Chairman Ferreri called the meeting to order at 9:45 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:  Commissioner O’Bryan (Alternate)  
Commissioner Solari  
Vice Mayor Hill

St. Lucie County:  Commissioner Craft  
Commissioner Grande

Martin County:  Commissioner Smith  
Commissioner Hayes  
Vice Mayor Waxler

Palm Beach County:  Commissioner Marcus  
Commissioner Vana  
Commissioner Taylor  
Commissioner Koons (Alternate)  
Mayor Ferreri  
Councilmember Brinkman  
Mayor Golonka  
Mayor Pro Tem Dr. Priore  
Councilman Lowe (Alternate)  
Vice Mayor Pro Tem Andel (Alternate)

Gubernatorial Appointees:  Eduardo Balbis  
Bill Hall  
Michael Davis  
Peter Carney  
Kevin Foley  
Ramon Trias  
Richard Oujevolk

Ex-Officios:  Ron Bunch, Enterprise Florida, Inc.  
Ann Benedetti, SJRWMD  
Mary Murphy, DEP

Council Staff:  Marlene Brunot  
Michael Busha  
Kim DeLaney  
Anthea Gianniotis  
Sandy Gippert
The Executive Director announced a quorum was present.

**PUBLIC COMMENT ON ACTION AGENDA ITEMS**

Drew Martin stated it was very difficult to comment without first seeing the staff presentations. He stated he felt it was a disadvantage to Council for the public to be limited to three minutes on all items, stating it should be three minutes per item. With respect to the Wellington comprehensive plan amendments, he expressed concern with the issue of the horse manure this will generate. With respect to the Oil and Gas Leasing Program, he asked that Council pass a resolution to be sent to the state and the President asking for a moratorium on oil and gas drilling. He noted the recent oil spill and how this is not only affecting the environment and sea animals, but the adverse economic impacts to the value of property in the state, and the tourist and fishing industries. With respect to the Martin County comprehensive plan amendments, he stated the Sierra Club opposes any western expansion in Martin County. He stated there is no urge to build right now and there are vacant homes all over the state. With respect to the Scripps Florida – Phase II/Briger Development of Regional Impact, he noted the Sierra Club is not opposing development of Biotech on the site. Personally, he stated he felt the proposed development is too intense and needs to be reevaluated. With respect to Amtrak/FEC Project Update, he stated he supports public transit and wants to ensure this will not take money from Tri-Rail. He also said there needs to be public transit for east-west travel, unless western development is limited.

With respect to the Wellington comprehensive plan amendments, Rosa Durando expressed her concern of how the water management district rule for the C-51 Basin for discharges will be enforced with the change in density. With respect to the Scripps Florida – Phase II/Briger Development of Regional Impact, she expressed her disagreement with the staff report that out of eighty-five acres of wetlands on the site, there are only seven worth saving. She asked where the 2 ½ inches of daily discharge will be going. She stated that it should be put back on the original acres. She expressed her concern for the protection of the wildlife on the site. She stated she did not want the mitigation to be in money, but in saving and rehabilitating the land.

Commissioner Vana asked if the issue of Public Comment could be further addressed by Council. Chairman Ferreri noted the intent of having Public Comment on items together was to ensure a more orderly meeting in which Council needs to make business decisions and retain a quorum. He noted there were 17 Public Comment cards for the meeting which, at three minutes per speaker, would take 51 minutes. Commissioner Vana asked if there could be a compromise to hearing Public Comment and accomplishing Council business.

Alexandria Larsen stated she did not think the public is being told how much of the oil is actually spilling from the gas pipeline in the Gulf of Mexico. She stated she would like to see a complete
ban on drilling for oil in the ocean anywhere. With respect to the Scripps Florida - Phase II/Briger Development of Regional Impact, she stated there were a lot of problems with developing the Abacoa site as Scripps. She stated Council might be able to give them a better plan than what is being proposed.

Sharon Waite stated she agreed with everything stated by the previous speakers. She stated there is no reason for more building and Briger is a huge waste of money. She stated she is tired of everyone accommodating the developers.

AGENDA AND CONSENT AGENDA

Commissioner Smith moved approval of the Agenda and the Consent Agenda with items 5C, Lantana Comprehensive Plan Amendments DCA Ref# 10-2 and 5D, Wellington Comprehensive Plan Amendments DCA Ref# 10-1 being pulled from the Consent Agenda. Commissioner Vana seconded the motion, which carried unanimously.

Items remaining on the Consent Agenda were: 5A, Financial Report – March 31, 2010; 5B, Minutes – April 16, 2010; and 5E, Intergovernmental Coordination and Review Log.

TOWN OF LANTANA

Staff gave a brief update on the proposed amendment which will re-designate the A. G. Holley State Hospital site to be consistent with the objectives and policies in the Town’s Comprehensive Plan. Staff recommendation is that the proposed amendment is consistent with the regional strategies dealing with redevelopment and revitalization and utilization of underutilized districts which applies to this property. Staff commented that when redevelopment of the property becomes feasible, the Town should work closely not only with the current owners but the other public agencies utilizing the property to ensure there are relocation opportunities in the surrounding area.

Commissioner Taylor raised concern that the Industrial designation may be too broad and could result in unintended uses close to residential neighborhoods. Staff indicated the proposed use is a Mixed Use Industrial designation and the amendment had been through the Palm Beach County Intergovernmental Plan Amendment Review Committee with no concerns raised by the City of Lake Worth.

Chairman Ferreri stated he was on the Intergovernmental Coordinating Committee in Palm Beach County and Lantana led the charge on the industrial land use planning and he believes the intention is for clean industry and to create jobs in the community.

Commissioner Taylor indicated she wants to ensure there is some protection for the neighborhoods against heavy industrial uses. Chairman Ferreri asked if she would like to add a comment to the report to address the surrounding land. Commissioner Taylor indicated she would.

Commissioner Marcus moved approval of the staff report with the addition of language about the impacts on residential neighborhoods. Mayor Pro Tem Dr. Priore seconded the motion, which carried unanimously.

WELLINGTON COMPREHENSIVE PLAN AMENDMENTS

Motion
Staff made a brief presentation to Council. Commissioner Marcus moved approval of the staff report, Mayor Pro Tem Dr. Priore seconded the motion, which carried unanimously.

ANNOUNCEMENTS

Councilmembers were provided with a handout with respect to the Florida Department of Transportation Horizons 2060 Regional Workshops.

Commissioner Koons stated there is workshop scheduled on July 22, 2010 at the Loxahatchee River Coordinating Council to give an update and discuss the North Palm Beach County Comprehensive Everglades Restoration Plan Phase 1 restoration issues for southern Martin and Northern Palm Beach Counties.

Commissioner Smith encouraged everyone to attend the 2060 Regional Workshops.

NOTICE OF INTENT TO PREPARE ENVIRONMENTAL IMPACT STATEMENT FOR 5-YEAR OIL AND GAS LEASING PROGRAM

Staff made a presentation to Council with respect to the staff report and recommendations. This item is to provide Council recommendations and comments to the U.S. Environmental Protection Agency on preparing an Environmental Impact Statement for a Five-Year Oil and Gas Leasing Program. The program would drill in the Outer Continental Shelf for oil as part of a comprehensive energy plan for the country. Areas of concern most to Florida are the Atlantic and Gulf of Mexico.

Commissioner Marcus stated that it needs to be pointed out that Council is disagreeing with the oil leases and recommending alternative types of energy and not focusing on oil. She moved staff recommendation for discussion. The motion was seconded by Commissioner Grande.

Councilmember Davis suggested Council should be sending comments to not only the Mineral Management Service, but perhaps the Obama Administration for this Environmental Impact Statement. He stated certainly the Environmental Protection Agency has statutory oversight responsibility, but he was not sure if the Mineral Management Service was culturally or technically equipped to do this document.

Commissioner Marcus amended her motion to include language to send comments to other agencies. Commissioner Grande, as the seconder, agreed.

Commissioner Vana stated she would like to see a strong statement made to the safety of not only the wildlife and ecosystem, but to the residents that live along the shores of the Gulf of Mexico. She stated the Army Corp of Engineers recently addressed the Water Resources Advisory Commission about concerns regarding the freshwater discharges that have killed our estuaries. She stated Council has the opportunity to make some very strong statements with respect to the recent oil spill and freshwater releases.

Commissioner Koons stated he would also like to see letters sent to our congressional and legislative delegations to take a look at that on the environmental impact statement.

Councilmember Foley stated it is apparent that the system we have for handling offshore drilling is broken. He stated that other countries such as China, Mexico, and Venezuela are ready to step in
and take our place should we choose not to harvest the resources that are available to us. He stated he would be supportive of the motion if there was a viable alternative to oil. He stated solar and wind are not viable enough to sustain our energy needs. He stated we should be making the offshore drilling safer and have less influence from the oil companies.

Commissioner Grande stated he respected Councilmember Foley’s comments, but it is clear that as long as we continue doing it the wrong way, there will not be a fix. He stated reports such as Dr. Merritt’s report will start the process of learning how to do it right, but unless we take the kind of action that is being contemplated today, there will be no motive for any corrective actions.

Commissioner Smith expressed his frustration that every known governmental agency is focusing on the oil spill, but at the same time the releases out of the C-44 are absolutely devastating and destroying our estuary in the Indian River Lagoon, but no one is addressing that problem. He asked the motion-maker to reference the same amount of environmental damage is being done to the estuaries.

Councilmember Hall indicated his concurrence with all the speakers. As a point of clarification, he asked the Chairman that, if by supporting the recommendation Council is stating, it is not supporting the 5-year program which would delay, at least by 5 years, any additional drilling. Staff indicated the comments being sent are stating that the proposal for the next 5-year period, from 2012 to 2017 is inconsistent with the Strategic Regional Policy Plan. Councilmember Hall indicated he would have no problem supporting the motion to delay the drilling for five years in order the ensure problems that are occurring now will not happen again. He stated he did have a problem if in that period alternatives are not developed, and then everything will need to be addressed again in five years. He stated it is a prudent motion to postpone the drilling for 5 years, but he would not want to put anymore meat in it than that.

Mayor Pro Tem Dr. Priore stated his concern was that another country will begin drilling if we do not. He stated something needs to be added to address this issue on an international scale. Staff indicated an additional comment could be added to the report to prevent other countries from drilling in the area as well.

Councilmember Foley indicated the motion was to state that the 5-year plan is inconsistent with the Strategic Regional Policy Plan. He stated that if in five years Council’s policy has not changed, this approach will still be inconsistent unless Council’s basic policy statement is changed. He stated Council’s policy needs to be revisited.

Councilmember Davis stated Council’s focus should be on the process, which currently is the Notice of Intent for the Mineral Management Service to prepare an Environmental Impact Statement. He stated this is not a decision document, just a notice of intent to prepare a document. He stated Council’s main thrust at this point should be that the document is done in a meaningful way. Council should insist that an independent document be prepared that analyzes fully all the alternatives and considers all necessary mitigation that would be required.

Commissioner Taylor stated that Council commenting on what the regional impacts are does not prevent the legislature from overriding Council comments and approving the oil drilling. Staff indicated Council comments will go to the Department of Interior Mineral Management Service. The State will do an independent evaluation with their recommendations and the legislature will do their evaluation.
Chairman Ferreri noted the map of the proposed drilling sites overlaps with the National Oceanographic and Atmospheric Administrations current maps.

Mayor Golonka commented that this is the American Way, that until you really put the brakes on something nothing gets solved.

Commissioner Marcus indicated she would offer a separate motion to address the estuaries be done after this issue is resolved. She agreed with Mayor Golonka that something needs to be done, not just because of oil spills, but because of climate change and we need to ask our local governments to do more too.

Councilmember Foley asked for a substitute motion that would include re-visiting Council policy with an emphasis on the substitute sources of energy portion. Chairman Ferreri suggested this should be a separate motion.

Commissioner Solari stated he would like to see a cost benefit analysis of the alternatives. He stated he cannot make a decision on alternative means of energy production without knowledge of the cost. Commissioner Craft stated he would agree to a cost benefit analysis if it includes the cost of cleaning up the Gulf of Mexico.

Staff summarized Council comments as: the need for the Environmental Impact Statement to consider the inconsistencies with the Strategic Regional Policy Plan noted in the staff report; the need for alternative energy sources; concerns with drilling by other countries; analysis of how to correct the current system related to liability, safety, reliability and permitting; that there should be agencies other than Mineral Management Services involved in the scoping and Environmental Impact Statement process; and the need for a cost benefit analysis.

Commissioner Grande indicated the motion on the floor was to support the staff report as written with the addition of Councilmember Davis’ comments. Commissioner Marcus concurred this was her motion and called the question.

A vote was taken on the motion, which passed with three dissenting votes.

Councilmember Foley motioned to analyze Council’s current policies and approaches toward alternative sources of energy addressing the seven items identified by staff. Commissioner Solari seconded the motion. Councilmember Hall asked for clarification on the seven items. Staff listed the items as: 1) Addressing the inconsistencies that are listed in the conclusion and consistencies with the Regional Plan related to the environment and other issues; 2) address Council comments with respect to alternatives to offshore drilling; 3) the scope of the Environmental Impact Statement should consider those alternatives to leasing more land for alternative energy sources; 4) address international issues in the scope of the Environmental Impact Statement; 5) continue to drill, but fix the system for liability, safety, reliability and permitting; 6) have another agency other than the Mineral Managements Service conduct the Environmental Impact Statement; and 7) to have a cost benefit analysis. Councilmember Hall asked the motion maker to specify nuclear under alternative energy sources. Councilmember Foley agreed.

As a point of clarification, Commissioner Grande asked if this was a project for the staff to provide information to Council on how to further study and revisit Council policy. Councilmember Foley
stated that he would like to revisit the policy to incorporate new ideas and emphasis, or every time this issue arises it will be found to be inconsistent with the policy.

Mayor Pro Tem Priore stated the first motion was to forward Council comments. He asked if the second motion would forward any comments. Councilmember Foley clarified the second motion is to analyze Council policy with emphasis to the items previously listed.

Chairman Ferreri called for a vote on the motion. The motion failed by a vote of eleven to eleven.

Commissioner Marcus offered a motion to send a letter to the federal government with respect to the releases into our estuaries and Council’s continued concern as stated by Commissioner Smith. 

Commissioner O’Bryan asked if a letter or a resolution would be stronger. Commissioner Marcus stated this would be the decision of staff. Commissioner Vana asked who would receive this letter/resolution. Commissioner Marcus indicated it should go to the federal government, Congress, the Environmental Protection Agency, the Army Corps of Engineers, and the President. A vote on the motion carried unanimously.

**MARTIN COUNTY COMPREHENSIVE PLAN AMENDMENT DCA REF# 10-1**

For the benefit of new Councilmembers, staff gave a brief overview of Council responsibilities for reviewing comprehensive plan amendments.

Staff then made a presentation to Council on the proposed amendments which included text amendments to the Future Land Use and Infrastructure Elements and eleven amendments to the Future Land Use Map totaling over 9,000 acres. Staff’s presentation focused on four of the Future Land Use Map amendments staff was recommending be found inconsistent with the Strategic Regional Policy Plan; Sunrise Groves, St. Lucie Partners, Via Claudia Investments and Canopus Sound.

Commissioner Smith stated he wanted to address the editorialism of staff. He stated he took offense to the staff presentation and did not agree with it. With respect to the Via Claudia amendments, he stated amendments in this corridor have been previously brought before Council. He stated it was this Council and staff that had rejected the Martin County Commissioners request for assistance in developing a mixed use overlay that would have defined this area. He stated Council staff did not want to participate in the planning effort and rejected Martin County efforts to move forward. He stated Martin County has been trying for years to get this corridor under control. He stated the area is in the urban service boundary with a college, library, and hospital, all within minutes of I-95. He stated staff comment to the lack of housing types would have been addressed with the Mixed Use Overlay that Martin County presented but was rejected by staff. He stated comments to the failure of the County was, in his opinion, failure of Council staff. He said there have been a significant amount of land use changes in the corridor, but there have been requests from the residents for 2 and 5 acre densities for the area in order to make the area less dense and to go back to the Agricultural land use, not higher density and not a mix of uses. He stated it was others outside the County Commission who pushed for movement of the urban service boundary. He stated the County did a resolution, which he did not support, to meter ½ acre lots, which would not have required changing the urban service boundary. Commissioner Smith stated the land sits adjacent to a river system and the County thought it was better to be on water and sewer versus on septic tanks right on the edge of one of our estuaries. He stated although there have been some controversial
amendments, staff does not need to characterize them as such. He stated there has been a lot of support for the amendments from the business community and the community as a whole. He stated there will be disagreement with the Local Planning Agency, that is why there are various different tiers of approval. He asked staff if they had met with the applicant. Staff indicated there was communication with the County, which is considered the applicant. Commissioner Smith again asked if the staff met with the landowner. Staff indicated there had been some discussion. Commissioner Smith asked if it was staff policy to never meet with landowners. Staff indicated there have been meetings with landowners in the past. Commissioner Smith asked why staff chose not to meet with these landowners. Staff indicated the decision was made due to the extensive amount of work to be done to complete the agenda. Commissioner Smith stated these are significant decisions Council is making and staff not getting a full understanding of the applications was a disservice to Council and the landowner/applicant. He said there were questions raised by staff in the presentation that could have been addressed by the landowner had there been a meeting.

Chairman Ferreri noted there were still three presentations to be made. Commissioner Smith stated this is a recurring problem and as these were his amendments with criticism coming toward his county commission he would take his time with his comments.

Staff noted there had been communication with County staff. Commissioner Smith stated there should have been communication with the applicants. With respect to the St. Lucie Partners amendments, Commissioner Smith stated there is a development agreement that the water management district, the Department of Environmental Protection and County staffs feel is a significant acquisition for the County to tie our estuaries and waterways together, but that was not mentioned in the staff report. With respect to staff comment that there will unlikely be agricultural on these lots, he stated this was not based on facts and it was not Council’s job to speculate what the uses would be, but to decide if this is a reasonable application or not.

With respect to the Sunrise Groves amendment, he stated this is an effort from Martin County to participate in the regional strategy of what is going on and changing in our region. He stated the County was thrilled there would not be any residential on the property. He stated his displeasure with the staff comment that this is to be Port St. Lucie south if adopted. He asked the executive director to address with staff the editorial side of presentations.

Clyde Dulin, with Martin County Growth Management, thanked staff for doing a thorough analysis. With respect to Council staff comment on the St. Lucie Partners amendment that the amendment materials suggest that the conservation easement will be limited to 20 years and that the land will not be deeded to a public entity, the applicant is proposing a development agreement that would last 20 years, not a conservation easement that would last 20 years. The development agreement would last 20 years and it would have two major features to it: 1) the application of a perpetual conservation easement that would remain after the development agreement expired after 20 years; and 2) the development agreement would limit the number of units that could be developed on the other 1,450 acres on the north side of SR 76 to 600 units. He stated the development agreement is being proposed concurrently with this plan amendment and has been submitted to Martin County for review and will be presented to the County Commission prior to their adoption hearing on all of these plan amendments. He asked there be a correction to the staff report to indicate the development agreement will be limited to 20 years, not the conservation easement, which in fact will be in perpetuity. He stated the three amendments in this area are an innovative means of attempting to preserve land in our agricultural area. They are difficult for the community,
Commission and staff to wrestle with because the County’s comprehensive plan does not have policies in place that anticipate all of these proposed innovative needs.

Mitch Hutchcraft, with King Ranch and owner of the property, noted this property essentially looks the same as it did 150 years ago due to his company’s commitment to agricultural land management and wildlife preservation. He stated one of the reasons he is presenting to Council is the impact of citrus greening primarily in Martin County which has affected his business. He stated the company is now looking to find an appropriate use for the land that will be effective and meaningful. Additionally, he stated his company is looking at opportunities for alternative fuels and was pursuing leasing 325 acres to a company that would have brought their corporate headquarters and research facilities to the site. He stated this would have been a significant adjustment for opportunities for alternative fuel, create a job base and continue agricultural. Ultimately the land use categories in Martin County do not accommodate that mix of uses and so the opportunity was lost with those jobs going to the west coast. He stated the new land use category is being proposed to address providing economic diversification, encourage the continuation of agriculture, and establish opportunity for meaningful environmental enhancement. He stated residential was intentionally excluded because that is not part of Martin County’s vision for the property. With respect to staff comment that the amendment is not consistent with the Strategic Regional Policy Plan, he stated it implements protection of agriculture, connectivity of greenways and consolidated development areas. He stated that on the 1,700 acre piece of property a maximum of 900 acres over 30 years would be developed. The remainder of the property would stay in agriculture or environmental services. With respect to staff comment regarding the parcel being in an isolated area, he stated this is not true as there is an existing development of half acre lots immediately adjacent. He said the property is also adjacent to the interchange commercial land uses, and on a bigger regional perspective it is adjacent to tens of thousands of approved homes and a regional mall site immediately north. To staff comment that it does not contribute to a balance of uses and there is no residential development included, he stated there have been two studies that indicated that a mix of economic development to attract uses such as biomedical and research tech requires close proximity to the interstate and large, cleared parcels. He stated to put additional residential on the site would not improve the circumstances as there is sufficient residential in the regional area.

With respect to staff comment regarding the location being far removed from the Martin County workforce areas and the workforce would have to go into Port St. Lucie as there are no retail support services, he stated his proposal includes every use, retail, office, industrial, recreational, and support services. The only use not included is residential, as there is plenty within close proximity. He stated the amendment is very specific about the need and the importance of providing those ancillary services. He said there are policies requiring a mix of uses; requiring the phasing and the distribution of those retail services so that the shopping, the babysitters, the gymnasiums, the sandwich shops, the office development are all included in this application and is spelled out very specifically in the proposed amendment.

He said that staff has questions about the need for economic development. He stated thirty five percent of Martin County’s workers get on the road in the morning and leave the County because there is an inadequate development base to provide jobs for those workers. He stated this will provide an opportunity for Martin County to diversify their economic base, provide an opportunity for jobs and to do it in the right location where there is existing infrastructure.

With respect to staff comment that there are no public utilities in the area with the nearest Martin County facilities being 3.75 miles and the City of Port St. Lucie had denied the opportunity for
connection, he stated there is ongoing communication with Martin County and with the City of Port St. Lucie. He stated there are adequate amounts of infrastructure in place in the City of Port St. Lucie with appropriately sized lines only 300 feet from the property’s northern boundary. He stated staff’s position is that we should ignore that opportunity but he believes a more appropriate position would be to encourage that regional participation. He stated if there is truly the desire for a developing region, then there needs to be recognition of the importance of sharing infrastructure across lines where it is of mutual benefit to the region.

With respect to staff comment that this amendment is in conflict with County policies discouraging the conversion of agricultural land, he stated this is happening regardless of this amendment. He stated his company is an agricultural company and is committed to the continuation of agricultural with the protection of the environment in mind. He said there is a commitment to meet a higher water quality standard than that of Martin County and the water management district and requirements of the Florida Green Building Standards or LEED standards will be incorporated not only in the architecture, but in the development patterns. He said there is also an open space requirement of seventy five percent that must be contiguous open space and will be oriented to the western edge of the property to provide a bright lined greenbelt that would separate that property from the uses further to the west. He said that is consistent with the Strategic Regional Policy Plan with respect to augmenting regional greenways and protecting natural resources. He said there are also policies that will require them to collaborate with the water management district and other environmental organizations with respect to opportunities to do innovative water quality treatments. He said his company can partner with IFAS and the USDA to look at new innovative crops and bring in biofuel crops to have them be part of the research and the industry that is going forward.

To staff comment that the amendment would promote urban development in rural areas, he stated that this is not accurate with the policies included in the plan. He stated that there is almost a third of a mile of green space committed to agriculture, open space, and environmental services on the western edge of the property. He stated there is not a commitment for a conservation easement but there is a requirement that it is illustrated on the master concept plan and incorporated in the zoning.

With respect to staff comments that providing police, fire and emergency response would be the burden of the City of Port St. Lucie, he stated this is one hundred percent inaccurate. He stated this property is a free standing urban service area and is responsible for providing those services.

He stated staff also concluded that the proposed development could compete directly with lands approved for development in the nearby Port St. Lucie Western Annexation area; that this would compete with the approved developments of regional impact and also the labor market in the City of Port St. Lucie. He encouraged Council to think regionally, and ignore those local jurisdictional boundaries. He stated that the region has been working for decades at identifying this jobs corridor and trying to attract national and international firms to come to this location. He stated this amendment would take that a step further by incorporating agriculture, biofuel orientation and environmental restoration. He stated the proposed amendment is about the protection of agriculture. He stated a minimum of 700 acres, if not more, will be perpetually preserved for either agriculture or environmental preservation. He requested Council find this amendment to be consistent with the Strategic Regional Policy Plan.

Councilmember Balbis stated he appreciated the presentations of staff and the applicant. He commended staff for a very thorough evaluation, however he concurred with Commissioner Smith that there should not be editorializing in staff’s report, only focus on consistency with the Strategic
Regional Policy Plan. With respect to the Sunrise Groves amendments, he agreed with the landowner on many of the issues, with the exception to the utilities comment that the City of Port St. Lucie would not be willing to provide service. He stated looking at the approved development of regional impact to the north, all of the other issues fall away. He did express concern with the lack of a formal connection to the north. He stated if this were to be found consistent, it would be dependant upon this connection.

Mayor Golonka asked if the policies Mr. Hutchcraft mentioned in his presentation are part of Council’s packet. Mr. Hutchcraft indicated they are part of the text amendment. Mayor Golonka asked for clarification with responsibility for the police and fire services. Mr. Hutchcraft explained that the property is an independent free standing urban service area, responsible for providing water and sewer. He stated the issues of fire and police would be addressed during the development of regional impact process. Mayor Golonka asked for clarification as the staff report stated police and fire would be provided by Port St. Lucie or elsewhere, but Mr. Hutchcraft had stated that was not the case because this is a freestanding urban service area and will be responsible for paying for all those services, or be fiscally responsible to contract for them. Mr. Hutchcraft responded that this will be a development of regional impact and will fully address these specific issues through that process. He stated a fiscal impact study they had conducted indicated that they will have a positive economic impact on the county and because this is not residential, which is typically your consumer, and over the life of the project there will be $500 million of economic benefits.

Mayor Golonka stated that this is a land use change request that has to be looked at in a very broad sense and it is independent of any master plan or even a development of regional impact or projections about build out and cost benefit. She asked if there was a requirement within this proposed land use category that this must be a development of regional impact. Mr. Hutchcraft stated that there is not a requirement, but because this is single land ownership, the amount of the acreage, and the proposed uses under the aggregation rule, it will be a development of regional impact. Mayor Golonka indicated she was trying to establish a level of comfort that this land use category provides a significant level of structure and assurance long term that this land use category can stand independent of anything else should this property be sold. Mr. Hutchcraft indicated they are not asking for concurrent zoning on the project, so the underlying zoning will remain agriculture. If this amendment is approved, then the applicant will seek the zoning changes. He stated it was required that the zoning would be for a Planned Unit Development, which would require submission of a master plan that articulated where water and sewer will be provided before getting the zoning on the property.

Councilmember Davis complimented the applicant on his presentation. He stated his firm had, on behalf of the City of Port St. Lucie, done the planning and design of the I-95 interchange at Becker Road. He stated when it was designed the capacity of that interchange was pretty tight at full buildout. He asked if the connection is made to the southwestern annexation area, what impact would it have on that interchange at Becker Road. Mr. Hutchcraft agreed that the connection for Village Parkway is critical and he believes that having that parallel facility that provides a greater distribution to another interchange and another series of east-west roads will be beneficial from an overall network perspective. He stated as a developer and a future development of regional impact, he expects to be funding those infrastructures. He deferred to Jason Matson with Kimley Horn and Associates. Mr. Matson indicated that at this comprehensive plan level there has not been an interchange operation analysis done, but they anticipate this will be done in coordination with the City. He said there will need to be analysis of how movements that used to be on the ramps going
on I-95, east of I-95, on Becker Road, and the through trips. He stated this progresses to the development of regional impact process, these analyses will be performed in full detail.

Councilmember Brinkman stated the applicant’s presentation was very informative. She stated she wanted to follow up on Commissioner Smith’s comments in the beginning, and staff comment that the local government is the applicant to Council. She stated everyone knows that the plans and staff report that comes from the local government has a lot of input and data analysis that came directly from the applicant/owner. She stated she thought it was important that the staff interacts with the applicant/owner because a lot of issues can be addressed before the staff report is finalized resulting in a more comprehensive report. With respect to staff comment for allowing agriculture to continue being unusual, she stated it was reasonable, given the large amount of time it will take, to allow the property owner to have a viable use of the property during the land use, development of regional impact and marketing processes.

Commissioner Grande asked if the developer/owner is willing, and it is part of the proposal, to underwrite the cost of the connection to the north, specifically a bridge. Mr. Hutchcraft stated he would not have objections to this, and the reason it has not been done to date is that will be done during the development of regional impact and development planning stages. He stated they have had conversations with the water management district about this and they are prepared to do the necessary infrastructure to support this project.

Commissioner Smith noted that adjacent to I-95 on the east, there is already fire and police service to the over 1,200 residents in the developments located there. He stated the water and sewer will be worked out in the future. He stated the purpose and role of the regional planning council was to provide constructive criticism and ideas to make it better and consistent with the regional vision. He stated he has a lot of questions in terms of how this will look at the end of the day, but Council purpose is to make sure everything gets out on the table so there can be better decisions. He agreed that the illustration presented should become part of the record and accompany the staff report to the Department of Community Affairs.

Commissioner Hayes stated this was very close to falling under the land preservation incentives amendment within the comprehensive plan, but this could not be done for this amendment as there is no residential. He stated that almost fifty percent of this land will be used in recreating hydrological flow ways taking it off the grid that is destroying our estuaries. He stated a third will be perpetual agriculture. He stated the reason this is so far west is connectivity to I-95 and it will be a stand alone service area. He said there are no plans to infill or move the urban service boundary and this will be exclusively industrial and commercial, with no residential. He stated this is an opportunity for significant job employment in Martin County. He asked for Council support on this amendment.

Councilmember Oujevolk asked if the applicant would be willing to participate in the optional sector plan process through the Department of Community Affairs that would provide a coordinated effort of planning in a more formalized manner. Mr. Hutchcraft stated he believes there are no more opportunities to participate in that program without a change in law. He stated he does support regional planning and is willing to work collaboratively on transportation, mass transit and making the open space connections work. Councilmember Oujevolk asked if there were any joint planning agreements that have been created between the City of Port St. Lucie and Martin County in reference to this project. Mr. Hutchcraft indicated not for this project, but there is active communication with St. Lucie County and the City of Port St. Lucie. With respect to the
transportation issues raised by Councilmember Davis, Councilmember Oujevolk asked how the issue of having to get more capacity approved would be addressed and if the applicant would be willing to provide a flyover. Mr. Hutchcraft indicated that based on the work done to date, he did not feel an additional flyover would be necessary. He additionally stated they are prepared to address this during the development of regional impact process.

Chairman Ferreri asked that all comments be brief in order to hear all the speakers and applicants.

Commissioner Marcus asked why the County staff and the Local Planning Agency voted for denial of this amendment. Mr. Dulin stated that Martin County Growth Management Plan sets forth that staff is to assume that the existing land use is correct when doing reviews. With respect to the Local Planning Agency decision, he stated that one of the members was attending his first meeting and he probably was not as thoroughly knowledgeable on the subject, as he himself admitted, so went with the staff recommendation for lack of a better decision.

Councilmember Trias stated he has always been told that Martin County has a great comprehensive plan and he questioned why there were so many land use changes. He asked how this fits within a bigger vision for the western area of the County and if there has been a study done for this area, as was done in St. Lucie County for their western lands. He stated he was concerned that these appear to be very large amendments and there does not seem to be much discussion about the impact on the future planning efforts of the County.

Commissioner Smith responded that the County averages about eleven to fifteen land use amendments per year, although not the size of the acreage involved in these amendments. He stated the County spent $500,000 a few years ago on a western study of what to do with the 200,000 acres west of I-95. He stated it was a very comprehensive, thorough plan that was destroyed by the community. He stated the County has spent hundreds of thousands of dollars studying various different things and he was disappointed that we cannot as a region, and/or as a state come up with a long range vision of how we want to do this. He again expressed his frustration that with amendment after amendment that comes forward the County must justify the creation of what is wanted for the future. He used as an example Senator Pruitt’s Sustainable Treasure Coast that spent 18 months putting together a great roadmap for the future, but now sits on a shelf somewhere. He stated that in Martin County seventy five percent of the developed part of the County is residential and five percent is jobs, which is not sustainable. He stated the County has 50,000 acres and raised $75 million and blown that up to about $300 million worth of acquired land. He stated that if someone would come forward with another regional sales tax, he would have no problem buying this property. If we did not actually want to create a different strategy for how South Florida moves forward, how are we going to create jobs and be more sustainable. He stated that until someone comes forward with a better option, with the current disjointed economy, anything the County can do to help its situation is better. He stated he would love to see this project seven miles east, but it is not. He stated the County is trying to participate on the I-95 corridor, which makes the most sense, noting a current connection on the very southern boundary of I-95 on this as well. He stated, to Councilmember Trias’ point that the County is doing everything within their process to try to come up with something more regional.

Councilmember Trias stated Commissioner Smith was very critical of the staff, but he believes sometimes staff are the only ones that have the opportunity to make some of the comments that are so controversial and he would like to see that continue. Commissioner Smith stated he had no problem as long as Martin County’s land use amendments are treated the same as others in the
region. He stated he never hears the same ad libbing when there are amendments from St. Lucie and Palm Beach Counties. He stated his struggle was with the extra commentary.

Councilmember Foley stated he has visited all the 11 regional planning areas and ours is unequivocally the best one by far. He stated he has developed in all four counties and Martin County, where he has chosen to live, is the toughest by far. He stated staff is trained to dissect every development that comes before them and pass their recommendations on to Council. He stated the County is asking Council to take a leap of faith with this project. He said he believes the project is well thought out and he would support it, but not without an absolute commitment to the bridge to the north. He stated this fits in with Scripps and that the entire economy for the region is now only based on tourism, agriculture and development. He stated this area may end up being a high tech, med tech mecca, not unlike some spots in California. He stated this is a very good first step and would like to see it become a reality.

Commissioner Hayes stated that there was not a person present who did not recognize that Martin County has an extraordinary growth management plan. To Councilmember Foley’s comments, he stated this as Scripps is proposing 2,700 residential units and will preserve only seven acres of wetlands, but this project will have no residential and preserve about 300 acres of wetlands. To Commissioner Marcus’ question on why County staff did not support the amendment, he stated staff gives the Commission advice on what is possible given the current plan, which this is not. He stated the County is asking Council to step outside a very well written comprehensive plan to take the opportunity to partner with one of the most outstanding companies in the country and to minimally change the overall feeling and flavor of Martin County. Councilmember Foley indicated the similarities he was referencing were the med tech and high tech approach to creating jobs.

With respect to the applicant’s comments that this still needed to be approved at the zoning level, Commissioner O’Bryan stated that the land use change is really the point of no return, as the zoning will follow the land use. He stated he shared Commissioner Marcus’ concerns with the staff denial of the amendment, the Local Planning Agency denial of the amendment and 83 of 86 emails from the public against it. He stated he believes the plan has a lot of great features, but this appears to be a project that is in the wrong place. He said the statement is very clear that the County Comprehensive Plan does not permit industrial development outside the Primary Urban Service District. However, he noted, the text amendment establishes a free standing urban service district. He stated this is a poor way to change a comprehensive plan. He stated the County will not be able to deny the next landowner coming forward who will want to be a stand alone and then there will basically be stand alone centers scattered throughout the County. He stated that if it is the County’s desire to have industrial lands, then either move the urban service line or change the comprehensive plan to allow it.

Linda Hake, representing St. Lucie Partners, noted the proposed amendment is to go from an Agricultural designation of one unit per 20 acres on 3,902 acres to one unit per five acres, another Agricultural designation. She stated the real crux of the amendment was for the applicant to convey to Martin County, the South Florida Water Management District and the Treasured Lands Foundation 2/3 of the property in the form of a perpetual easement for use in the Comprehensive Everglades Restoration Plan. Originally, the application proposed one unit per two acres on the developable portion of the property and institutional use on the area that is proposed for conservation. County staff objected to that because institutional cannot be outside the Primary Urban Service District and one unit per two acres cannot be located outside the Secondary Urban Service District. She stated in order to accommodate the objections the alternate agricultural use
was proposed. She stated the applicant proposed a development agreement which is provided for in Florida Statutes and was recommended by the County attorney for requiring the granting of the perpetual easement over the 2,450 acres when the land use amendment becomes effective. She stated it was not important what the County staff or Local Planning Agency recommended, it was a Martin County land use amendment and the County Commission voted for transmittal of the amendment. She expressed her concern that staff did not accommodate her two requests for a meeting as no one understands the application more than the applicant, and a finding of not in compliance made a meeting more important. She said a request for a meeting with the Department of Community Affairs was granted immediately. She stated the development agreement is part of the land use amendment and neither Martin County nor the Department of Community Affairs takes the position it is not. She stated with respect to staff comment that 5 acre lots will not have a bona fide agricultural use, she noted the property is surrounded on three sides by residential development; a 20 acre lot subdivision; 20 acre residential subdivision on the other side, and a one unit per two acre on the north side of the property. She stated she would contend that 20 acre lots are no more viable for bona fide agriculture than a five acre lot. She stated there are five acre agricultural lots in both Palm Beach and St. Lucie Counties. She stated Martin County is entitled to the same as the other counties in the region. She stated their legislative decision should be respected as there are no real regional impacts. She stated she wanted to make clear that the development agreement does require the granting of the perpetual easement, also reduces the number of residential units that can be built, and restricts the number of units that can come on line during the initial five year planning period.

With respect to staff comment that there is no current demand for the units, she stated this is not about current demand, it is about the property owner trying to plan for a viable future use of the property. She stated the countryside could not be more protected than with the proposed setting aside of 2/3 of the property that is worth millions of dollars, and has been targeted by the state of Florida for use in the Comprehensive Everglades Restoration Plan. She stated Martin County is willing to give up some density in exchange for protecting this property. She stated that staff comment is that this does not meet the criteria in the County Comprehensive Plan for a land use, but she would say it does as it provides a great public benefit or meets a need of the County. In closing, she asked Council to transmit this amendment with a recommendation of approval.

Chairman Ferreri noted it was 12:45 and he would like to have the agenda done by 1:30 in order to retain a quorum and asked that everyone keep this in mind when making comments.

Commissioner Hayes noted this was another amendment that could not be done with the current plan, however, he implored Council to approve the project. He stated that a proposal for only 600 units with 3,000 acres being preserved was very much in line with Martin County plans. He stated this is a critical piece for the Comprehensive Everglades Restoration Plan.

Mayor Golonka stated she understood Commissioner Hayes’ concern and passion for protecting the waters, but she believes the importance of being able to preserve a segment of property is not just a Martin County concern, but a regional one. She stated she had a problem with the increase in density on the remaining parcels. She stated that if a parcel should be acquired, then there are other ways of doing that without giving up density. She stated the area is clearly agriculture and a lot of the current uses would not exist on five acre parcels. She stated there is a very clear distinction of what tends to happen on 5 acre ranchettes and what happens on 20 acre parcels. She stated disappearing agricultural land of consequence is important to the region and is stated so in the Strategic Regional Policy Plan and most likely in all the region’s County Comprehensive plans as
well. She stated this will set a bad precedent and will create a domino effect in an area that should clearly remain agricultural. With respect to Councilmember Trias’ concern that if the County plan is good, then why have so many changes, she stated concern over the last few years of changes being made noting the County is looking for more industrial lands but a recent amendment on Bridge Road where industrial lands were changed to residential. She stated she is torn on the Sunrise Groves amendment because it is a good plan, but it is in the wrong location.

Councilmember Hall stated he would like to make a motion of approval on all of the amendments. Commissioner Vana asked if the motion would mean there would be approval of all the amendments without any negative comments. Councilmember Hall stated it would be transmitting with approval all items. Commissioner Vana seconded the motion.

Councilmember Balbis asked if this would be to find all of the amendments consistent and revise the report to reflect that. Chairman Ferreri indicated that was the motion.

With respect to the Sunrise Groves amendment, Councilmember Balbis requested the motion be modified to state the amendment is consistent if the connection to the north is made. Councilmember Hall as the motion maker agreed, and Commissioner Vana as the seconder concurred. Commissioner Smith requested the illustration that was presented by the applicant be made a part of the transmittal.

A vote on the motion carried with four dissenting votes.

**SCRIPPS FLORIDA – PHASE II/BRIGER TRACT DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER**

Councilmember Davis recused himself from voting on this item as Palm Beach Gardens is his client and his firm did the sufficiency review for the Environmental Assessment for the Briger Tract.

Councilmember Brinkman also recused herself as her employer is acting as the applicant on behalf of the property owner.

Staff presented its report and recommendation to Council on the Development Order (DO) issued by the City of Palm Beach Gardens for the Scripps Florida – Phase II/Briger Tract Development of Regional Impact. Staff explained it was Council’s responsibility to advise the Department of Community Affairs on: 1) whether the City’s DO addresses all regional issues raised in Council’s assessment report; and 2) whether the Department should or should not appeal the DO.

Staff indicated that while the Council may want to consider staff comments on the vagueness of the DRI Master Plan (Map H) as continued commentary on the subject, its main issue of concern with the City’s DO was related to the arrangement, quality and quantity uplands set aside for the protection of endangered and threatened species currently on the site. Mr. Ken Tuma of Urban Design Kilday Studios, representing the DRI applicants, stated the site has been reviewed by the City forester and environmentalist, the Army Corp of Engineers, the South Florida Water Management District, the U.S. Fish and Wildlife Service and the USDA Natural Conservation Service. He stated the upland preservation on the site is the majority of the good habitat. He also indicated relocation of the approximately 65 gopher tortoises off site is not the intention. He stated the City has a 20-year old upland preservation requirement to preserve 25 percent of the highest
quality upland preservation areas and then have connectivity through the wildlife corridors they create.

Councilmember Trias asked why Map H is so vague. Mr. Tuma indicated the City has very strict design guidelines that address both architectural as well as planning as part of their development order. Additionally, he indicated they have met all the criteria required by the Department of Community Affairs. He stated it is a twenty-year project with a lot of flexibility for the future, but does contain design guidelines that require a block and grid pattern for everything outside the biotech area. Staff indicated the City zoned this property as Planned Community Development with an underlying zoning of mixed-use. Staff noted that within the City’s mixed-use zoning code, there is a provision that allows the City to waive almost everything affecting the physical framework of the plan including the design guidelines. This provision provides no commitment to a DRI plan that would be consistent with the Strategic Regional Policy Plan. Staff indicated all that is being asked for is a plan that includes a regular system of streets, blocks and public open spaces; a commitment to a plan including a physical framework or structure that will deliver a walkable, transit supportive and efficient built environment. Staff indicated it probably would not have commented on this if the design guidelines were absolutely required. Mr. Tuma indicated they are currently required by the implementing ordinance.

Mayor Golonka asked the width of the wildlife corridors. Mr. Tuma indicated they are a minimum of 100 feet, but can be as large as 150 feet.

Mayor Levy, City of Palm Beach Gardens stated when Scripps was moved from the Mecca to the Briger site four promises were made: 1) to Governor Bush there would be 4 million square feet of biotech; 2) to the residents, after two charrettes, to design the property in accordance with Map H; 3) to Scripps to provide them a campus environment where they could succeed; and 4) most important, to the people of Florida and the people of Palm Beach County who are funding this to do everything possible for the success of this project. He stated the design criteria approved by the City meet all of these promises. He stated that unfortunately the alternative plan created by Council staff will only meet the promise of 4 million square feet of biotech. He stated he believes it is possible to meet the criteria of Council with the current plan and urged Council to not recommend an appeal to the Department of Community Affairs.

Natalie Wong, with the City of Palm Beach Gardens, stated the development of regional impact and associated comprehensive plan amendments are just one piece of the greater project of what constitutes the entitlements for this project. She stated the City has worked diligently with the applicant and its residents on the other key components which included the land development regulations which included the design guidelines that were mentioned as well as the zoning application for a Planned Community Development. She stated the Council comments are included in the City’s land development regulation because that is where the detail belongs. She stated that as a result of the input of the staff and the Council, the City was able to create effective regulations which have been codified into the City’s code. She stated the waivers that were noted by staff would have set requirements and would not be easy to obtain. She stated this is a 20 to 30 year project and City staff felt it was important to have flexibility for the future, the uncertainty of users, the uncertainty of market condition changes. She stated the regulations the City has chosen, such as the design standards and integrated road network which set forth minimum block lengths, block perimeters and architectural standards, landscaping standards, are really important to the community. She stated Council staff comment that the uplands shown on the plan are not good quality uplands was not true. She stated many uplands are shown on the site as a result of the City’s
25 percent set aside that are high quality uplands and do connect to the corridor system in the City that do include hand ferns. With respect to off site mitigation, she stated the uplands shown on the development of regional impact master plan and now on the City’s Planned Community Development PCD master plan as well would have to go through an entire new development of regional impact to change anything shown on the master plan. She said the only provision for the offsite mitigation is the twelve acres for the Scripps site for which the City was supportive of as there has been billions of tax payers dollars put into the project and the City supported the idea of that land being utilized for biotech and ancillary uses. Finally, she stated the City’s plan is a balanced plan that incorporates the environmental aspects that are important to the City. Lastly, the plan in staff’s review does reflect a balance plan. It does incorporate the environmental aspects that are important o the city. It is an infill project surrounded by development and was endorsed by 1000 Friends of Florida. She said as a result of the Planned Community Development designation and the land development regulations, the City has been able to work out specific issues on height with the Town of Jupiter to the north.

Commissioner O’Bryan noted that in the parcel west of I-95 there will not only be gopher tortoise and fern, but dozens of species of other wildlife as well. He stated putting a corridor next to this very intensive roadway will not protect this wildlife. He stated he believes this is a very poor design and agreed with Council staff there needs to be a redesign to take into account the higher quality uplands for preservation and have the wildlife corridors moved away from the high impact traffic areas.

Commissioner Hayes asked if there will be enough preservation of the wetlands in terms of water retention so the site will not have to be aggressively drained. Mr. Tuma indicated the South Florida Water Management District has issued an Environmental Resource Permit for the project. He stated the site is fairly degraded and the water management district has suggested, because of the impact of I-95, that some of the wetlands be mitigated off site and we did do that as part of the agreement.

Panagioti Tsolkas interrupted at this point stating he has an administrative challenge filed against the water management district and had information he wanted to share with Council. Chairman Ferreri stated he was to have commented during the prior Public Comment section of the meeting. Mr. Saberson stated Mr. Tsolkas was not present at the time and may have been unaware of the public comment change in policy and felt it would be appropriate to allow him to speak on the item. He noted in terms of issues relating to the water management district, specifically with respect to developments of regional impact, the regional planning council is prohibited from attaching dissenting opinions related to water management district permits if the permits have been issued.

For the record, Councilmember Hall asked how Mr. Tsolkas was an affected party. Mayor Golonka indicated Council was in the midst of dialogue with the applicant, and felt this was not an appropriate time for an affected party to speak. Chairman Ferreri asked Mr. Tsolkas to wait until Council had questioned the applicant and then he would be allowed to speak.

Commissioner Marcus asked that the issue of the quality of the preservation of the hand fern be addressed by the City Forester.

Mark Hendrickson, City Forester for the City of Palm Beach Gardens, explained that you have to look at the whole project, the whole city, and how Briger DRI fits in. He further explained how the uplands on Briger would be restored and tied into a quality system of uplands and wetlands throughout the City of Palm Beach Gardens. He indicated this was why Mr. Tuma brought to your
attention our thought process on wildlife corridors and the fact that this is tying to other corridors adjacent to the project. Mr. Hendrickson went on to indicate that about 50% of the city is open space; 35% of the city is conservation status and that this project is no different than the rest of the projects that we have approved in the City of Palm Beach Gardens with the ability to relocate animals with Fish and Game permits. He stated that the City has successfully relocated hand fern and gopher tortoises and the City is a bird and wildlife sanctuary. Mr. Hendrickson stated that the worst case scenario is that you have to use a permit to relocate something. He went on to explain that he did not know what is going to happen in the future, but he was going to try his best to protect everything on site.

Commissioner Marcus asked if the staff report could be sent to the Department of Community Affairs as comments rather than objections. Staff indicated it is at the pleasure of the Council.

Commissioner Vana expressed her desire for clarity regarding the concern for the gopher tortoises along I-95. Further, she wanted to know for the entire project that there will be some effort made to have those gopher tortoises protected and what kind of wording can we add as a comment.

Staff offered that the cleanest way to deal with the issue was to remove language that allows blanket approval to relocate endangered and threatened species offsite and request that the City of Palm Beach Gardens look at a better arrangement of habitat to protect them on-site. Mr. Tuma indicated agreement with a comment to the Department of Community Affairs that the gopher tortoises do not need to be moved off site. Commissioner Marcus stated staff should remove that flexibility from the final document.

Councilmember Balbis noted Council staff’s report asked for four conditions related to the Master Plan, which are not included in the City’s DO. He asked why there is this much of a disparity between what Council staff recommends and what the applicant is proposing. Mr. Tuma indicated the previous motion from Council was to transmit the report, comments from Council staff and comments from the applicant as well. He indicated the City interpreted those comments and made decisions. He stated the design guidelines were made stronger, based on Council comments, by adding architectural guidelines and grid streets. He stated the City based its decision on what was thought to be best for the City. He noted there had been four design charrettes since 2005 regarding this project. He stated not one resident has spoken against this project.

Councilmember Balbis stated his agreement with the staff comment to the vagueness of Map H and asked if there was a site plan used to develop Map H. Staff noted it was unaware of any site plan and that Council is not interested in architectural standards or the color of buildings, but a site plan which will illustrate the physical layout or structure of the plan such as the network of streets, blocks, and public open spaces. Staff stated everything in these design guidelines can be waived by the City. Staff indicated perhaps there could be a conceptual site plan as an attachment to Map H that would suggest the sort of pattern of the development expected on the site in much more detail. This would address many of Council’s concerns and avoid any misunderstandings that may occur in the future when the site plans actually goes through the Planned Community Development process. Councilmember Balbis asked if this could be added without delaying the project. Staff indicated all that is being asked for is a supplement that would have more detail with respect to the fundamental elements of the streets, blocks, public open spaces and placement of parking.

Councilmember Hall motioned for Council to submit that the Development Order addresses all regional issues satisfactorily and that we attach the recommendations as Commissioner Marcus and
Commissioner Vana had recommended regarding the gopher tortoise and forward the report to the Department of Community Affairs. Commissioner Marcus seconded the motion, but clarified the report would contain comments, not objections. Councilmember Hall agreed with this. Additionally, Commissioner Marcus stated that there would be no waiver for the provision of the gopher tortoise and that there be a conceptual supplement to Map H. She also indicated there needs to be a comment on the ferns and preserve areas that the City continue to try to save or protect or design their systems so the ferns are protected. She stated there needs to be some flexibility in terms of being able to protect them.

Mayor Golonka asked if the wildlife corridors running north/south are connected to anything south of Hood Road. Mr. Tuma indicated the City as a master parkway system connecting to the east. Mayor Golonka asked if there were any corridors to the south. Mr. Tuma stated south of this property is undeveloped property that has not yet come before the City Council. He stated he was sure there would be buffers along I-95 to the south. Mayor Golonka stated she was concerned if there was to be a continual string of buffering along I-95. She stated these do not serve the purpose of a true wildlife preserve or safe wildlife corridor because the areas are exposed to the sidewalks and the roads. She asked that the comments addressing the wildlife protections be made stronger. Commissioner Marcus indicated as the seconded she would incorporate those comments. Councilmember Hall stated he did not mind being vague and just stating to enhance the corridors so as to not tie the applicant down. He stated this is an urban area along I-95 and at some point the larger good needs to be considered.

Mayor Golonka noted the original Council concerns regarding the amount of commercial on the site, stating these were only comments made during the meeting and not part of the approved report.

Councilmember Trias stated it is a real disservice to have such a vague plan and felt a more detailed plan would have avoided much of the current conversation.

Commissioner Smith asked if there were graphics from the charrettes. Mr. Tuma indicated there were designs done throughout the process. Commissioner Smith stated he thought these should accompany the plan. Mr. Tuma indicated the design guidelines were part of the original development of regional impact application. Councilmember Foley stated he did not believe design guidelines were sufficient. He encouraged as much information be attached as possible.

Commissioner Vana expressed her concern that there are more animals than just the gopher tortoise and with the close location of the preserves areas to the roads. She stated she also wanted to ensure the design guidelines are not waived.

Commissioner Marcus suggested adding a comment to ensure design guidelines for roadways, blocks and parking are not waived. Staff stated Council is only asking for the City to attach an illustration that shows a Master Plan following the design guidelines, and that the fundamental elements of an interconnected network of streets, blocks, and open spaces are not waived. Having this level of detail will ensure, for the sake of the City, there are no misunderstandings about what was meant for this project in the future when site plans are developed and brought in for City approval.

Under Public Comment, Mr. Tsolkas stated the order for this item should have been a motion, discussion from the affected parties, follow up discussion, then a vote. He said the promises made based on this plan to the Governor, to Scripps, the chambers of commerce, business development
boards, do not surpass planning laws or wildlife protection. He stated there are no promises to Scripps in the development order. He stated he is currently involved in an administrative challenge in front of the water management district. He stated there are other threatened and endangered species on the site, such as the Indigo snake, that cannot be contained with a chain link fence. He stated he has a map that was produced with volunteer work showing some of the trees had a dozen hand ferns that were not on the applicant’s document. He offered to go on the site or share the GPS points. With respect to hand ferns, he also questioned the fact that only 3 cabbage palms with hand ferns were documented in in the Corbett wildlife Management Area and Jonathan Dickinson State Park. He stated this parcel may be isolated but he believes Council has been misled having it dismissed as an infill development project. He stated it is 700 acres of unique habitat that doesn’t exist in other places. The eastern portion is rare scrub habitat that is home to a lot of plants that deserve protection and are listed in the Fish and Wildlife commission’s legacy initiative that are intended to be protected, which he states has been disregarded even though the information is present. With respect to mitigation, he stated that the watershed depicted is not accurate and there will not be mitigation on site. He stated these are things going in front of a judge with the water management district, but rather than seeing this go before a judge with the Department of Community Affairs, he asked Council to resolved these issues now.

Commissioner Marcus stated this has been a long journey for many people and noted the irony of the conversation was that if this property were to develop as it was originally planned it would have been single family residential without a fern or tortoise saved other than what is in the City of Palm Beach Gardens own codes. She stated this was not a County, but a City project and it was just as important to meet regional goals as well as providing what is needed to keep the promise of biotech. She stated she hoped the motion with those comments would go to the Department of Community Affairs that there will be continued work with the City to develop those areas better.

Chairman Ferreri called for a vote on the motion, which carried unanimously.

**RESOLUTION AND AMTRAK/FEC PROJECT UPDATE**

Staff requested a Council motion to authorize staff to extend and amend a joint participation agreement with the Florida Department of Transportation for additional funds to continue work on the Amtrak/FEC Corridor project. Commissioner Marcus so moved. The motion was seconded by Commissioner Smith. Commissioner Smith commended staff for a remarkable job on this project.

Councilmember Oujevolk recused himself from voting on this item as his employer is a consultant to Amtrak.

A vote on motion carried unanimously.

**BROWNFIELDS CONSULTANT SELECTION - REVISION**

Commissioner Marcus moved approval of the staff recommendation. Commissioner Smith seconded the motion.

Councilmember Davis asked for clarification on why if five consultants were chosen and one complained, why staff would now like to pick eleven. He stated this is unusual. Mr. Saberson explained that after Council approved the rankings there was a formal protest from one of the firms. Rather than spending thousands of dollars defending the protest, Mr. Saberson stated he felt is was
more advisable for Council to expand the consultant list, especially in view of the fact there is a policy in the consultants competitive negotiation act about equitable distribution of work among qualified firms. He stated all eleven firms had been found to be qualified.

A vote on the motion passed unanimously.

**PUBLIC COMMENT**

Sharon Waite stated that over the years she has seen plans being presented for certain projects and then later she learns there was a hiccup. She stated this has happened with Briger. She stated there needs to be more teeth in Council recommendations for the sake of everything we enjoy before it is destroyed.

Alexandria Larsen stated she had to suffer through hours of presentation so her three minutes seem irrelevant. She stated she often brings information to the attention of Council it was not aware of. She stated she has respect for Council and what occurred today was hard to watch. She stated she hopes Councilmembers will have more respect for each other, the public and the staff in the future.

**COUNCIL MEMBER INFORMATION EXCHANGE**

Commissioner Vana asked if there can be a respectful process developed to hear public comment. Chairman Ferreri stated this could be discussed at the next meeting. Commissioner Marcus suggested letting the public comment on the specific items and remove the Public Comments sections from the beginning and end of the agenda. Councilmember Hall agreed it would be better to hear public comment during each agenda item. Chairman Ferreri stated this topic will be on the agenda for the next meeting.

Councilmember Davis asked what the reference was to having the meetings end by noon. Chairman Ferreri stated there is no rule, and perhaps there needs to be a letter sent to members explaining the meetings do not end at noon. Commissioner Craft stated he would like to at least have some expectation of when the meeting will end in order to deal with their everyday lives and jobs. Chairman Ferreri stated 1:00 may be a safe time. Staff stated they would do a letter to Councilmembers regarding the meeting times.

**STAFF COMMENT**

None

**CHAIRMAN’S COMMENT**

None

**ADJOURNMENT**

There being no further business, Chairman Ferreri adjourned the meeting at 2:30 pm. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the May 21, 2010 meeting of the Treasure Coast Regional Planning Council.
FORM 8B  MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME
DAVIS, MICHAEL L.

MAILING ADDRESS
252 Greenwald Dr

CITY
West Palm Beach

COUNTY
Palm Beach

NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE

THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH SERVE IS A UNIT OF:

CITY

COUNTY

OTHER LOCAL AGENCY

NAME OF POLITICAL SUBDIVISION:

STATE

DATE ON WHICH VOTE OCCURRED
May 21, 2010

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public officer MUST ABSTAIN from voting on a measure which injures his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which injures to the special private gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

• You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael L. Davis, hereby disclose that on May 21, 2010:

(a) A measure came or will come before my agency which (check one)
   ___ incurred to my special private gain or loss;
   ___ incurred to the special gain or loss of my business associate, ____________________________;
   ___ incurred to the special gain or loss of my relative, ________________________________;
   ___ incurred to the special gain or loss of ____________________________ by whom I am retained; or
   ___ incurred to the special gain or loss of ____________________________ which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

   Agenda Item 7.  Phase II Briar Tract

   DRI, D

   ____________  ____________

   May 21, 2010  Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.
FORM 8B  MEMORANDUM OF VOTING CONFLICT FOR
COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME  NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brinkman, John L.  Treasure Coast Regional Planning Council
MAILING ADDRESS  THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
201 Rex Court  LI CITY  COUNTY  OTHER LOCAL AGENCY
CITY  COUNTY
Palm Springs  Palm Beach County
DATE ON WHICH VOTE OCCURRED  MY POSITION IS:
May 21, 2016  ELECTIVE  APPOINTIVE

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Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.355 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who shall incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who shall incorporate the form in the minutes. (Continued on other side)
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni S. Binkman _____________________________ hereby disclose that on May 20, 2010:

(a) A measure came or will come before my agency which (check one)

- inure to my special private gain or loss;
- inure to the special gain or loss of my business associate, _____________________________;
- inure to the special gain or loss of my relative, _____________________________;
- inure to the special gain or loss of Urban Design Kilday Studios, _____________________________, by whom I am retained; or
- inure to the special gain or loss of _____________________________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 9 - Scripps Florida Phase II/Briger DRI DO

Employed by Urban Design Kilday Studios, agent for the applicant.

5-31-10

Date Filed

Joni S. Binkman

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.
## FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

<table>
<thead>
<tr>
<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>MIDDLE NAME</th>
<th>NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwyer</td>
<td>Richard</td>
<td>V.</td>
<td>Treasure Coast Regional Planning</td>
</tr>
</tbody>
</table>

**MAILING ADDRESS:**
1971 Sand Dollar Lane

**CITY:** Vero Beach  
**COUNTY:** FL  
**ZIP:** 32963

**DATE ON WHICH VOTE OCCURRED:**

**MY POSITION:**

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

- PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and
- WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, [Signature], hereby disclose that on 5/20/2010:

(a) A measure came or will come before my agency which (check one)

- [ ] inure to my special private gain or loss;
- [X] inure to the special gain or loss of my business associate, my employer - Jacobs, Inc.
- [ ] inure to the special gain or loss of my relative, ________________________________, by whom I am retained; or
- [ ] inure to the special gain or loss of ________________________________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I abstained from voting on an action concerning AMTRAK service for Florida East Coast. My employer, Jacobs Engineering is a consultant to Amtrak. The action was a resolution supporting Amtrak service to the area.

5/20/2010

Date Filed

[Signature]

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