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**CITY OF PALM BEACH GARDENS
CITY COUNCIL
REGULAR MEETING
AUGUST 20, 2009**

The regular meeting was called to order at 7:05 p.m. by Mayor Russo.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

PRESENT: Mayor Joseph Russo, Vice Mayor David Levy, Councilmember Eric Jablin, Councilmember Jody Barnett and Councilmember Robert Premuroso.

III. ADDITIONS, DELETIONS, MODIFICATIONS

ADDITIONS – None.

DELETIONS – Public Hearings, Part I Quasi-judicial, item b., Resolution 58, 2009 – Downtown at the Gardens site plan amendment. The petitioner requested postponement until date certain September 24, 2009.

Councilmember Jablin made a motion for approval of the postponement.

Vice Mayor Levy seconded.

Motion passed, 5-0.

MODIFICATIONS – None.

IV. ANNOUNCEMENTS AND PRESENTATIONS

None.

V. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS

Councilmember Jablin reported attending the Palm Beach Gardens Medical Center groundbreaking. **Councilmember Premuroso** reported attending the Budget Oversight Committee meeting; announced the Kiwanis Club College Football Roast being held at the Marriott; thanked the Police Department for their efforts during the opening of school; and thanked the Parks Department for their work with Inner Cities (RBI) National Softball Tournament played at Lake Catherine. **Mayor Russo** asked if the BallenIsles budget meeting can be rescheduled from September 1, 2009. **Vice Mayor Levy** reported the Community Aesthetics Board (CAB) approved the Adopt-A-Street Program. **Councilmember Barnett** gave a presentation regarding certain allegations against City Manager Ron Ferris.

Councilmember Premuroso and **Vice Mayor Levy** commented. **Mayor Russo** directed **City Attorney Lohman** to advise **Councilmembers** if anything presented is illegal and if anything can be done to limit what a **Councilmember** can say and do. **City Attorney Lohman** stated it is not the job of the **City Attorney** to investigate the **City Manager**.

Mayor Russo reported attending the Palm Beach Gardens Medical Center groundbreaking, a teleconference with Florida Mayors and the White House Department of Energy and the Post Office will work on improving their property.

VI. CITY MANAGER REPORT

None.

VII. COMMENTS FROM THE PUBLIC

Carol Estrada, 309 Riverside Drive, Palm Beach Gardens; **Kenneth Csont**, 2677 Richard Road, Lake Park; **Eileen Tucker**, Shady Lakes, Palm Beach Gardens; **Paul Auerbach**, Palm Beach Gardens;

Councilmember Premuroso requested **City Attorney Lohman** report on the allegations made by **Councilmember Barnett**, to which **Mayor Russo** agreed. **Mayor Russo** also requested to be advised of the consequences when false allegations are made. **Tom Cairnes**, The Gardens Mall, Palm Beach Gardens.

1 **VIII. CONSENT AGENDA**

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

3 **Councilmember Jablin** seconded.

4 Motion passed 5-0.

5 **IX. PUBLIC HEARINGS**

6 **Part I – Quasi-judicial**

7 **Mayor Russo** announced the procedures for tonight's proceedings.

8 Those preparing to give testimony were sworn in.

9 The City Clerk read Resolution 35, 2009 by title.

10 a. **Resolution 35, 2009 – Placement of fifty-eight (58) banners.** A Resolution of the City
11 Council of the City of Palm Beach Gardens, Florida approving the placement of fifty-eight (58)
12 banners along the streets, sidewalks, and parking areas of the commercial portion of the Legacy
13 Place Mixed Use Planned Community Development (PCD), located on the Southwest corner of
14 PGA Boulevard and Fairchild Gardens Avenue; providing conditions of approval; providing an
15 effective date; and for other purposes.

16 **Presented Item: Marty Minor**, Urban Design Kilday Studios.

17 **Councilmember Jablin** declared ex parte communication.

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

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

20 Discussion ensued.

21 **Vice Mayor Levy** made a motion for approval of Resolution 35, 2009.

22 **Councilmember Jablin** seconded.

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

24 The City Clerk read Resolution 58, 2009 by title.

25 b. **Resolution 58, 2009 – Downtown at the Gardens site plan amendment.** A Resolution of
26 the City Council of the City of Palm Beach Gardens, Florida amending to the site plan approval
27 for Downtown at the Gardens located within the Regional Center DRI/PCD, as described more
28 particularly herein, to modify certain conditions of approval; to replace the most current shared
29 parking analysis with parking regulations from City code; to revise the lake area stage plan; to
30 provide a service court screening plan; providing for conditions of approval; providing an
31 effective date; and for other purposes.

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

33 **Vice Mayor Levy** made a motion to continue Resolution 58, 2009 to date certain
34 September 24, 2009.

35 **Councilmember Jablin** seconded.

36 Motion passed 5-0.

37 The City Clerk read Ordinance 21, 2009 by title.

38 c. **Ordinance 21, 2009 – (1st reading) Rezoning twenty-seven (27) parcels.** An Ordinance
39 of the City Council of the City of Palm Beach Gardens, Florida rezoning twenty-seven (27)
40 parcels of real property comprising approximately ten thousand two hundred seventy-six
41 (10,276.0 +/-) acres, more or less, in size; such parcels being located within the Loxahatchee
42 Slough Natural Area and generally located West of the Florida Turnpike and North of
43 Northlake Boulevard, as more particularly described herein, from Planned Development Area
44 (PDA) to Conservation (CONS) Zoning District.; providing for revisions to the Zoning District
45 Map; providing a conflicts clause, a severability clause, and authority to codify; providing an
46 effective date; and for other purposes.

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

48 No ex parte communication was declared.

1 **Presented Item: Growth Management Administrator Kara Irwin.**
2 **Mayor Russo** closed the public hearing.
3 **Vice Mayor Levy** made a motion for approval of Ordinance 21, 2009 on first reading.
4 **Councilmember Jablin** seconded.
5 Motion passed 5-0.
6 The City Clerk read Ordinance 22, 2009 by title.
7 **d. Ordinance 22, 2009 – (1st reading) Rezoning three (3) parcels.** An Ordinance of the City
8 Council of the City of Palm Beach Gardens, Florida rezoning three (3) parcels of real property
9 comprising approximately one hundred fifty-seven (157.0 +/-) acres, more or less, in size; such
10 parcels being located within the Frenchman’s Forest Natural Area, and generally located at the
11 Northwest corner of Lone Pine Road and Prosperity Farms Road, as more particularly
12 described herein, from Planned Development Area (PDA) to Conservation (CONS) Zoning
13 District; providing for revisions to the Zoning District Map; providing a conflicts clause, a
14 severability clause, and authority to codify; providing an effective date; and for other purposes.
15 **Mayor Russo** opened the public hearing.
16 No ex parte communication was declared.
17 **Presented Item: Growth Management Administrator Kara Irwin.**
18 **Mayor Russo** closed the public hearing.
19 **Vice Mayor Levy** made a motion for approval of Ordinance 22, 2009 on first reading.
20 **Councilmember Jablin** seconded.
21 Motion passed 5-0.
22 **Part II – Non-Quasi-judicial**
23 **X. RESOLUTIONS**
24 The City Clerk read Resolution 59, 2009 by title.
25 a. **Resolution 59, 2009 – Audit Services.** A Resolution of the City Council of the City of Palm
26 Beach Gardens, Florida awarding a contract for Audit services to Rampell & Rampell, P.A.
27 pursuant to Request for Proposal No. 2009-011, for audit services; authorizing the Mayor to
28 execute the contracts; providing an effective date; and for other purposes.
29 **Presented Item: Finance Administrator Allan Owens.**
30 **Vice Mayor Levy** made a motion for approval of Resolution 59, 2009.
31 **Councilmember Jablin** seconded.
32 Motion passed 5-0.
33 The City Clerk read Resolution 60, 2009 by title.
34 b. **Resolution 60, 2009 – Economic Development loan.** A Resolution of the City Council of
35 the City of Palm Beach Gardens, Florida approving an economic development loan to Sancilio
36 and Company, Incorporated in the amount of \$350,000.00; authorizing the City Manager to
37 execute any and all necessary documents related to the closing of the loan; providing an
38 effective date; and for other purposes.
39 **Presented Item: Resource Manager Allyson Black, Attorney Robert Rosillo, Frank**
40 **Sancilio.**
41 **Vice Mayor Levy** made a motion for approval of Resolution 60, 2009 incorporating
42 **Councilmember Premuroso’s** comments.
43 **Councilmember Jablin** seconded.
44 Motion passed 3-2 with **Mayor Russo** and **Councilmember Barnett** dissenting.
45 The City Clerk read Resolution 61, 2009 by title.
46 c. **Resolution 61, 2009 – Appointments to the General Employee Pension Board.** A
47 Resolution of the City Council of the City of Palm Beach Gardens, Florida reappointing two (2)

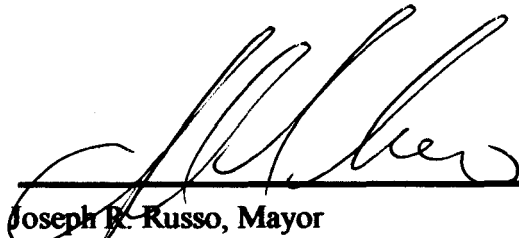
1 members to the Board of Trustees of the City of Palm Beach Gardens General Employee
2 Pension Board; providing an effective date; and for other purposes.
3 **Vice Mayor Levy** made a motion for approval of Resolution 61, 2009.
4 **Councilmember Jablin** seconded.
5 Motion passed 5-0.
6 The City Clerk read Resolution 67, 2009 by title.
7 d. **Resolution 67, 2009 – Insurance Renewals**. A Resolution of the City Council of the City
8 of Palm Beach Gardens, Florida. Approving the Renewals of Blue Cross Blue Shield of
9 Florida, Policy Number 91062, Guardian Policy Number 407008, and Lincoln Financial Policy
10 Numbers 000010074146 and 000010074147, for Fiscal Year 2009/2010; providing an effective
11 date; and for other purposes.
12 Presented Item: **Human Resources Generalist Lauren Ferreira**.
13 **Vice Mayor Levy** made a motion for approval of Resolution 67, 2009.
14 **Councilmember Jablin** seconded.
15 Motion passed 5-0.
16 The City Clerk read Resolution 78, 2009 by title.
17 e. **Resolution 78, 2009 – Briger DRI**. A Resolution of the City Council of the City of Palm
18 Beach Gardens, Florida establishing November 12, 2009, to be the public hearing date for the
19 Scripps Florida Phase II / Briger Tract Development of Regional Impact (DRI) to be held at a
20 special City Council meeting in the City of Palm Beach Gardens Council Chambers, 10500
21 North Military Trail, Palm Beach Gardens, Florida 33410; providing an effective date; and for
22 other purposes.
23 Presented Item: **Growth Management Administrator Kara Irwin**.
24 **Vice Mayor Levy** made a motion for approval of Resolution 78, 2009.
25 **Councilmember Jablin** seconded.
26 Motion passed 5-0.
27 **XI. ORDINANCES (For Consideration on First Reading)**
28 None.
29 **XII. ITEMS FOR COUNCIL ACTION/DISCUSSION**
30 **Councilmember Jablin** made a motion for a vote of confidence for **City Manager Ferris**,
31 **Growth Management Administrator Kara Irwin** and her staff.
32 **Vice Mayor Levy** seconded.
33 Motion passed 4-1 with **Councilmember Barnett** dissenting.
34 **Councilmember Barnett** requested City Council have an office with a telephone and
35 copier/scanner.
36 **City Clerk Snider** explained the mail and scanning process.
37 **XIII. CITY ATTORNEY REPORT**
38 None.
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1 **XIV. ADJOURNMENT**
2 **Vice Mayor Levy** made a motion to adjourn.
3 **Councilmember Jablin** seconded.
4 Motion passed 5-0.
5 The meeting adjourned at 9:21 p.m.
6 The next regularly scheduled City Council meeting will be held September 10, 2009.

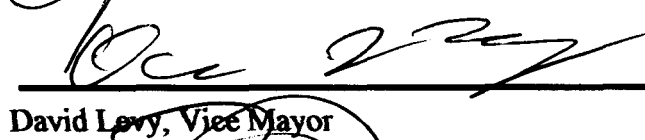
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APPROVED:



Joseph R. Russo, Mayor



David Levy, Vice Mayor



Eric Jablin, Councilmember




Jody Barnett, Councilmember



Robert G. Premuroso, Councilmember

34 **ATTEST:**

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38 _____
39 Patricia Snider, CMC
40 City Clerk
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43 **Note:** These minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of
44 the meeting. A verbatim audio record is available from the Office of the City Clerk.
45 All referenced attachments are on file in the Office of the City Clerk.