

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

6 The regular meeting was called to order at 7:02 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 None.

14 **IV. ANNOUNCEMENTS AND PRESENTATIONS**

15 None.

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

17 Councilmember Barnett had no report. Councilmember Russo thanked Palm Beach
18 County Commissioner Karen Marcus for coordinating with the State to prevent any further
19 smoke issues from interrupting the Honda Classic. Vice Mayor Premuroso announced the
20 Annual Easter Egg Hunt at the Burns Road ball fields on Saturday, April 3, 2010 and the
21 Third Annual Amanda J. Buckley Golf Tournament on Saturday,
22 April 17, 2010 at the Palm Beach Gardens Municipal Golf Course. Councilmember Jablin
23 congratulated Mayor Levy and Councilmember Russo on their reelection and congratulated
24 Mayor Levy and Vice Mayor Premuroso on their election as Mayor and Vice Mayor
25 respectively. Mayor Levy reported attending the Loxahatchee River Management
26 Coordinating Council. A Resolution was passed by the Loxahatchee River Management
27 Coordinating Council declaring May 15, 2010 Loxahatchee River Day and a copy of that
28 Resolution has been submitted to City Manager Ferris. Mayor Levy requested the City
29 adopt such a Resolution. A consensus was reached and City Manager Ferris was directed to
30 draw up a similar Resolution. Mayor Levy reported attending a League of Cities Board of
31 Directors meeting where the 2011 dues structure was adopted and 2011 budget approved.
32 Mayor Levy requested two Proclamations be drawn up, one for Water Conservation Month
33 for April and one for Water Reuse Week in May. Consensus was reached approving both
34 Proclamations.

35 **VI. CITY MANAGER REPORT**

36 City Manager Ron Ferris requested a joint meeting between the elected officials of the
37 Town of Jupiter, Town of Juno Beach and City of Palm Beach Gardens to discuss
38 consolidation of dispatch functions within the new Emergency Operations and
39 Communications Center (EOCC). The City Clerk will coordinate meeting.

40 **VII. COMMENTS FROM THE PUBLIC**

41 Donaldson Hearing, 1934 Commerce Lane, Jupiter; Alexandria Larson, 16933 W. Harlena
42 Drive, Loxahatchee; Panagioti Tsolkas, 822 N. C Street, Lake Worth.

43 **VIII. CONSENT AGENDA**

44 a. RESOLUTION 16, 2010 – ENVIRONMENTAL PROTECTION AGENCY’S
45 PROPOSAL. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM
46 BEACH GARDENS, FLORIDA OPPOSING THE FEDERAL ENVIRONMENTAL
47 PROTECTION AGENCY’S (“EPA”) PROPOSAL TO ENACT NEW STRINGENT
48 NUMERIC NUTRIENT WATER QUALITY STANDARDS TO BE APPLICABLE FOR

1 ALL LAKES, FLOWING WATERS, CLASS III WATERS, AND COASTAL WATERS
2 THROUGHOUT AND ADJACENT TO THE STATE OF FLORIDA AS AN
3 AMENDMENT TO 40 CFR, PART 131.43 AND THE CLEAN WATER ACT, AT SEC.
4 303(C); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

6 **Vice Mayor Premuroso** seconded.

7 Motion passed 5-0.

8 **IX. RESOLUTIONS**

9 The City Clerk read Resolution 102, 2009 by title.

10 a. **RESOLUTION 102, 2009 - PROPORTIONATE SHARE AGREEMENT RELATED TO**
11 **THE SCRIPPS PHASE II/BRIGER TRACT DRI.** A RESOLUTION OF THE CITY
12 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AUTHORIZING
13 THE MAYOR TO EXECUTE THE SCRIPPS FLORIDA PHASE II/BRIGER
14 DEVELOPMENT OF REGIONAL IMPACT PROPORTIONATE SHARE AGREEMENT;
15 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16 **Staff Presentation: Planning Manager Natalie Wong.**

17 **Public Comment: None.**

18 **Councilmember Jablin** made a motion for approval of Resolution 102, 2009.

19 **Vice Mayor Premuroso** seconded.

20 Motion passed 5-0.

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

22 **Mayor Levy** announced the procedures for tonight's proceedings.

23 Those preparing to give testimony were sworn in.

24 The City Clerk read Resolution 80, 2009 by title.

25 a. **RESOLUTION 80, 2009 - SCRIPPS FLORIDA PHASE II DRI – A RESOLUTION OF**
26 **THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA**
27 **MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE**
28 **SCRIPPS FLORIDA PHASE II/ BRIGER TRACT DEVELOPMENT OF REGIONAL**
29 **IMPACT (DRI) AND CONSTITUTING THIS RESOLUTION AS THE DRI**
30 **DEVELOPMENT ORDER; PROVIDING FOR EXECUTION, TRANSMITTAL, AND**
31 **IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING AN**
32 **EFFECTIVE DATE AND EXPIRATION DATE; AND FOR OTHER PURPOSES.**

33 **City Attorney Lohman** requested speakers state their name and address for the record and
34 advised that comments made during Resolution 80, 2009 and Ordinance 18, 2009 will be
35 incorporated into the record for Ordinance 33, 2009 and Ordinance 28, 2009.

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

37 **Presented Item: Ken Tuma,** Urban Design Kilday Studio.

38 **Staff Presentation: Planning Manager Natalie Wong.**

39 The City Clerk read Ordinance 18, 2009 by title.

40 b. **ORDINANCE 18, 2009 – (2ND READING AND ADOPTION) COMPREHENSIVE**
41 **PLAN TEXT AMENDMENT.** AN ORDINANCE OF THE CITY COUNCIL OF THE
42 CITY OF PALM BEACH GARDENS, FLORIDA ADOPTING AN AMENDMENT TO ITS
43 COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE
44 MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., FLORIDA STATUTES, TO
45 CREATE A NEW SUBCATEGORY TO THE EXISTING MIXED USE LAND USE
46 DESIGNATION FOR BIOSCIENCE MIXED USE DEVELOPMENTS AND AN
47 AMENDMENT TO DELINEATE THE SCRIPPS FLORIDA PHASE II/ BRIGER TRACT
48 DEVELOPMENT OF REGIONAL IMPACT (DRI) ON THE FUTURE LAND USE MAP

1 AND PROVIDE A NOTATION ON THE FUTURE LAND USE MAP PERTAINING TO
2 THE PERMITTED LAND USE DENSITIES AND INTENSITIES ESTABLISHED BY
3 ORDINANCE 7, 2005 FOR APPROXIMATELY 708.14 ACRES LOCATED SOUTH OF
4 DONALD ROSS ROAD, NORTH OF HOOD ROAD, AND EAST AND WEST OF
5 INTERSTATE 95; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE
6 AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR
7 OTHER PURPOSES.

8 Public Comment:

9 City Attorney Lohman explained the guidelines for cross-examination of witnesses.

10 Palm Beach County Commissioner Karen Marcus, P.O. Box 1989, West Palm Beach;
11 Thomas DeRita, 5770 Whirlaway Road, Palm Beach Gardens; Britni M. Hiatt, 12688
12 Buckland Street, Wellington; Kaleigh McKnight, 1190 Main Street, Jupiter; Alexandria
13 Larson, 16933 W. Harlena Drive, Loxahatchee; Barry Silver, 1200 S. Congress Circle, Suite
14 8, Boca Raton;

15 George Eisman, R.D., 13155 SW 7th Court, Pembroke Pines; Nate Barksdale, 13926 157th
16 Court North, Jupiter; Adam Barksdale, 13926 157th Court North, Jupiter; Russell
17 McFadden, 822 N. C Street, Lake Worth; Hal Valache, 128 Viera Drive, Palm Beach
18 Gardens; Michael Adler, 410 NW 15th Avenue, Gainesville; Marie Zwicker, 3102 Reo
19 Lane, Lake Worth; Mara Shlackman, 2100 S. Ocean Drive, No. 8E, Fort Lauderdale; Gary
20 Serignese, 11715 Timbers Way, Boca Raton; Christian Minaya, 901 N. Federal Highway,
21 Apt. A, Lake Worth; Nick Atwood, 726 Palm Street, West Palm Beach; Sean P. Conroy, 21
22 East Avenue, Thomas, West Virginia; Suki de Jong, 2076 SW 14th Avenue, Boynton Beach;
23 Nadine Murski, 5183 Pinetree Drive, Delray Beach; Jessica Brockway, 1190 Main Street,
24 Box 263, Jupiter; Ghazal Tajalli, 8303 W. Sample Road, Apt. 8, Coral Springs; Gina
25 Brockway, 6440 SE Inlet Way, Stuart; Bobette Wolesensky, 17300 Boca Club Boulevard,
26 Boca Raton; Serafina Mintz, 416 Revere Road, Lake Worth; Joan Elias, 1009 Diamond
27 Head Way, Palm Beach Gardens; Panagioti Tsolkas, 822 N. C Street, Lake Worth; Forrest
28 English, 822 N. C Street, Lake Worth; Meredith Brown, Apt. 653A Jones Avenue,
29 Morgantown, West Virginia; Rachel Kijarski, 6132 New Snook Court, Port Saint Lucie;
30 Ana Rodriguez, 416 Revere Road, West Palm Beach; Andrew Duffell, Business
31 Development Board, 310 Evernia Street, West Palm Beach; Melanie Carpenter, 131 SW 7th
32 Court, Pembroke Pines; Lawrence Bodner, 3193 NW 61st Street, Boca Raton; Carolyn
33 Chaplik, 715 Hudson Bay Drive, Palm Beach Gardens; Pablo Del Real, 521 Southridge
34 Road, Delray Beach; John Chaplik, 715 Hudson Bay Drive; Palm Beach Gardens; Bob
35 Leonard, 1606 16th Lane, Palm Beach Gardens; Joan Altwater, 9180 Cypress Hollow
36 Drive, Palm Beach Gardens; Roma Josephs, 323 Sunset Bay Lane, Palm Beach Gardens;
37 Amir Kanel, 8332 Man-O-War Road, Palm Beach Gardens.

38 Mayor Levy closed the public hearing.

39 Councilmember Jablin made a motion for approval of Resolution 80, 2009.

40 Councilmember Russo seconded.

41 Councilmember Russo, Councilmember Barnett, and Mayor Levy commented.

42 Motion passed 5-0.

43 Councilmember Jablin made a motion for approval and adoption of Ordinance 18, 2009 on
44 second reading.

45 Vice Mayor Premuroso seconded.

46 Motion passed 5-0.

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

1 c. ORDINANCE 33, 2009 – (2ND READING AND ADOPTION) BRIGER TRACT –
2 REQUEST FOR A TEXT AMENDMENT TO THE LAND DEVELOPMENT
3 REGULATIONS. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM
4 BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. AT
5 SECTION 78-157. MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT. BY
6 AMENDING THE TITLE OF SECTION 78-157. SUCH THAT IT SHALL NOW BE
7 ENTITLED “MXD – MIXED USE DEVELOPMENT DISTRICT”, FOR INTERNAL
8 CONSISTENCY AND ADOPTING NEW SECTION 78-232 ENTITLED “SCRIPPS
9 FLORIDA PHASE II – DESIGN GUIDELINES”, IN ORDER TO ESTABLISH ZONING
10 REGULATIONS AND DESIGN GUIDELINES FOR THE SCRIPPS FLORIDA PHASE
11 II/BRIGER TRACT PCD, TO PROVIDE REGULATIONS FOR APPROVAL AND
12 AMENDMENT OF FUTURE PROJECTS WITHIN THE OVERLAY ZONE, AND TO
13 ESTABLISH CRITERIA FOR BIOSCIENCE MIXED USE PLANNED DEVELOPMENTS;
14 PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF
15 CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND
16 EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A
17 SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN
18 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

19 Mayor Levy opened the public hearing.

20 Staff Presentation: Planning Manager Natalie Wong.

21 Mayor Levy closed the public hearing.

22 Councilmember Jablin made a motion for approval and adoption of Ordinance 33, 2009 on
23 second reading.

24 Vice Mayor Premuroso seconded.

25 Motion passed 5-0.

26 The City Clerk read Ordinance 28, 2009 and Resolution 1, 2010 by title.

27 d. *ORDINANCE 28, 2009 – (2ND READING AND ADOPTION) BRIGER TRACT. AN
28 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS,
29 FLORIDA REZONING CERTAIN PARCELS OF REAL PROPERTY CONSISTING OF
30 681 ACRES, MORE OR LESS, LOCATED SOUTH OF DONALD ROSS ROAD, NORTH
31 OF HOOD ROAD, AND EAST AND WEST OF INTERSTATE 95, PROVIDING THAT
32 THE SUBJECT PARCELS OF REAL PROPERTY, WHICH ARE MORE SPECIFICALLY
33 DESCRIBED HEREIN, SHALL BE ASSIGNED THE CITY ZONING DESIGNATION OF
34 PLANNED COMMUNITY DEVELOPMENT (PCD) OVERLAY WITH AN
35 UNDERLYING ZONING DESIGNATION OF MIXED-USE (MXD); PROVIDING THAT
36 THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED TO
37 REFLECT THE PROPER DESIGNATION FOR THE SUBJECT PARCELS OF
38 PROPERTY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE
39 AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR
40 OTHER PURPOSES.

41 RESOLUTION 1, 2010 IS A COMPANION ITEM TO ORDINANCE 28, 2009 AND WILL
42 REQUIRE COUNCIL ACTION

43 RESOLUTION 1, 2010 - BRIGER PCD SITE PLAN. A RESOLUTION OF THE CITY
44 COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE
45 SCRIPPS FLORIDA PHASE II/BRIGER TRACT MIXED USE (MXD) PLANNED
46 COMMUNITY DEVELOPMENT (PCD), COMPRISED OF 2.6 MILLION SQUARE FEET
47 OF BIOTECH RESEARCH AND DEVELOPMENT, 1.2 MILLION SQUARE FEET OF
48 OFFICE, 300 HOTEL ROOMS, 500,000 SQUARE FEET OF RETAIL, AND 2,700

1 RESIDENTIAL UNITS ON A 681-ACRE PARCEL, AS MORE PARTICULARLY
2 DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING CONDITIONS OF
3 APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

5 Ex parte communication was declared by **Mayor Levy**, **Councilmember Russo**,
6 **Councilmember Jablin**.

7 **Staff Presentation: Planning Manager Natalie Wong**.

8 **City Attorney Lohman** explained because earlier speakers left the meeting their testimony
9 will be incorporated into the official record. The applicant did not object.

10 **Public Comment:**

11 **Panagioti Tsolkas**, 822 N. C Street, Lake Worth.

12 **City Attorney Lohman** provided further information regarding cross-examination of
13 witnesses.

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

15 **Councilmember Jablin** made a motion for approval and adoption of Ordinance 28, 2009 on
16 second reading.

17 **Vice Mayor Premuroso** seconded.

18 Motion passed 5-0.

19 **Councilmember Jablin** made a motion for approval of Resolution 1, 2010.

20 **Vice Mayor Premuroso** seconded.

21 Motion passed 5-0.

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

23 **Councilmember Russo** and **Councilmember Jablin** thanked everyone who worked on the
24 Scripps/Briger project.

25 **XII. CITY ATTORNEY REPORT**

26 None.

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1 **XIII. ADJOURNMENT**

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


3 **Vice Mayor Premuroso** seconded.

4 Motion passed 5-0.

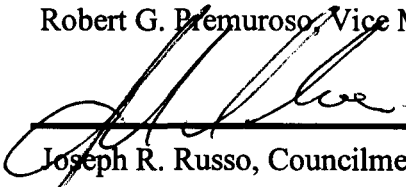
5 The meeting adjourned at 9:55 p.m.

6 The next regularly scheduled City Council meeting will be held April 15, 2010.

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8 **APPROVED:**

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13 David Levy, Mayor


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17 Robert G. Premuroso, Vice Mayor

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21 Joseph R. Russo, Councilmember

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24 Eric Jablin, Councilmember

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27 Jody Barnett, Councilmember

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31 **ATTEST:**

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34 _____
35 Patricia Snider, CMC
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
40 the meeting. A verbatim audio record is available from the Office of the City Clerk.
41 All referenced attachments are on file in the Office of the City Clerk.
42