

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
OCTOBER 21, 2011**

Chairman Trias called the meeting to order at 9:40 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

St. Lucie County: Commissioner Craft
Mayor Faiella

Martin County: Commissioner Hayes
Commissioner Smith
Commissioner Scott

Palm Beach County: Commissioner Marcus
Commissioner Taylor
Commissioner Burdick
Councilwoman Webster
Mayor Ferreri
Mayor Golonka
Commissioner Mitchell (Alternate)

Gubernatorial Appointees: Michael Davis
Bill Hall
Peter Sachs
Robert Stork
Ramon Trias

Ex-Officios: Pam Mac’Kie, South Florida Water Management District
Mary Murphy, Florida Department of Environmental Protection
Ann Benedetti, St. Johns River Water Management District
Lynda Westin, South Florida Regional Transportation Authority

Council Staff: Michael Busha
Kim DeLaney
Eloine del Valle
Sandy Gippert
Liz Gulick
Stephanie Heidt
Dana Little
Peter Merritt
Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

With respect to the Martin County Comprehensive Plan Amendments, Ms. Alexandria Larson stated that lower density is not always best. She said that five acre ranchettes are nice and when septic tanks are properly maintained they will not affect the environment. She stated that some water utilities have been the cause of much of the pollution to the reefs and water systems throughout the state. She asked Council to take into consideration that the density for this project does not have to be increased.

AGENDA

Chairman Trias noted an addition to the Agenda, Item 6a, Amendment to Joint Participation Agreement with the Florida Department of Transportation for Professional Services Relating to Land Use, Planning, and Technical Assistance; and the removal, at the request of the South Florida Regional Transportation Authority, of Item 10, South Florida Regional Transportation Authority Status Update, which will be presented at a later date.

Mayor Ferreri moved approval of the amended Agenda. Councilwoman Webster seconded the motion, which carried unanimously. **Motion**

CONSENT AGENDA

Commissioner Marcus moved adoption of the Consent Agenda. Mayor Ferreri seconded the motion, which carried unanimously. **Motion**

Items on the Consent Agenda were: 5A, Financial Report - August 31, 2011; 5B, Minutes - September 16, 2011; 5C, Town of Jupiter Comprehensive Plan Amendments No. 11-1ESR; 5D, Martin County Comprehensive Plan Amendments No. 11-2ESR; 5E, Village of Royal Palm Beach Comprehensive Plan Amendments No. 11-1ESR; and 5F, Interagency Agreement with South Florida Regional Transportation Authority - Broward Boulevard Gateway Master Plan.

2011 BROWNFIELDS ASSESSMENT COALITION GRANT - MEMORANDUM OF AGREEMENT

Staff presented a brief overview of the U.S. Environmental Protection Agency brownfields assessment coalition grant for \$1 million that was awarded to Council in September, 2011. The grant is to undertake assessment activities at brownfield sites and help expedite redevelopment of priority areas. Council is responsible for administration of the grant and being the point of contact for coalition members, including Palm Beach County and the cities of West Palm Beach and Fort Pierce. Staff asked for Council authorization for the Chairman to negotiate and execute a Memorandum of Agreement in consultation with the Executive Director and Council Attorney.

Commissioner Marcus moved approval of staff recommendation. Commissioner O'Bryan seconded the motion, which carried unanimously. **Motion**

**AMENDMENT TO JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA
DEPARTMENT OF TRANSPORTATION FOR PROFESSIONAL SERVICES RELATING
TO LAND USE, PLANNING, AND TECHNICAL ASSISTANCE**

Staff presented a resolution to amend an existing Joint Participation Agreement between Council and the Florida Department of Transportation to provide additional professional services relating to land use and planning assistance. Staff requested Council approve the resolution and authorize the Executive Director to execute the supplemental Joint Participation Agreement with the Florida Department of Transportation.

Councilmember Hall asked whose obligation it was under the current agreement to provide these services. Staff noted that the agreement enables Council staff to function as a planning arm for the Department on a variety of projects.

Commissioner O'Bryan moved approval of staff recommendation. Commissioner Marcus seconded the motion, which carried unanimously. **Motion**

**COUNCIL ORIENTATION SERIES -- BUILDING TYPOLOGIES: FORM, DENSITY,
HEIGHT AND DISCIPLINE**

Staff presented the ninth installment in the Orientation Series. These presentations are to provide information on planning techniques and research to give Councilmembers additional insight and knowledge on how to promote sustainable growth in the region.

**OVERVIEW OF FLORIDA'S REGULATORY ENVIRONMENT - PRESENTATION BY
EDUARDO E. BALBIS, COMMISSIONER, FLORIDA PUBLIC SERVICE COMMISSION**

Commissioner Balbis presented an overview of the responsibilities of the Florida Public Service Commission as they pertain to electric, natural gas, water and wastewater, and telecommunications in Florida.

Commissioner O'Bryan asked the Commission's position on re-evaluating service territory agreements, in particular the agreement under dispute in Indian River County. He said the issue is that sixty percent of the City of Vero Beach utility customers live outside the city limits and are paying a much higher rate for electric service than what would be charged by Florida Power and Light Company, but they have no representation with respect to rates. He asked if the Commission would be willing to evaluate these service territory agreements. Commissioner Balbis stated he was prohibited from discussing this particular issue as it is anticipated this will be coming before the Commission. He noted this issue also exists for water/wastewater utilities. He stated there are municipally-owned facilities where the citizens have representation, and investor-owned facilities where the Public Service Commission has jurisdiction, but there are instances that fall in between where there is no representation.

Commissioner Smith stated that from a philosophical perspective, if a third or half of the rate payers are outside of the jurisdictional boundary, those payers should have a vote relative to who controls their source of energy or water.

With respect to the cost of the Environmental Protection Agency regulations to the State of Florida, Councilmember Davis noted that Commissioner Balbis had identified environmental regulation as a major issue, with the cost estimate of \$4.4 to \$6.7 billion being presented to the Commission by the utilities. He stated that this only presents the negative implication of cost, and the benefits associated with regulation, such as public health, should also be presented. He stated regulations are not always bad. Commissioner Balbis stated the Commission had only agreed to forward the presentations by the utilities to the Florida delegation in Washington so that those who are dealing with these policy issues know the fiscal impacts. He stated the Commission is currently considering requesting the Environmental Protection Agency do a complete economic impact statement of the regulations that would include all societal benefits.

Mayor Ferreri asked if the Commission is looking to the future with respect to the changing technologies that will occur within the next three to five years, in terms of customer base and renewables, to create some different rate structures or opportunities versus allowing the utilities to continue building more infrastructure. As an example of a project currently under development, Commissioner Balbis noted the Leon County Schools District effort to make their compressed natural gas fueling station available to the public.

Commissioner Hayes asked what the relationship is between the cost of natural gas and a barrel of oil. Commissioner Balbis stated that over the past five to seven years natural gas and oil have effectively been decoupled, so there is not the fluctuation in the cost of natural gas that was present when they were coupled. He noted that the United States has the lowest cost for natural gas, which is very important to long term price and stability.

Commissioner Hayes asked if fracking causes serious detrimental impacts to our surficial aquifers. Commissioner Balbis stated there are several on-going studies by the Environmental Protection Agency with respect to the technology of fracking, the chemicals used, and the amount of water used. He stated that the Commission is closely following these investigations, but at this point he was not aware of any conclusions that would lead to the prohibition of fracking.

Commissioner Mitchell stated that the City of West Palm Beach misses Commissioner Balbis and hopes he is following their water issues. Commissioner Balbis said he is following the issues and offered to help in any way he could.

With respect to a request from the Chairman on a renewable portfolio standard, Commissioner Balbis noted that in 2007 Governor Crist issued an Executive order for the Florida Public Service Commission to draft a renewable portfolio standard rule to be presented to the President of the Senate, the Speaker of the House and the Governor. This was completed in 2008 and submitted to the Legislature in 2009. To date, the Legislature has failed to act. He stated his concern is that any renewable portfolio standard legislation might initially result in an increase in rates, which would not be acceptable at this time due to the struggling economy.

Staff asked if there are any policies, rules, or regulations that could be obstructing development of renewables in the state. Commissioner Balbis stated he could only speak for himself, but he noted he recently spoke at a conference at the University of Florida with an audience of renewable energy developers, engineers, scientists, and construction experts, and their number one concern was the avoided cost for energy. He stated current requirements in the law are being met with recently negotiated contracts between utilities and renewable energy providers for 280 megawatts that will not result in a cost increase to rate payers. He stated he always encourages the utilities and

developers to meet on individual projects to determine how to move forward with the project and make it affordable. He stated the Commission's responsibility is to balance the needs of the utility against the needs of the rate payers and approve only projects that are prudent and reasonable while protecting both sides.

Under Public Comment, Laurence Davenport stated that having only one power, phone or cable company is highly inefficient, because competition allows for better practices and affordable rates. He stated that he had a discussion with a group of Chinese solar panel manufacturers who found it difficult to believe that they could not sell solar power on the grid in Florida. He stated that a renewable portfolio standard would be nice, but he felt the real need was for an open energy marketplace that will allow for capitalism. With respect to the two proposed nuclear power plants, he said construction of these plants should not even be considered because within the next five years 35-40 year old plants throughout the world will need to be decommissioned. He stated the United States supplies the world technology for solar panels and wind turbines. He asked Council to support an open energy marketplace.

Ms. Larson stated the only thing missing in the Florida Public Service Commission was the public, saying she had been denied the right to speak before the Commission on several occasions. She stated we need the Environmental Protection Agency regulations because that is the only way to save the environment for our grandchildren. She said we need to rethink fracking and coal mining. She indicated if solar hot water panels were to be installed on all rooftops, customers would see a thirty percent savings in their electric bill. She noted the Commission will be voting to give Florida Power and Light Company the rights to collect \$2.9 billion to build power plants. She stated these plants will most likely not be built and Florida Power and Light will not be required to pay the money back. She encouraged Council Members to speak with their constituents to find out what they want.

CLEAN ENERGY LOAN PROGRAM - PRESENTATION BY DOUG COWARD, INTERIM EXECUTIVE DIRECTOR, SOLAR AND ENERGY LOAN FUND

Mr. Doug Coward made a presentation on the Clean Energy Loan Program, a low interest rate loan program created through partnerships among the U.S. Department of Energy, St. Lucie County, the Solar and Energy Loan Fund (SELF), and local community leaders and organizations. The program provides low cost financing options for clean energy building improvements for energy conservation, energy efficiency, and solar energy.

Commissioner Marcus asked if Mr. Coward was familiar with the Town of Lantana's grant to do a Property Assessed Clean Energy (PACE) program. She stated the Town is working with several banks, focusing on commercial loans. Mr. Coward stated he is not familiar with what the Town is doing, but stated there has been a real ground swell of development of these type programs across the state. He stated he would not encourage each local government to development their own program, because economies of scale are needed for sustainability of the organization. He said SELF has been working very closely with Council staff and the Florida Regional Councils Association to roll out their model on a state-wide basis. He said SELF provides favorable financing for individuals, with a minimum beacon score of 650, to have access to the market. He noted that one of the key components is a grant for \$300,000 from the Florida Energy and Climate Commission to do energy assessments to guide the homeowners to the right types of programs that will give them the greatest return on their investments. He said that one of the reasons SELF was drawn to the Community Development Financial Institution (CDFI) model was because of its

ability to attract and leverage private capital. He stated there are four different financial institutions that have provided letters of interest pledging up to \$20 million towards the development of the program. SELF is using the initial Department of Energy grant to help facilitate the creation of the entity and become a CDFI, then the bank money will provide for expansion. Because SELF is not using a PACE collection methodology, they can tap into the state money as a loan loss reserve fund.

Staff noted that the Division of Community Planning within the Department of Economic Opportunity has set aside \$20 million for loan loss fund programs such as these. Commissioner Craft noted that the banks are willing to take less of a profit which keeps down the interest rates and is absolutely essential to the success of the program.

Commissioner Smith asked if there is a chance the loan loss fund through the Department of Economic Opportunity could be swept. Mr. Coward stated he was just made aware of this funding and has not had a chance to thoroughly review the program. Staff stated the funds were set up by the current administration which has cast itself as a job creation and economic development organization.

Under public comment, Ms. Larson stated the saddest thing she ever heard was Mr. Nick Blount of Florida Power and Light saying solar was not viable in Florida. She suggested there should be a solar bank that everyone could contribute to in order to provide assistance to low and moderate income households for financing renewable upgrades to their homes. She stated her neighbors have experienced significant savings by having tankless hot water heaters installed.

Mr. Coward noted there is a conference scheduled at a joint meeting of SELF and the Treasure Coast Branch of the South Florida Chapter of the U.S. Green Building Council at 6:00 p.m. on November 10, 2011 at the Kight Building at Indian River State College in Fort Pierce.

SUMMARY OF DEVELOPMENT OF REGIONAL IMPACT ACTIVITY IN THE TREASURE COAST REGION

Staff provided a summary of Development of Regional Impact (DRI) activity in the region, including an analysis of DRIs and population growth, build-out status of DRIs, and the future of DRIs in the region. Additionally, staff described some of the challenges encountered in providing a more detailed analysis of DRIs in the region.

Commissioner Hayes asked if the analysis of approved versus built development in the presentation only dealt with DRIs. Staff indicated only data from DRIs was included in the presentation.

Commissioner Smith asked what could be taken away from the analysis and presentation. Staff indicated there a couple conclusions that can be reached from the analysis. First, there is more impact from approved DRIs to come because less than half of what has been approved has been built. Second, it is unlikely there will be many new DRIs proposed in the future, because recent changes in the legislation make them exempt in much of the region. Staff also noted DRI impact represents only about 7.4% of all growth in the region.

Commissioner Smith also pointed out that in terms of population growth from 1990 to 2010, Indian River County and Martin County have each grown by less than 48,000 people, but Palm Beach County has grown by more than 450,000. He noted that the counties with seemingly more DRI potential grew significantly less than the more populated counties.

Chairman Trias noted that the report also can be used as a critique of the growth management process, and perhaps illustrates that it has not been as effective as originally intended. The DRI process has only been applied to about 7 percent of the growth in the region. He indicated that this type of information is very useful.

Under public comment, Ms. Larson stated that with respect to the North County Airport DRI in Palm Beach County, 60 acres of wetlands put aside for mitigation are now gone. She noted the report for this agenda item stated information was difficult to obtain because older files were not always complete. She asked all Councilmembers, as we become a more paperless society, do their best to preserve the histories of our towns and cities and not lose the documents of our history and how we have grown.

ANNOUNCEMENTS

Staff noted the Second Annual Toys for Tots Christmas train which travels along the FEC Corridor between Jacksonville and Miami will be on December 10, 2011 with stops in St. Augustine, New Smyrna Beach, Cocoa, Fort Pierce, West Palm Beach, and Fort Lauderdale.

Staff provided information with respect to the Southeast Florida Economic Development Symposium, which will be held on October 26, 2011. This symposium will address how to align economic development efforts in the Southeast Florida region.

Staff reminded everyone there is no meeting scheduled for November. The next Council meeting is scheduled for December 9, 2011.

COUNCIL MEMBER INFORMATION EXCHANGE

None.

STAFF COMMENT

None.

CHAIRMAN'S COMMENT

None.

ADJOURNMENT

There being no further business, Chairman Trias adjourned the meeting at 11:40 a.m. 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 October 21, 2011 meeting of the Treasure Coast Regional Planning Council.

Date

Signature