

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 9B

From: Staff

Date: July 17, 2015 Council Meeting

Subject: Minutes – June 19, 2015

Introduction

The Minutes of the June 19, 2015 Council meeting were posted to Council's website on July 2, 2015 at http://www.tcrpc.org/council_meetings.html.

Recommendation

Council should approve the Minutes of the June 19, 2015 Council meeting.

Attachment

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
JUNE 19, 2015**

Vice Chairman Davis called the meeting to order at 9:43 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:

Martin County:	Commissioner Fielding Commissioner Thurlow-Lippisch
St. Lucie County:	Councilman Bowen Commissioner Perona
Palm Beach County:	Commissioner Valeche Councilman Hmara Mayor Golonka Mayor DuBois Councilmember Tinsley Councilman David Norris, Alternate
Gubernatorial Appointees:	Douglas Bournique Michael Davis Michael Houston Toby Overdorf Reece Parrish Peter Sachs Kelly Smallridge Steven Weaver, Sr.
Ex-Officios:	Kathy LaMartina, South Florida Water Management District Ann Benedetti, St. Johns River Water Management District
Council Staff:	Kate Boer Michael Busha Phyllis Castro Kim DeLaney Liz Gulick Stephanie Heidt Peter Merritt
Council Attorney:	Roger Saberson

The Executive Director announced a quorum is present.

AGENDA APPROVAL

Councilmember Overdorf moved approval of the Agenda. Commissioner Thurlow-Lippisch **Motion** seconded the motion, which carried unanimously.

ANNOUNCEMENTS

Staff announced Stephanie Heidt of Council staff recently graduated from Indian River State College with a Bachelor of Science Degree in Public Administration - Policy and Leadership. As a result of her graduation, she has been assigned a new responsibility as Council's Brownfields Coordinator. She will be managing Council's recently awarded \$500,000 coalition assessment grant, which is a partnership between Council, the South Florida Regional Council, and Palm Beach County.

Staff indicated an invitation has been sent to Senator Negron and Representative Pafford inviting them to attend the July 17th Council meeting to discuss the impacts to the Treasure Coast Region from the 2015 regular and special sessions of the Legislature. Additionally, they will talk about their legislative priorities for the next session.

Staff stated that there will be a Budget/Personnel Committee meeting in the beginning of July to review and make recommendations on Council's proposed budget for Fiscal Year 2015-2016. The proposed budget and the Committee's recommendations will be presented to Council for approval at the July 17th meeting.

Staff noted funding for the state's ten regional planning councils for \$2.5 million is included in both the Florida Senate and House's budgets. Staff requested Council members who know the Governor personally to make a call to ask that this, and any other items that are important to the water management districts and the local governments in the region, not be vetoed.

Staff indicated the symposium on water issues has been postponed until the September meeting. Staff noted the symposium will begin with the history of the Everglades, the Kissimmee River Valley and the Central and South Florida Flood Control project. Staff stated there will be two water presentations at the September meeting. However, the sixteen county coalition also has a meeting scheduled with the water management districts on the same day as the Council meeting. Staff will look into the scheduling and let everyone know when the symposium will be scheduled.

Staff indicated a regional greenways and trails project workshop is scheduled for Tuesday, June 23rd at the Vista Center in Palm Beach County. Council staff has been working on this project for the last three years. The project, which is being sponsored by the Palm Beach Metropolitan Planning Organization (MPO), involves mapping all the greenways, blueways, and trails for activities such as biking and kayaking. Staff noted this will be a great resource for local governments and for promoting our tourism industry in the seven-county region from Monroe to Indian River county.

Staff noted that after 38 years as Council attorney, this meeting would be Roger Saberson's last meeting. Staff noted Mr. Saberson has been with Council through all the years of the evolution of growth management and helped develop policies that set precedent and have been adopted into

many of the comprehensive plans of the region's local governments. Staff stated his work has been excellent and that during this time Council has never been involved in any type of sunshine or public records litigation. Mr. Saberson expressed his appreciation for the opportunity to work for Council, stating it is one of the most interesting things he has done. He thanked all current and former Council members, and commended the executive director for being a great asset to Council.

Staff requested the August 21st meeting be canceled unless there is any business that may require Council direction. Staff noted that one thing pending is that the environmental impact statement for the All Aboard Florida (AAF) project has not yet been released, and there will only be 30 days to provide comment. Councilmember Bournique made a motion to cancel the August meeting. Councilmember Tinsley seconded the motion, which carried unanimously.

Motion

CHAIRMAN'S COMMENTS

Vice Chairman Davis thanked Mr. Saberson, staff, and Council members for their public service. He stated he believes there are no better professionals in the state when it comes to regional planning issues. He stated it is important not to lose sight of the great value of public service, and there has been erosion of this over the last couple of decades. He indicated he comes from a family of public servants, and worked for the federal government for 23 years. He stated that he is concerned that we are not attracting the next generation of public servants. He noted it is easy to criticize bureaucrats and agencies, but he believes that most who are in public service are in it for the right reasons and are trying to make a difference in their communities and in this country. He noted that this past week one of the great public servants Cindy DeFilippo, Commissioner Valeche's assistance was lost. He asked everyone to join him in a moment of silence for Ms. DeFilippo.

Commissioner Valeche said it is very difficult to describe how much not just he personally and the county have lost, but the region as a whole. He stated Cindy was a wonderful person who was always smiling and laughing. He said that she and his other assistant, Trish Weaver, worked so well side-by-side, and it will be hard to replace Cindy. He provided information to everyone regarding the planned memorial services. He stated that it will be less fun now at the office, because his staff is one of the main reasons he loves being a commissioner.

COUNCIL MEMBER UPDATE

Commissioner Fielding asked if AAF has obtained all the needed permits. Vice Chairman Davis stated that the Corps does not typically issue permits until there has been a record of decision on the final environmental impact statement. Commissioner Fielding indicated he had attended a meeting with Senator Rubio's staff the previous day. He said it was an excellent opportunity to talk about water issues for the entire area, not just Martin County, which covers the upper Kissimmee River headwaters all the way down to Monroe County. He stated there was also discussion about the Indian River Lagoon.

Mayor Golonka echoed Commissioner Valeche's comments about Cindy DeFilippo. She noted at the beginning of the month Jupiter had a workshop that included representatives from both AAF and Florida East Coast Industries (FEI). She stated there has been a lot of concern about an

increase in freight, and they claimed a lot of the rail cars that are northbound are empty so there will not be as much of an increase in freight as had been anticipated with the expansion of the Panama Canal. She stated they were pleasant until it got down to the nitty gritty, such as leasing the land in the railroad right-of-way to do landscaping. She stated that because additional trains may require greater mitigation for sound and visual impacts, the company was asked if they would consider revisiting the leases to the communities. She stated their response was that the local governments should pay commercial rates. She stated this is non-developable property and would be like leasing a parking lot. She indicated the company said it was not the same and they were not receptive to discussions on that issue. She stated there was no progress made on the issue of the bridges.

Councilman Bowen indicated building activity is up in Port St. Lucie. He noted that Martin Memorial Hospital has just announced they have plans to double the capacity of their 90-bed hospital at Tradition. He stated the city is working to keep the bio-tech and research industries in that area, and have been lobbying Tallahassee for state financial support to continue in the budget for the Vaccine Gene Therapy Institute and Torrey Pines.

Commissioner Perona stated the City celebrated the grand opening of their state-of-the-art, 274-slip marina. He indicated that they have also put in 100,000 tons of rock in the water to sustain and protect not just the marina, but the downtown as well. He stated they do not want to say that it is a safe haven for all named storms, but he understands that it can protect up to a Category 2 hurricane.

Councilmember Bournique stated he has been promoting water farming for a few years and is gaining some traction in this year's legislative session. He stated about \$36.7 million is in the proposed budget for water farming projects. These projects will park a lot of water that is going into our lagoon in the western sections of Martin, St. Lucie, and Indian River counties, making the river system much prettier and healthier. He stated everyone is hopeful this will not be vetoed by the Governor.

Councilman Norris indicated North Palm Beach has a new clubhouse, the last piece of their renovation project for the country club, which has a Jack Nicklaus golf course. He stated the clubhouse is on U.S Highway 1 where there is a lot currently happening. He also noted that the village is starting a re-write of their entire code, which will go a long way in shaping the future of North Palm Beach. He indicated village staff has been in discussions with Council staff on how to get assistance on that project.

Commissioner Valeche thanked Mayor Golonka for recognizing Cindy DeFilippo. He noted the he, with the assistance of Kelly Smallridge, is trying to promote development of the Briger property, which is on the south side of Donald Ross Road across from Scripps and Max Planck Institutes. He stated that 70 acres of the county-owned property has been dedicated for bio-science, but Kolter has purchased the rest of the property and is developing it as a mixed use project, with heavy focus on technology. He stated United Technologies has expressed an interest in locating their building services division there. Commissioner Valeche indicated that there have been problems, because this is not a bio-science company. Vice Chairman Davis asked for an explanation of the problems. Commissioner Valeche stated that the issue has been very contentious, because there are restrictions on the property that require the development to be bio-science related. He stated he believes the

county is constraining itself, because there is a piece of property that is not being used and a company that wants to be there. Councilmember Smallridge stated that this proposal is not an effort to walk away from the commitment to bio-tech. However, she stated that the Briger property is not necessarily the most well-suited property to attract bio-science, because the property is in a premier part of the county and may be too expensive. She indicated there are other properties in the county that are designated for bio-tech that are more affordable. She stated that locating United Technologies on this property near Scripps and Max Planck would create a research/innovation corridor. She stated it is hard to turn your back on a company like United Technologies, which is a for-profit company willing to pay fair market value for the property, and will pay taxes and create high quality, high value jobs in a clean industry. She noted that in Palm Beach County the economy has been great with U.S. Polo Association announcing they will move their headquarters to West Palm Beach; Sancilio & Company, another bio-tech company, has announced their expansion in Riviera Beach; SlimFast has moved their headquarters to Palm Beach Gardens; three financial service firms have moved to the area; and FedEx has broken ground on a 240,000 square foot facility on Southern Boulevard.

Councilmember Houston thanked staff for creating the beginnings of a legislative process and participation. He indicated he has spoken with members of the legislative delegation and they are very interested to see how Council is going to approach issues such as employment centers in the region. He stated the environment and other things that have been discussed in the Gubernatorial committee are very significant for the region, and he thinks it will be an important part of why the region is going to continue to be looked at as a key player in many discussions.

Commissioner Thurlow-Lippisch stated it is nice to hear everyone speaking, because it helps to identify opportunities for working together and understanding each other better. She stated the Town of Sewall's Point is one of the smaller municipalities with about 2,000 people and 860 homes. She stated the biggest thing the town is currently dealing with is deciding if they will continue to support their police department. She indicated there was strong support for the police department when there were break-ins and burglaries occurring, but as money has gotten tight, that support has lessened. However, she stated the town has come out to support the police department and is ready to raise their taxes. She indicated Council staff has sent out a report about impediments to implementation of the Indian River Lagoon Basin Management Action Plans. She noted that the report gives 15 reasons why there have been hindrances, and stated she thinks reasons for hindrance are money and different standards for agriculture compared to the rest of us. She stated she does not mean to hammer agriculture, but as we go through time we are all responsible for these total maximum daily loads, and if we do not meet them we are fined. She encouraged Council members to look at the report, because it will come up in the discussions on water.

Councilmember Overdorf stated he wanted to touch on a regulation that will affect every person in this room, the upcoming Waters of the United States, a regulation under the Clean Water Act being put forth by the U.S. Army Corps of Engineers (USACE) that redefines a wetland according to the federal government. He stated that this rule could have impacts not only for small business and agriculture, but also on our conservation and restoration efforts. He said this is another layer that will delay permitting and add costs to a conservation project that is primarily brought about by a small part of the rule called the "significant nexus." He stated this means a USACE reviewer can look at a biological, physical, or chemical connection in any body of water and claim that it is a

federal wetland. He indicated this is something in the definition that has been identified nationally as an issue that could affect all aspects of livelihood through the country. He stated he is a member of the National Small Business Association, which has determined this to be a real hindrance in the future. He said he has also been working through Congressman Rooney's office, and Congress has passed a bill prohibiting the implementation of this rule. Councilman Overdorf indicated the bill, which is Senate Bill 1140, is currently sitting in the Senate chambers, having passed one committee there. He stated he hopes this bill will pass through and prevent the implementation of the rule, because the effects of this rule will be detrimental to our small business, agriculture, and conservation efforts. He indicated they are doing presentations throughout the state and he will update Council on this issue.

Kathy LaMartina expressed her appreciation to St. Lucie County, City of Fort Pierce, and City of Port St. Lucie for hosting the South Florida Water Management District (SFWMD) governing board June meeting. She stated the board members were extremely impressed with the presentations given by the cities and the county, and all the work that has been done. She noted the Upper East Coast Regional Water Supply kick-off workshop is scheduled for June 25th at 9:00 a.m. at Stuart City Hall; the Loxahatchee River Management Coordinating Council meeting, which has been discussing the refurbishment of the Masten and Lainhart dams on the wild and scenic river, will meet on June 29th at 2:00 pm at the River Center in Jupiter; the next SFWMD governing board meeting is scheduled for July 9th in West Palm Beach; and the next Indian River Lagoon Council meeting will be held on July 10th at 10:00 a.m. at the Palm Bay Service Center of St. Johns River Water Management District.

Councilmember Weaver expressed his appreciation for Councilmember Bournique's efforts in supporting water farming funding.

Councilmember Tinsley offered her condolences to the family and friends of Cindy DeFilippo. She said she has known Cindy for many years and she will definitely be missed. She stated that the City of Palm Beach Gardens council unanimously agreed that the AAF project is a detriment to the public safety of its residents and overall quality of life for its residents and visitors to the city. She stated that the city council also feels the AAF project will create a significant risk to the lives of its residents, because of the increased public safety response times due to traffic congestion with blocked grade crossings as well as the movement of hazardous cargo throughout the jurisdiction. She indicated that for those reasons the Council of Palm Beach Gardens feels that the AAF project represents no benefit to the city, only risks and costs, and for that reason on at their June 4th meeting passed a resolution opposing AAF. She stated that she believes that if the city and county work together as a team with the Briger property owners, they can come to a resolution and work together to make the United Technologies project happen. She stated she agrees with Commissioner Valeche that this would be a great economic benefit to the entire northern part of the county. She stated that in her opinion one of the concerns of the county is that there be assurances on the number of employees and minimum salaries that will be generated from the project. She stated that the city's economic development ordinance has measures that will ensure the promises are met. She said that when she read the covenants it seems very clear to her that there is specific language that states the private portion of the property allows for bioscience and supporting bioscience or technology companies. She stated it specifically says technology companies create synergy and are a supporting employment base.

Councilman Hmara stated this past week has been sad with the loss of Cindy DeFilippo. He indicated that the Village of Royal Palm Beach has just completed its 3rd annual citizen's summit where the citizens of the community are invited to look at the updates that have been done to the village's strategic plan. He stated that this year the vision is modified from being a premier residential community that would be the choice of families to being the choice of all generations. He noted that a recent study done by NerdWallet, an on-line study based organization, mentions Royal Palm Beach as one of the ten best cities for families in Florida. He indicated the study looks at home affordability and the median price of homes, prosperity and growth, current and past family incomes, and quality of education. He noted that Royal Palm Beach is a quality destination for young families, with 27 percent of households being families with children and the median home values is about \$190,000, which is 15 percent below the top ten average of \$224,000. He noted that the young families love the community's yearly events, including the star spangled spectacular celebration on July 4th and the community band summer concert series.

Councilmember Parrish thanked Mr. Saberson for his service to the Council.

Mayor Dubois indicated the sober homes legislation was passed by the legislature and signed by the governor. He stated that nine years ago the Town of Lake Park hired a lobbyist to pursue this legislation, which snow balled and was picked up by other communities. He stated that he agrees with the Palm Beach Post that this legislation will not be implemented immediately, but over time we will see improvements and better quality of life with this legislation. He noted he attended a meeting with the new Palm Beach County School District superintendent, Dr. Robert Avossa. He stated that Lake Park has lost a friend in Cindy DeFilippo and she will be greatly missed.

Ann Benedetti indicated the St. Johns River Water Management District has a new executive director, Dr. Ann Shortelle, who has been the executive director of the Suwannee River Water Management District for the past 3 years.

Councilmember Sachs stated Mr. Saberson will be missed. He offered his heartfelt condolences to Commissioner Valeche. He indicated that Council is very diverse, noting that Commissioner Thurlow-Lippisch has been elected to represent 2,000 people, and he is an attorney for an entity that provides services to 7,200 units located within one square mile west of Delray Beach.

Vice Chairman Davis thanked everyone for their comments, noting there are a lot of positive things going on in the region.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

Alexandria Larson stated that she heard at the SFWMD board meeting that the Strazzulla property will be going to the Department of Interior and will drain into Wellington. She stated that there had been a 10-year fight of several environmentalists to stop that draining into the refuge. She asked Council members to read a report written by Ms. Sharon Trost fifteen years ago to understand the problems this will cause. She noted the City of Belle Glade comprehensive plan amendment on the Consent Agenda, stating that she is distressed with the amount of units we are trying to stick on every acre in Florida. She stated Florida is unique and the doctors, lawyers, and Indian chiefs of the

1950s and 1960s knew not to build 27-story buildings, because of the hurricanes. She stated the tax payers will have a big mess to clean up, noting she saw the damage to the condominium buildings to the south from Hurricane Andrew. She stated we have real issues with water, and whether or not people believe in climate change or pollution, it is cumulative. She asked everyone to keep in mind Rosa Durando, Stella Rossi, and all the other women who worked hard to save water years ago. She stated that Strazzulla is 3,000 acres where we should not be dumping.

Ryan Maier, City of Lake Worth Commissioner, expressed his excitement in receiving funding for the Lake Worth Park of Commerce infrastructure improvement project, which is described in the Intergovernmental Coordination and Review Log. He stated that this funding is important to the future of the city, and they are in a unique position to have all their commercial properties under a community redevelopment agency. He indicated that the park of commerce is the city's most viable option for economic stability.

CONSENT AGENDA

Councilmember Bournique moved approval of the Consent Agenda. Councilmember Overdorf **Motion** seconded the motion, which carried unanimously.

Items on the Consent Agenda were: 8A, Financial Report – April 30, 2015; 8B, Minutes – May 15, 2015; 8C, City of Belle Glade Comprehensive Plan Amendment No. 15-2ESR; 8D, City of Port St. Lucie Comprehensive Plan Amendment No. 15-2ESR; 8E, City of West Palm Beach Comprehensive Plan Amendment No. 15-2ESR; 8F, 2015-2016, Hazards Analysis Contract Agreement; 8G, 2015-2016 Florida Division of Emergency Management Contract Agreement; and 8H, Intergovernmental Coordination and Review Log.

FLORIDA POWER & LIGHT COMPANY TEN YEAR POWER PLANT SITE PLAN 2015-2024

Staff summarized the Florida Power and Light (FPL) Ten Year Power Plant Site plan noting that the main purpose of the plan is to disclose the general location of future power plant sites. Staff indicated the plan does not identify any preferred sites in our region for new power generating facilities, but does identify one potential site in Martin County, and that FPL is evaluating potential sites in Martin County for a future photovoltaic facility. Staff noted that one of the preferred sites in the plan is in Okeechobee County, directly adjacent to Indian River County, where FPL is planning to construct a natural gas fire power plant by 2019.

Staff indicated prior plans for FPL to purchase the City of Vero Beach's electric system have not progressed, so the current plan does not include Vero Beach's electric load in their planning forecast. Staff noted the current plan indicates fossil fuels will increase and be the primary source of energy used to generate electricity during the next 10 years, nuclear sources are predicted to decrease, and solar sources are predicted to increase. Staff noted FPL plans to pursue solar energy through utility scale photovoltaic facilities, community-based solar partnership pilot programs, and a commercial and industrial partnership pilot program. The company is planning to add 3 new utility scale photovoltaic facilities by the end of 2016, including: the Babcock Ranch Solar Energy Center in Charlotte County; the Citrus Solar Energy Center in Desoto County; and the Manatee Solar Energy

Center in Manatee County. The addition of these new facilities will increase FPL's solar generation capacity from 110 to 330 megawatts.

Staff stated the draft report indicates Council supports and encourages existing and proposed solar projects, but Council remains concerned the plan does not forecast a significant increase in the use of renewable energy during the next decade. The draft report concludes that the region and all of south Florida will continue to remain vulnerable to fuel price increases and supply interruptions, because of the continued heavy reliance on natural gas and nuclear fuel as the two primary types of fuel. Staff indicated that the draft report recommends that FPL adopt a more balanced portfolio fuels that includes a significant component of renewable energy sources; encourages the Florida legislature to adopt a renewable portfolio standard in order to provide a mechanism to expand the use of renewable energy in Florida; and urges FPL and the State of Florida to continue developing new programs to reduce the reliance on fossil fuels, increase conservation, and increase reliance on renewable energy sources to produce electricity. Staff requested Council approve the draft report and authorize its transmittal to the Florida Public Service Commission (FPSC).

Mayor Golonka asked if the community-based solar partnership pilot program is merely asking people to contribute to the program. Staff stated that FPL has specific sites selected to build specific solar projects, which will be funded with the contributions. Mayor Golonka asked if it is for a distributed program as opposed to a utility. Don Kiselewski, Director of External Affairs for FPL, stated this is a community solar project where individuals throughout Florida who do not have the ability to put solar on their homes can contribute \$9 per month. He indicated this is a pilot program to see if individuals will be interested in contributing. He stated FPL has committed to a solar array at the Palm Beach Zoo in West Palm Beach, the Young At Arts Museum in Broward County, and are looking at a third location in Sarasota County. The power will go into the grid.

Councilmember Weaver stated it is his understanding that the St. Lucie County Nuclear power plant will go off line in about 14 years. Mr. Kiselewski stated that is when the license expires, but FPL intends to renew the license. Councilmember Weaver stated he has heard there are some wear and tear issues that will cause it to go off-line once and for all. Mr. Kiselewski stated information regarding pipe wear and tear is inaccurate, and is being promoted by a well-known anti-nuclear activist group. Councilmember Weaver asked if there are plans to use additional acreage at the power plant site for solar infrastructure. Mr. Kiselewski indicated not at this time.

Commissioner Thurlow-Lippisch noted she serves on the Energy, Environment, and Natural Resources committee for the Florida League of Cities, and the focus is always on water, not energy. She stated that energy in Florida seems to be outdated, but she is happy to see that solar is featured in this plan, and FPL is trying to focus more on renewable energy. She indicated she lived in Germany for four years, so she knows there is enough sun in Florida to have solar.

Councilmember Houston asked if the proposed power plant in Okeechobee County is exempt from the development of regional impact process, and if the region will play a role in the discussions regarding the power plant. Mr. Kiselewski stated that it will go through the Power Plant Siting Act, which the counties are party to, and be handled through the Florida Department of Environmental Protection. Councilmember Houston asked if Indian River County has a problem with the power plant, can stop the project. Staff noted that regional planning councils have been removed from the

process, but can assist. Mr. Kiselewski stated the county can intervene. Councilmember Houston asked if both the counties will have to approve the power plant. Mr. Kiselewski stated that they are parties in the process, they do not approve. Councilmember Houston noted that in Hendry County the county played a role in changing the land use to allow that power plant. Mr. Kiselewski stated that Okeechobee County does have the appropriate land use for the site. Councilmember Houston asked if Indian River County will be required to do a land use change. Mr. Kiselewski stated no, because the power plant will be located entirely in Okeechobee County.

Under public comment, Ms. Larson provided information she asked staff to disseminate to Council members. She noted that the university that she went to in 1976 has a solar house. She stated that the FPSC is requesting comments on solar by June 23rd. She stated FPL is requesting another \$750 to 800 million from the FPSC for their shareholders. She stated that as a utility, FPL is supposed to have a diversified portfolio, but 70 percent natural gas is not even close to diversified. She stated fracking poisons the water and is very controversial. She stated she would like FPL to send Council the memos on Green Mountain Energy and their pilot program to have citizens contribute to solar, which turned out to be a scam. She stated that in this room Nick Blount said that solar would never be viable in Florida. She stated this is because they cannot make money with solar. She stated that we need children to be little politicians that want to do public service. She indicated she is against the water management district's decision to use reclaimed water for drinking. Commissioner Valeche noted that there was a recent U.S. Environmental Protection Agency report that indicated fracking is not dangerous. He stated that if this agency, which is not exactly an alarmist organization, says fracking is safe, he believes we should stipulate that it is safe.

Anne Kuhl stated she wanted to talk about the solar ballot initiative. She stated that FPL has a monopoly on the solar system, because you cannot go off the grid and there is no way to make money in the solar business unless you are FPL. She stated she believes some free-market enterprise could make solar more affordable for everyone. She said FPL has everything to gain by killing this ballot, because they will maintain a monopoly and we will never get better technology for solar panels. She stated that a few years ago black silicon panels came out and were efficient. She stated that if bio-tech does not work like it is supposed to, maybe we should open our arms to the Safe Energy people and provide them a safe haven in south Florida to give FPL a run for their money. She noted that FPL held their stockholder meeting in Colorado this year and it only lasted 20 minutes, because there was not public comment.

Councilmember Smallridge moved approval of the staff recommendation. Commissioner Valeche **Motion** seconded the motion, which carried unanimously.

SELECTION OF COUNCIL ATTORNEY

Staff noted that at the March Council meeting, Mr. Saberson announced he would be retiring from Council. In April, the Chairman instructed staff to set up a process to find a new attorney. Staff sent out a Request for Qualifications in April, and received ten applications. Staff stated a process was then developed with the Budget/Personnel Committee to have staff evaluate the proposals and come up with three applicants to be interviewed. On June 4th, the Budget/Personnel Committee met, interviewed, and rated the three applicants. The highest ratings were given to Keith Davis, with the firm of Corbett, White, Davis, and Ashton, P.A. Staff noted that this application included a team of

attorneys that would be available to assist in representing Council, which includes Glen Torcivia and Erin Deady. Staff indicated the recommendation of the Committee is for Council to authorize the executive director, in consultation with the Chairman, to execute a final contract with Mr. Davis for attorney services.

Mr. Saberson noted that if the Council approves the recommendation to enter into a contract with Corbett, White, Davis, and Ashton, the contract will have a provision in it that the other firms cannot perform any services for Council, nor can Mr. Davis hire anyone else to do any services, unless the executive director gives written approval.

Councilmember Bournique moved approval of the staff recommendation. Councilmember Weaver **Motion** seconded the motion, requesting the motion be consistent with Mr. Saberson's comments. Upon being put to a vote, the motion carried unanimously.

ALL ABOARD FLORIDA UPDATE

Staff provided an updated on the AAF project, noting that we are still awaiting the publication of the final environmental impact statement. Staff noted that the Martin County Property Appraiser's Office has commissioned a report to study the perceived impacts from the AAF project on residential property values. Staff noted the report indicates that there appears to be a disproportionate impact on particularly smaller residential homes within close proximity to the tracks and a decreasing impact on larger properties, which could perhaps be offset by their proximity to the water.

With respect to local government actions, staff noted that the U.S. District Court denied a request by Indian River and Martin counties to delay the issuance of private activity bonds for the AAF project. Staff indicated that the Florida Development Finance Corporation (FDFC) has yet to take final action on the issuance of those bonds. Staff noted that private activity bonds are authorized by the U.S. Department of Transportation, and it is required that the issuance of the bonds be done by July 1st. However, funds cannot be expended from those bonds until completion of the environmental impact statement process and there has been an issuance of a record of decision. Staff will follow this issue and keep Council updated.

Staff indicated work is continuing to be done for arranging a freight forum with the Florida Department of Transportation (FDOT), which is expected to take place in September or October, in the northern part of Palm Beach County for easy accommodation of the entire region.

Staff noted Palm Beach County is beginning to advance its work on quiet zones. Staff stated that there are 8 local governments in the portion of the corridor from West Palm Beach south to Boca Raton, and it is anticipated that all intend to establish quiet zones. Council staff will be assisting those local governments and the Palm Beach MPO with that process.

Commissioner Valeche noted that today is June 19th, and Monday will be June 22nd, which only leaves 8 days for the FDFC to approve the bonds and the company to sell them. He asked if the meeting has been scheduled by the FDFC. Staff indicated the meeting has not been scheduled.

Commissioner Valeche stated that it does not appear this is likely to get done in the timeframe, and asked staff why there is a delay. Staff indicated it is not known at this time.

Councilman Hmara asked when the FDOT freight forum is scheduled. Staff indicated it will be in the September/October timeframe. Councilman Hmara stated that he is particularly interested in getting the State Road 7 extension in the work plan for the coming year, and asked if the forum would be a good venue for that kind of discussion. Staff noted we can ask FDOT to address that issue. Staff indicated that a broad range of topics has been developed with respect to freight, the transportation networks, railroads, the state's long-range transportation plan and the Strategic Intermodal System plan. Councilmember Hmara stated that we need an updated and better understanding of the intermodal interdependency interaction with the growth of organizations and supply chain, and logistics management. He stated that these are all forces at a fairly global level that ultimately result in accommodation or failure to accommodate the needs at the more detailed level of the infrastructure, and he is always looking for venues to weigh in and learn.

PUBLIC COMMENT

Vice Chairman Davis thanked the members of the public for participating by giving their time and thoughts on these important issues.

Ms. Kuhl provided two handouts about the State Road 7 extension (attached to these minutes). She noted that at the March Council meeting there was discussion about the removal of the right-of-way for the segment of State Road 7 between Northlake Boulevard and the Beeline Highway. She stated that at the FDOT open house there was no public comment. She said that she asked Mr. Howard Webb with FDOT why the segment is still shown on their maps, and why they were not telling the public it will never go through to the Beeline Highway, but he did not seem to know the easement had been given away. She stated that she believes Vice Chairman Davis should have recused himself, because if you look at the map, it shows that if you were to take State Road 7 all the way up to 60th Street, and if the final segment is done to Northlake Boulevard, you just make a little right hand turn and go straight up. She asked what is to stop people from not going to the Beeline Highway and taking a left turn, going around the bend to Orange Boulevard and then up to Coconut Boulevard and straight through. She stated her concern is that State Road 7 northbound will become Coconut Boulevard, and it will go straight up through the commercial section of Avenir to the Beeline Highway. She said she is asking for help on this issue. She stated that plans are being made by the county to widen Royal Palm Beach Boulevard, and the curve from there is already in place, so that it just continues on to Orange Boulevard. She stated she does not know what impact this will have, but believes that it is leverage for Avenir to become a viable community, because it is offering this link up to the Beeline Highway. She stated that she believes the discussion was shut down in March partly because of Vice Chairman Davis saying that this is under water, but if you look at Google maps, the south part of Avenir is just as much wetland as range line road from Northlake Boulevard to Beeline Highway. For the record, Vice Chairman Davis stated that the reason he did not recuse himself from the vote is that since October 14, 2014, he has not worked for the firm that is retained by Avenir.

Commissioner Valeche stated that the county sold the Mecca Farms property to the SFWMD, and they have an option with them to extend what would have been in the past Seminole Pratt Whitney

Road up to the Beeline Highway, but that has not yet been determined. He noted that the final disposition of Avenir is not dependent on the availability of the right-of-way to get the road through that project site. He stated this will happen, with or without Avenir, because the link to State Road 7 is vital.

Mayor DuBois stated it is unclear if Ms. Kuhl is supporting the connection from Northlake Boulevard to Beeline Highway or not. Ms. Kuhl stated that she is just concerned that if there is a connection that it does not interfere with all the residential properties. She stated that in her opinion she would rather not have a connection, because of all the vital wetlands and the harm it will do to the residential area. She stated that if you look at where it is going it looks like all the connections are to make the Minto West and Avenir properties commercially viable. Mayor DuBois observed that for many years the western communities have felt that they have been lacking connectivity. He stated it has always been his view, as a person who for 20 years worked in the western communities, that a connection to the Beeline Highway that would ultimately connect with I-95 would be a benefit that would provide a second alternative escape route or entry for this essentially choked community.

Councilmember Tinsley stated that this has been very controversial, and there are a lot of entities that have reviewed this project. However, nothing has been approved at this time. She indicated that Avenir has responded to pages and pages of comments that the Palm Beach Gardens staff has provided them. She stated that there is a lot of concern, and plans have been re-submitted to address those concerns. She stated she has not reviewed those plans yet, but they are keeping with the same plan they originally submitted. She indicated there are a lot of entities that will have to approve this, and a lot of challenges to work through before it even gets to the city council. She stated they are still working on the details through the county engineering process.

Phyllis Frey thanked Palm Beach Gardens for their resolution against the AAF project. She stated that the FDFC appears to have questionable oversights in their preliminary approval of the \$1.75 billion tax exempt private activity bonds that would fund the AAF project and this should concern Council. She stated that the FDFC is an unlawfully, unplanned board, with the majority of the board not nominated by Enterprise Florida as required, not appointed by Governor Scott as required, and not approved by the Florida Senate. She stated they did not have the backgrounds in banking or financing as required, nor did they have a quorum. She stated that if they move forward as such with another hearing they will be violating their own by-laws and Florida Statutes. She indicated that in a letter to Mr. Bill Spivey, executive director of the FDFC, it was stated that board member Daniel Davis, as president and chief executive officer of the Jacksonville Chamber of Commerce, has a private professional interest in AAF that inures to the benefit of a principal, which includes executives of FEC who are also trustees of the Jacksonville Chamber. She stated the court could determine not only suggested allegiances with corporations that override the public interest, they could find this represents an internal conflict of interest. She indicated one could reasonably conclude that the public interest has never been a core value of AAF or its Florida Railroad Administration or U.S. Department of Transportation cronies. She said that the 12,000 comments from the public submitted to the Federal Railroad Administration in response to the draft environmental impact statement have been ignored, and what could be characterized as an abuse of discretion in a closed meeting today, the Department of Transportation will decide whether to extend the July 1st deadline, which would allow AAF the time it needs to sell the bonds without a

final environmental impact statement. She stated that one might find it disconcerting if the project were approved and funded before legitimately mitigating the negative impacts upon safety, private property, and the environment. She noted that on May 29th, if you attended the federal court hearing, you might surmise that in the scheme of big business, individuals and communities matter very little. She said that when the executive branch of government and its agencies turned its back on the Treasure Coast, we had no choice but to turn to the judicial branch for protection. She stated that on June 29th there will be further discussion with Judge Cooper to help determine where the lawsuits are heading. She stated their injunction was denied, but this is only the first step in the process. She urged everyone to refer to the Citizens Against the Train website for further updates. She thanked Council members for their time.

Commissioner Valeche stated he would like to hear an update from Ms. Frey on how she thinks Seven50 is progressing. Ms. Frey stated that Seven50 is on the back burner. She stated that she presented the contracts that were signed a few years ago. She stated for those that do not know, Seven50 is a regional plan to govern 7 counties and consolidate the MPOs into one to be administered from Miami. She stated you would have 1/7th of a vote on the board and in the contracts it says that local planning and zoning will take a back seat to the authority of Seven50. She stated that as far as how it is going, she thinks it is going swimmingly for Seven50. She stated AAF is ushering in the regionalism she has seen in their plans. She stated she has gone to their charrettes, summits, and meetings for the last 2 years that shows where the hubs will be, where high density populations will be concentrated, and the devaluation of properties in between. She stated that what people do not realize is that the preordained developers, with their rental apartments in communities like Boca Raton, Fort Lauderdale and West Palm Beach, are going to reap the benefits and local mom and pops will not be able to meet the planning and zoning codes. She stated she has noticed in West Palm Beach that AAF is asking for a transfer of development rights, which in her opinion is a euphemism to change planning and zoning codes. She said she thinks it is going very well, and we need to be vigilant. She stated she would love to talk with Commissioner Valeche when he has time. Commissioner Fielding indicated there are other perspectives that might not come to those conclusions.

Ms. Larson stated when she left the last time she said she would never come back, because she, and Rosa Durando, have always validated Council. She stated Ms. Durando stopped coming, because there is an atmosphere that public comment is not wanted on a lot of the issues. She stated that everything is viable to talk about. She told Commissioner Valeche that one thing everybody in the state knows is that she does not lie, embellish, or make things up. She stated that she wanted to talk about FDOT and a meeting on Forest Hill Boulevard. She stated that she felt sorry for Councilman Hmara, because Royal Palm Beach was not notified of the big meeting about every road that FDOT is going to build in the next year. She stated they had a symposium and only she, Ms. Kuhl, and another woman attended. She stated the county did remove the easement between the Beeline Highway and PGA Boulevard. Thinking people are going to drive twelve miles west to go to north on the Beeline is pretty stupid. She stated that FDOT widening State Road 7 from Okeechobee Boulevard to 60th Street, but not building from 60th Street to Northlake Boulevard is another stupid project. She stated that the SFWMD is releasing conservation easements, and at a meeting last Thursday, the board released 330 acres, which she called more buildable land for GL Homes in the Agricultural Reserve. She stated that this has been put aside and now these easements are being released, because the bank said so. She stated she believes this is a lie. With respect to United

Technologies and the Briger property, she stated that if you need water for the Loxahatchee River, the most logical place is the nearby wetlands on the Briger property. She indicated that is why the environmentalists fought the development of the Briger property, because we have this asinine idea that we are going to take water from 37 miles away and feed the Loxahatchee River when you have wetlands in north county that could accommodate the river. She stated that common sense has left the building. She stated that Lake Okeechobee is poisoned, because of Disney and Orlando. She stated that saying the lake has 16 feet of water is a misnomer, because there is nine feet of silt. She stated that she hates the fact that public participation is being eviscerated, not just at Council meetings, but everywhere. She indicated she has said that she does not get sued because they do not want the publicity, but she said she does not get sued because she tells the truth.

STAFF COMMENT

None.

ADJOURNMENT

There being no further business, Vice Chairman Davis adjourned the meeting at 11:39 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 June 19, 2015 meeting of the Treasure Coast Regional Planning Council.

Date

Signature

