL LANDS  
22 MITIGATION LDR AMENDMENT. AN ORDINANCE OF THE CITY COUNCIL OF THE  
23 CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND  
24 DEVELOPMENT. BY REPEALING SUBSECTIONS 78-158(a) AND (d), 78-242(a), 78-  
25 246(a)(13), AND (a)(14) AND READOPTING SAME, AS REVISED; FURTHER  
26 AMENDING CHAPTER 78. BY ADOPTING ENTIRELY NEW SUBSECTIONS 78-  
27 246(a)(15), (a)(16), AND (a)(17); FURTHER AMENDING CHAPTER 78. BY REPEALING  
28 SECTION 78-249. APPROVAL CRITERIA FOR PROPOSED LAND ALTERATION. AND  
29 SUBSECTIONS 78-250(a)(1)a., (a)(1)b., (a)(3)b., (a)(3)c., AND (b) AND READOPTING  
30 SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. BY REPEALING SECTION  
31 78-252. ALTERNATIVE FORMS OF MITIGATION. AND READOPTING SAME, AS  
32 REVISED AND WITH A NEW TITLE IN ORDER TO REVISE AND CLARIFY THE  
33 REGULATIONS FOR MITIGATION OF ON-SITE PRESERVATION REQUIREMENTS;  
34 FURTHER AMENDING CHAPTER 78. AT SECTION 78-751. DEFINITIONS. TO AMEND  
35 THE DEFINITIONS OF “ECOSYSTEM, NATIVE FLORIDA”, “ENDANGERED SPECIES,  
36 THREATENED SPECIES, AND SPECIES OF SPECIAL CONCERN” AND “LISTED  
37 SPECIES” AND TO PROVIDE DEFINITIONS FOR “PROTECTED SPECIES”,  
38 “RESTORATION/CREATION”, “THREATENED SPECIES”, AND “UPLAND NATIVE  
39 PLANT COMMUNITY”; PROVIDING THAT EACH AND EVERY OTHER SECTION AND  
40 SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL  
41 FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS  
42 CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN  
43 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

45 **Staff Presentation:** None.

46 **Public Comment:** None.

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

1 **Councilmember Jablin** made a motion for approval of Ordinance 4, 2011 on second reading  
2 and adoption.  
3 **Vice Mayor Premuroso** seconded.  
4 Motion passed 4-0.  
5 The Deputy City Clerk read Ordinance 7, 2011 by title.  
6 b. ORDINANCE 7, 2011 – (2nd READING AND ADOPTION) AMENDING THE CITY’S  
7 LAND DEVELOPMENT REGULATIONS. AN ORDINANCE OF THE CITY COUNCIL OF  
8 THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND  
9 DEVELOPMENT. AT SECTION 78-61. EFFECTIVE PERIOD OF DEVELOPMENT  
10 ORDERS AND ENFORCEMENT OF CONDITIONS. BY REPEALING SUBSECTION (d)  
11 AND READOPTING SAME, AS REVISED, IN ORDER TO CLARIFY BUILD-OUT  
12 DETERMINATION REGULATIONS; FURTHER AMENDING CHAPTER 78 AT SECTION  
13 78-159. TABLE 21: PERMITTED, CONDITIONAL, AND PROHIBITED USE CHART AND  
14 NOTE (j)(49) OF TABLE 21 IN ORDER TO REVISE AND CLARIFY THE LIST OF  
15 ASSEMBLY USES AND TO ADOPT REGULATIONS PERTAINING TO “PLACES OF  
16 ASSEMBLY”; FURTHER AMENDING CHAPTER 78 AT SECTION 78-751. DEFINITIONS.  
17 BY ADDING THE DEFINITION “PLACES OF ASSEMBLY”; PROVIDING THAT EACH  
18 AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND  
19 DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY  
20 ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND  
21 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
22 PURPOSES.  
23 **Mayor Levy** opened the public hearing.  
24 **Staff Presentation: Planning and Zoning Director Natalie Wong.**  
25 **Public Comment: Eileen Tucker, 1045 Shady Lakes Circle, Palm Beach Gardens.**  
26 **Mayor Levy** closed the public hearing.  
27 **Councilmember Jablin** made a motion for approval of Ordinance 7, 2011 on second reading  
28 and adoption.  
29 **Vice Mayor Premuroso** seconded.  
30 Motion passed 4-0.  
31 The Deputy City Clerk read Ordinance 8, 2011 by title.  
32 c. ORDINANCE 8, 2011 – (2nd READING AND ADOPTION) AMENDING THE FISCAL  
33 YEAR 2010/2011 BUDGET. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
34 PALM BEACH GARDENS, FLORIDA AMENDING THE CITY OF PALM BEACH  
35 GARDENS’ BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND  
36 ENDING SEPTEMBER 30, 2011, INCLUSIVE; PROVIDING A CONFLICTS CLAUSE AND  
37 A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
38 PURPOSES.  
39 **Mayor Levy** opened the public hearing.  
40 **Staff Presentation: Finance Administrator Allan Owens.**  
41 **Public Comment: None.**  
42 **Mayor Levy** closed the public hearing.  
43 **Councilmember Jablin** made a motion for approval of Ordinance 8, 2011 on second reading  
44 and adoption.  
45 **Vice Mayor Premuroso** seconded.  
46 Motion passed 4-0.  
47 The Deputy City Clerk read Ordinance 9, 2011 by title.

1 d. \*ORDINANCE 9, 2011 – (1st READING) AMENDING THE PGA NATIONAL  
2 PLANNED COMMUNITY DEVELOPMENT (PCD). AN ORDINANCE OF THE CITY  
3 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE PGA  
4 NATIONAL PLANNED COMMUNITY DEVELOPMENT (PCD), APPROVED BY  
5 ORDINANCE 22, 1998, TO ELIMINATE CERTAIN CONDITIONS OF APPROVAL  
6 RELATING TO RYDER CUP BOULEVARD; PROVIDING CONDITIONS OF APPROVAL;  
7 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8 RESOLUTION 24, 2011 IS A COMPANION ITEM TO ORDINANCE 9, 2011 AND WILL  
9 REQUIRE COUNCIL ACTION AT SECOND READING.

10 \*RESOLUTION 24, 2011 – TRAFFIC CONTROL AGREEMENT. A RESOLUTION OF THE  
11 CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING  
12 THE PGA NATIONAL TRAFFIC CONTROL AGREEMENT APPROVED BY  
13 RESOLUTION 99, 2006 TO ELIMINATE CERTAIN CONDITIONS OF APPROVAL  
14 RELATING TO RYDER CUP BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND  
15 FOR OTHER PURPOSES.

16 Mayor Levy opened the public hearing.

17 Councilmember Jablin and Mayor Levy declared ex parte communication.

18 Staff Presentation: Senior Planner Richard Marrero.

19 Public Comment: Gary Fields, Esq., 4400 PGA Boulevard, Suite 900, Palm Beach Gardens;

20 Joan Elias, 1009 Diamond Head Way, Palm Beach Gardens.

21 Mayor Levy closed the public hearing.

22 Councilmember Jablin made a motion for approval of Ordinance 9, 2011.

23 Councilmember Russo seconded.

24 Motion passed 4-0.

25 The Deputy City Clerk read Ordinance 10, 2011 by title.

26 e. ORDINANCE 10, 2011 – (1st READING) AMEND THE CITY'S LAND  
27 DEVELOPMENT REGULATIONS FOR THE NORTHLAKE BOULEVARD OVERLAY  
28 ZONE (NBOZ). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM  
29 BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. BY  
30 REVISING SECTION 78-228(b)(1) AND SECTION 78-229(a)(2) IN ORDER TO EXTEND  
31 THE DEADLINE FOR SIGNAGE AND LANDSCAPING COMPLIANCE UNDER THE  
32 NORTHLAKE BOULEVARD OVERLAY ZONE TO MAY 31, 2014; PROVIDING THAT  
33 EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND  
34 DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY  
35 ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND  
36 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
37 PURPOSES.

38 Mayor Levy opened the public hearing.

39 Staff Presentation: Planner Kathryn Wilson.

40 Public Comment: None.

41 Discussion ensued.

42 Mayor Levy closed the public hearing.

43 Councilmember Jablin made a motion for approval of Ordinance 10, 2011.

44 Vice Mayor Premuroso seconded.

45 Motion passed 4-0.

46 **XI. RESOLUTIONS**

47 None.

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

1 b. BLUEGILL TRAIL EXTENSION TO BEELINE HIGHWAY AND NORTHLAKE  
2 BOULEVARD.

3 Mayor Levy presented the letter for which he was requesting City Council approval.

4 Councilmember Russo made a motion for approval.

5 Councilmember Jablin seconded.

6 Motion passed 4-0.

7 a. FIREFIGHTER AND POLICE PENSION PLANS.

8 City Manager Ferris explained the background, purpose and recommendations of the review.

9 Staff Presentation: Finance Administrator Allan Owens.

10 Discussion ensued. Councilmember Tinsley's letter was entered into the record.

11 **XIII. CITY ATTORNEY REPORT**

12 None.

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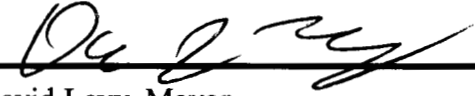
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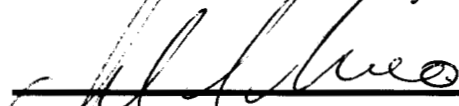
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1 **XIV. ADJOURNMENT**  
2 **Councilmember Jablin** made a motion to adjourn.  
3 **Councilmember Russo** seconded.  
4 Motion passed 4-0.  
5 The meeting adjourned at 9:02 p.m.  
6 The next regularly scheduled City Council meeting will be held June 2, 2011.

7  
8 **APPROVED:**

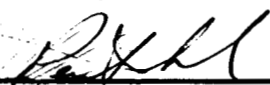
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12 \_\_\_\_\_  
13 David Levy, Mayor

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

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

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24 Eric Jablin, Councilmember  
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26 \_\_\_\_\_  
27 Marcie Tinsley, Councilmember  
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36 **ATTEST:**

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40 \_\_\_\_\_  
41 Patricia Snider, CMC  
42 City Clerk

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45  
46 **Note:** These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of the  
47 meeting. A verbatim audio record is available from the Office of the City Clerk.  
48 All referenced attachments are on file in the Office of the City Clerk.