

1 CITY OF PALM BEACH GARDENS
2 CITY COUNCIL
3 REGULAR MEETING
4 DECEMBER 17, 2009
5

6 The regular meeting was called to order at 7:05 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. Certificate of Achievement to David Thomas Fenton for attaining the rank of Eagle Scout.
16 Presented item: Mayor Russo awarded the Certificate of Achievement.

17 b. Recognition of the sponsors for the 50th Anniversary.

18 Presented item: Resource Manager Ann Schilling and Recreation Director Charlotte
19 Presensky awarded certificates and thanked the sponsors for their support.

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

21 Councilmember Jablin reported attending two Hanukkah celebrations. Councilmember
22 Premuroso thanked Don Kiselewski for his work with the Historical Society.
23 Vice Mayor Levy reported attending the lighting of a Menorah, Senior Luncheon and an
24 Amendment 4 meeting. Councilmember Barnett suggested a community vegetable garden.
25 Mayor Russo attended the Christmas Caroling event, Historical Society meeting and the
26 Senior Luncheon.

27 **VI. CITY MANAGER REPORT**

28 City Manager Ferris reported on City employees helping a Palm Beach Gardens family
29 whose home had been burglarized.

30 **VII. COMMENTS FROM THE PUBLIC**

31 Linda Hughey, 9120 Reed Drive, Palm Beach Gardens; Paula Magnuson, 3167-D Gardens
32 East Drive, Palm Beach Gardens; Eileen Tucker, 1045 Shady Lakes Circle, Palm Beach
33 Gardens; Anthony Tricarico, 11720 Ficus Street, Palm Beach Gardens; Roger Blangy,
34 11658 Hemlock Street, Palm Beach Gardens; Carol Estrada, 309 Riverside Drive, Palm
35 Beach Gardens; Tim Frohling, 152 Euphrates Circle, Palm Beach Gardens.

36 **VIII. CONSENT AGENDA**

37 a. Approve minutes from November 19, 2009.

38 b. Approve minutes from December 3, 2009.

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

40 Vice Mayor Levy seconded.

41 Motion passed 5-0.

42 **IX. PUBLIC HEARINGS: BRIGER TRACT**

43 **Part II – Non-Quasi-judicial**

44 The City Clerk read Ordinance 33, 2009 by title.

45 a. **Ordinance 33, 2009 – (1st reading) Briger Tract – Request for a text amendment to**
46 **the Land Development Regulations.** An Ordinance of the City Council of the City of Palm
47 Beach Gardens, Florida amending Chapter 78. Land Development. at Section 78-157. Mixed
48 Use Planned Unit Development District. by amending the title of Section 78-157. such that it

1 shall now be entitled “MXD – Mixed Use Development District”, for internal consistency and
2 adopting new Section 78-232 entitled “Scripps Florida Phase II – Design Guidelines”, in
3 order to establish zoning regulations and design guidelines for the Scripps Florida Phase
4 II/Briger Tract PCD, to provide regulations for approval and amendment of future projects
5 within the overlay zone, and to establish criteria for Bioscience Mixed Use Planned
6 Developments; providing that each and every other Section and Subsection of Chapter 78.
7 Land Development. shall remain in full force and effect as previously adopted; providing a
8 conflicts clause, a severability clause, and authority to codify; providing an effective date; and
9 for other purposes.

10 Mayor Russo opened the public hearing.

11 Presented item: Ken Tuma, Urban Design Kilday Studio; Planning Manager Natalie
12 Wong.

13 Public Comment: Palm Beach County Commissioner Karen Marcus, P.O. Box 1989, West
14 Palm Beach; Jupiter Mayor Karen Golonka, 210 Military Trail, Jupiter; Donald Schwartz,
15 1157 San Michele Way, Palm Beach Gardens; Joan Elias, 1009 Diamond Head Way, Palm
16 Beach Gardens; Sylvia Tricarico, 11720 Ficus Street, Palm Beach Gardens.

17 Mayor Russo closed the public hearing.

18 Vice Mayor Levy made a motion for approval.

19 Councilmember Jablin seconded.

20 Motion passed 5-0.

21 Part I – Quasi-judicial

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

23 Those preparing to give testimony were sworn in.

24 The City Clerk read Ordinance 28, 2009 by title

25 a. Ordinance 28, 2009 – (1st reading) Briger Tract – Request for a Planned Community
26 Development within the Briger Tract DRI. An Ordinance of the City Council of the City of
27 Palm Beach Gardens, Florida rezoning certain parcels of real property consisting of 681 acres,
28 more or less, located South of Donald Ross Road, North of Hood Road, and East and West of
29 Interstate 95, providing that the subject parcels of real property, which are more specifically
30 described herein, shall be assigned the city zoning designation of Planned Community
31 Development (PCD) overlay with an underlying zoning designation of Mixed-Use (MXD);
32 providing that the zoning map of the City of Palm Beach Gardens be amended to reflect the
33 proper designation for the subject parcels of property; providing a conflicts clause and a
34 severability clause; providing an effective date; and for other purposes.

35 Resolution 1, 2010 is a companion item to Ordinance 28, 2009 and will require Council
36 action on Second Reading.

37 Resolution 1, 2010 - Briger PCD site plan. A Resolution of the City Council of the City of
38 Palm Beach Gardens, Florida approving the Scripps Florida Phase II/Briger Tract Mixed Use
39 (MXD) Planned Community Development (PCD), comprised of 2.6 million square feet of
40 biotech research and development, 1.2 million square feet of office, 300 hotel rooms, 500,000
41 square feet of retail, and 2,700 residential units on a 681-acre parcel, as more particularly
42 described herein; providing waivers; providing conditions of approval; providing an effective
43 date; and for other purposes.

44 Mayor Russo opened the public hearing.

45 Mayor Russo, Vice Mayor Levy, Councilmember Jablin, Councilmember Barnett and
46 Councilmember Premuroso declared ex parte communication.

47 Mayor Russo closed the public hearing.

48 Vice Mayor Levy made a motion for approval.

1 **Councilmember Jablin** seconded.

2 Motion passed 5-0.

3 **X. PUBLIC HEARINGS**

4 **Part II – Non-Quasi-judicial**

5 The City Clerk read Ordinance 29, 2009 by title.

6 a. **Ordinance 29, 2009 – (2nd reading and adoption) Permanent and temporary banner**
7 **criteria.** An Ordinance of the City Council of the City of Palm Beach Gardens, Florida
8 amending Chapter 78. Land Development by repealing Subsection 78-284(h)(2) and
9 readopting same as revised and adopting new Subsection 78-284(i); further amending Chapter
10 78 by amending Table 24 permanent signs of Section 78-285 Permitted Signs in order to
11 revise and clarify the criteria regulating permanent banners; further amending Chapter 78 by
12 adopting new Section 78-292 pole-mounted banner criteria.; further amending Chapter 78 at
13 Section 78-751 definitions to provide definitions for “Sign, Pole-Mounted Banner” and to
14 repeal the definition for “Sign, Light Pole”; providing that each and every other Section and
15 Subsection of Chapter 78 Land Development shall remain in full force and effect as
16 previously adopted; providing a conflicts clause, a severability clause, and authority to codify;
17 providing an effective date; and for other purposes.

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

19 **Presented item: Resource Manager Allyson Black.**

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

21 **Vice Mayor Levy** made a motion for approval and adoption on second reading.

22 **Councilmember Jablin** seconded.

23 Motion passed 4-1 with **Councilmember Barnett** dissenting.

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

25 b. **Ordinance 36, 2009 – (1st reading) Amendment to the City Code regarding platting**
26 **requirements.** An Ordinance of the City Council of the City of Palm Beach Gardens, Florida
27 amending Chapter 78. Land Development. at Section 78-43. review of applications for
28 development order approval by repealing Table 1 of Section 78-43 and readopting same, as
29 revised; further amending Chapter 78 by repealing Section 78-426. Variances. and readopting
30 same, as revised, for internal consistency; further amending Chapter 78 by repealing
31 Subsections 78-427 (b)(1) and (b)(2) and Section 78-428 and readopting same, as revised, in
32 order to provide criteria for platting exceptions; further amending Chapter 78 by adopting new
33 Section 78-429, entitled “Requirements in Lieu of Platting” and new Section 78-430, entitled
34 “Other Platting Requirements” in order to provide regulations when Platting is not required;
35 further amending Chapter 78 by repealing Sections 78-441, 78-445, and 78-446 and
36 readopting same, as revised, in order to clarify application requirements for subdivision plans
37 and to establish regulations for technical compliance review and approval; providing that each
38 and every other Section and Subsection of Chapter 78. Land Development. shall remain in
39 full force and effect as previously adopted; providing a conflicts clause, a severability clause,
40 and authority to codify; providing an effective date; and for other purposes.

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

42 **Presented item: Planner Richard Marrero and Growth Management Administrator Kara**
43 **Irwin.**

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

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

46 **Councilmember Jablin** seconded.

47 Motion passed 5-0.

48 The City Clerk read Ordinance 37, 2009 by title.

1 **c. Ordinance 37, 2009 – (2nd reading and adoption) Amendment to the Art Ordinance.**
2 An Ordinance of the City Council of the City of Palm Beach Gardens, Florida amending
3 Chapter 78 Land Development at Section 78-261 Art in Public Places requirements by
4 repealing Subsection (a) in its entirety and by repealing Subsection (d)(2) and readopting
5 same, as revised for internal consistency and to provide regulations for public art selection
6 and to provide for the use of art impact funds for maintenance of publicly-owned art; further
7 amending Chapter 78 at Section 78-751 definitions to provide definitions for “Construction
8 Cost”, “Development”, “Art, Artwork, or Works of Art”, and “Artist or Professional Artist”;
9 providing that each and every other section and subsection of Chapter 78\ Land
10 Development. shall remain in full force and effect as previously adopted; providing a conflicts
11 clause, a severability clause, and authority to codify; providing an effective date; and for other
12 purposes.

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

14 **Councilmember Barnett** suggested suspending the art tax for one (1) year for discussion on
15 a future agenda.

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

17 **Vice Mayor Levy** made a motion for approval and adoption on second reading.

18 **Councilmember Jablin** seconded.

19 Motion passed 5-0.

20 **XI. RESOLUTIONS**

21 The City Clerk read Resolution 110, 2009 by title.

22 a. **Resolution 110, 2009 - Purchase awards for twenty-two (22) vehicles and one (1)**
23 **grapple truck.** A Resolution of the City Council of the City of Palm Beach Gardens, Florida
24 awarding contracts for the purchase of twenty-three vehicles and one grapple truck to Atlantic
25 Truck Center, Bartow Chevrolet, Garber Chrysler Dodge Jeep, Inc., Garber Ford Mercury,
26 Inc., and Maroone Dodge of Pembroke Pines via an existing contract with the Florida
27 Sheriff’s Association (no. 09-17-0908); providing an effective date; and for other purposes.

28 **Presented item: Operations Director Mike Morrow.**

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

30 **Councilmember Jablin** seconded.

31 Motion passed 5-0.

32 The City Clerk read Resolution 111, 2009 by title.

33 b. **Resolution 111, 2009 - Purchase Award to Trane, Inc. for two (2) Air Conditioning**
34 **Chiller Systems.** A Resolution of the City Council of the City of Palm Beach Gardens,
35 Florida authorizing a purchase award to Trane, Inc. for two chiller air conditioning systems
36 via an existing contract with the School Board of Palm

37 **Presented item: Operations Director Mike Morrow.**

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

39 **Councilmember Jablin** seconded.

40 Motion passed 5-0.

41 The City Clerk read Resolution 113, 2009 by title.

42 c. **Resolution 113, 2009 – Art Maintenance Fund.** A Resolution of the City Council of the
43 City of Palm Beach Gardens, Florida designating a total of \$150,000.00 of the Art Impact
44 Fund into a public art maintenance fund to be used only for maintenance and preservation of
45 City-owned public art, providing an effective date; and for other purposes.

46 **Presented item: Resource Manager Allyson Black.**

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

48 **Councilmember Jablin** seconded.

1 Motion passed 5-0.
2 The City Clerk read Resolution 114, 2009 by title.
3 **d. Resolution 114, 2009 – Consider a contract award to James B. Pirtle Construction**
4 **Company, Inc.** A Resolution of the City Council of the City of Palm Beach Gardens, Florida
5 awarding a contract to James B. Pirtle Construction Company, Inc., d/b/a Pirtle Construction
6 Company, for the design-build of the Municipal Complex Emergency Operations and
7 Communications Center; providing an effective date; and for other purposes.
8 **Mayor Russo** recused himself from voting on Resolution 114, 2009. Form 8B was filed with
9 the City Clerk. The gavel was passed to **Vice Mayor Levy**.
10 **Presented item: Fire Chief Pete Bergel, Police Chief Stephen Stepp.**
11 **Public Comment: John Chaplik, 715 Hudson Bay Drive, Palm Beach Gardens; Pat Hughey,**
12 **9120 Reed Drive, Palm Beach Gardens.**
13 **Councilmember Jablin** made a motion for approval.
14 **Councilmember Premuroso** seconded.
15 Motion passed 4-0.
16 **Mayor Russo** returned to the dais and the gavel was returned to him.
17 **XII. ORDINANCES (For Consideration on First Reading)**
18 The City Clerk read Ordinance 38, 2009 by title.
19 **a. Ordinance 38, 2009 - Amending Fiscal Year 2009/2010 Budget.** An Ordinance of the
20 City Council of the City of Palm Beach Gardens, Florida amending the City of Palm Beach
21 Gardens' budget for the fiscal year beginning October 1, 2009, and ending September 30,
22 2010, inclusive; providing a conflicts clause and a severability clause; providing an effective
23 date; and for other purposes.
24 **Presented item: Finance Administrator Allan Owens.**
25 **Councilmember Jablin** made a motion for approval.
26 **Vice Mayor Levy** seconded.
27 Motion passed 5-0.
28 The City Clerk read Ordinance 39, 2009 by title.
29 **b. Ordinance 39, 2009 - Amending Fiscal Year 2009/2010 Budgeted Fund Balances**
30 **Actual Amounts.** An Ordinance of the City Council of the City of Palm Beach Gardens,
31 Florida amending the City of Palm Beach Gardens' budget for the fiscal year beginning
32 October 1, 2009, and ending September 30, 2010, inclusive; providing a conflicts clause, and
33 a severability clause; providing an effective date; and for other purposes.
34 **Presented item: Finance Administrator Allan Owens.**
35 **Vice Mayor Levy** made a motion for approval.
36 **Councilmember Jablin** seconded.
37 Motion passed 5-0.
38 The City Clerk read Ordinance 40, 2009 by title.
39 **c. Ordinance 40, 2009 - Amending the General Employees Pension Plan.** An Ordinance of
40 the City Council of the City of Palm Beach Gardens, Florida amending Chapter 3. Personnel
41 Program. Article XII. General Employees' Pension Plan (db) at Section 3-128. Board Of
42 Trustees. by repealing subsections (a) – (d) and readopting same, as revised, in order to
43 amend the composition of the board and to authorize the board to contract with Florida
44 Municipal Pension Trust Fund for administrative and investment management services;
45 further amending chapter 3. at section 3-129. Finances and Fund Management. by repealing
46 Subsection (c) and readopting same, as revised, in order to add the Florida Municipal Pension
47 Trust Fund to the list of permitted service providers; providing that each and every other
48 Section and Subsection of Chapter 3. Personnel Program. shall remain in full force and effect

1 as previously adopted; providing a conflicts clause, a severability clause, and authority to
2 codify; providing an effective date; and for other purposes.

3 **Presented item: Finance Administrator Allan Owens.**

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

5 **Councilmember Premuroso** seconded.

6 Motion passed 5-0.

7 **XIII. ITEMS FOR COUNCIL ACTION/DISCUSSION**

8 **Vice Mayor Levy** requested a Proclamation be prepared for **Gary and Jennifer Lesser** of
9 Temple Beth David for their community service.

10 **XIV. CITY ATTORNEY REPORT**

11 None.

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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 9:35 p.m.**


6 **The next regularly scheduled City Council meeting will be held January 7, 2010.**

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8 **APPROVED:**

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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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23 **Jody Barnett, Councilmember**

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27 **Robert G. Premuroso, Councilmember**

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31 **ATTEST:**

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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.**