

## **SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

### Minutes

June 7, 2010

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Scuotto, called the meeting to order at 10:10 a.m.

#### **AGENDA ITEM ONE:** Pledge of Allegiance

#### **AGENDA ITEM TWO:** Roll Call

Councilmember Heather Carruthers  
Councilmember Suzanne Gunzburger  
Councilmember Jose Riesco  
Councilmember Stacy Ritter  
Councilmember Joseph Scuotto  
Councilmember Katy Sorenson  
Councilmember Rebeca Sosa  
Councilmember Paul Wallace  
Councilmember Sandra Walters

The following Ex-Officio members were present:

Mr. Tim Gray, representing the Florida Department of Environmental Protection  
Ms. Carole Morris on behalf of Elbert Waters, representing the South Florida Water Management District

The following Council Member arrived after roll call:

Councilmember Bruno Barreiro  
Councilmember M. Margaret Bates  
Councilmember Joseph Kelley  
Councilmember Ilene Lieberman

Mr. Samuel S. Goren, Legal Counsel, informed the Chair that there was not a quorum present therefore the meeting would have to be conducted as an Executive Committee Meeting until a full quorum was present.

#### **AGENDA ITEM THREE:** Minutes of previous Meetings

Councilmember Gunzburger moved to approve the Minutes from the previous meeting. Councilmember Carruthers seconded the motion, which carried by a unanimous vote.

**AGENDA ITEM FOUR:** Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Walters moved to approve the Intergovernmental Coordination and Review Report. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

**AGENDA ITEM FIVE:** Development of Regional Impact (DRI) Program

a) DRI Assessment Reports

1) Main Street at Coconut Creek - City of Coconut Creek

Councilmember Gunzburger moved to approve the Main Street at Coconut Creek Development of Regional Impact. Councilmember Sorenson seconded the motion, which carried by a unanimous vote.

b) Development Orders (DO)

None

c) DRI Status Report

Information only

**AGENDA ITEM SIX:** Proposed Local Government Comprehensive Plan/Amendment Reviews

a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments - None

b) Village of Biscayne Park

c) Broward County

d) Village of Islamorada

e) City of Pembroke Pines

f) City of Coconut Creek

g) City of Margate

h) City of Hallandale Beach

i) City of Pompano Beach

j) City of Hialeah

k) City of Doral

Chair Scuotto informed the Council that the staff recommendation on item 6j, City of Hialeah, had changed to generally consistent.

Councilmember Walters moved to approve the staff recommendation on items 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, and 6k. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

**AGENDA ITEM SEVEN:** Adopted Local Government Comprehensive Plan/ Amendment Reviews

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments
  - City of Dania Beach
- b) Village of Biscayne Park
- c) City of Miami

Councilmember Walters moved to approve items 7a, 7b and 7c. Councilmember Sorenson seconded the motion, which carried by a unanimous vote.

Councilmember Walters suggested that agenda item 7d be heard later on the agenda, the Council agreed.

**AGENDA ITEM EIGHT:** Reports

- a) Executive Committee Report

Chair Scuotto stated that the Executive Committee discussed the DRI and the Miami-Dade County agenda items.

Councilmember Gunzburger thanked Council staff for doing a great job composing the letter regarding oil drilling.

- b) Financial Report

Councilmember Sorenson moved to approve the Financial Report. Councilmember Riesco seconded the motion, which carried by a unanimous vote.

- c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, informed the Council that there will be an appointment made, by the Chair, to serve as a Council representative on the Broward County Water Advisory Board. Councilmember Ritter would not be able to represent the Council because she is already representing Broward County. She then informed the Council that Commissioner Weekley, from the City of Key West, was appointed to the Council by the Miami-Dade County League of Cities. Ms. Dekle stated that there would be lunch available for the Council members if the meeting runs longer than normal. She then stated that item 15a had been revised and was provided at the Council Members' seats.

Councilmember Gunzburger requested that any remaining lunches be donated to Jubilee Kitchen.

- d) Legal Counsel Report

Mr. Samuel S. Goren, Legal Counsel, informed the Council that the backup illustrates the status of the loans in litigation. Information was provided on the Hurricane Wilma Loans and was provided at the dais. Mr. Goren stated that there was a resolution, for the Council's consideration, to adopt the Consolidated Revolving Loan Fund Plan.

1) Statement of Organization Revision

Mr. Goren stated that there was an additional resolution on the agenda to amend the Council's Statement of Organization, to include a paragraph authorizing the Executive Committee to take action in the event of an emergency.

Councilmember Gunzburger moved to approve the Statement of Organization Revision.

Councilmember Wallace asked what the Council's definition of emergencies was, was it natural disasters or time restraints.

Mr. Goren stated that the Council had a conversation about that without actually defining what was meant by it. To that extent, I left it as broad as possible; the intent, given the situation of the specific issue before the Council at the time was an emergency beyond the Council's control.

Councilmember Wallace stated that he felt that this was a turning loose of the reins more or less. It is not that we don't trust each other; there are just no guidelines for this at all.

Councilmember Carruthers stated that this came up as a result of letters that were originally written and the Council did not feel that the letters that were sent regarding the oil issue appropriately reflected the discussion that took place at the previous meeting. This was a time sensitive issue because the Legislature had a session end date. Do we need to simply be more specific, she asked. Would the Council be more comfortable if there was specificity regarding physical emergencies, such as a hurricane, or an emergency such that we were correcting something to accurately address what was a perceived intention of the Council, she asked.

Councilmember Wallace stated that he liked both of the descriptions by Councilmember Carruthers.

Councilmember Sorenson stated that she thinks that this would be used judiciously. Any actions taken by the Executive Committee are subject to ratification by the full Council at the following meeting. She added that she did not see a big danger in trusting the Committee to act appropriately.

Councilmember Sosa stated that she would be willing to support this if the definition is due to a natural disaster and communications are not possible to perform, but I never make decisions based on the personalities that are in place at that time. My decisions are based on thinking about the future, and avoiding leaving an opportunity for someone to take advantage of the situation. Councilmember Sosa stated that she would be willing to support this if the definition were to include that it is the inability of the rest of the Council to come and do its job.

Councilmember Ritter stated that this arose from a non-natural disaster. I'm afraid if we limit ourselves then we won't be able to react to an event such as this which was time sensitive.

Chair Scuotto asked that Legal Counsel reword the revision to reflect the concerns raised during this discussion.

Mr. Goren stated that he would do so and bring it to the Council for review in July.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

**AGENDA ITEM NINE:** Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Information only

b) Hurricane Wilma Bridge Loan Status Report

Information only

c) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report

Information only

d) Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report

Information only

f) Loan Program Overview

The Council decided to postpone this presentation until the July meeting.

Councilmember Gunzburger requested that the presentation be sent to the Council via email.

Ms. Dekle stated that the Presentation would be forwarded to the Members as requested.

e) Resolution to Adopt the SFRPC Consolidated Revolving Loan Fund Plan

Councilmember Walters moved to approve the Resolution to Adopt the SFRPC Consolidated Revolving Loan Fund Plan. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

Chair Scuotto stated that the Council was polled last month to ask if it wanted to begin this meeting 30 minutes earlier, and it was decided that it would begin at 10:00 am. He asked if it was known ahead of time that there was not going to be a quorum. The meeting was called to order at 10:10 as an Executive Committee meeting, because there was not a quorum present.

Ms. Dekle stated that staff did believe that a quorum would be present.

Ms. Rhonda Noah, Council staff, stated that staff received three calls from Council Members this morning to say that they would not be attending.

**AGENDA ITEM TEN:** Contracts

None

**AGENDA ITEM ELEVEN:** Highlights of Council Activities

Information only

**AGENDA ITEM TWELVE:** Special Projects

a) Statewide Regional Evacuation Study Program - Update

None

**AGENDA ITEM THIRTEEN:** Strategic Regional Policy Plan (SRPP)

None

**AGENDA ITEM FOURTEEN:** Regional Initiatives with Treasure Coast Regional Planning Council

None

Councilmember Lieberman joined the meeting via phone.

Councilmember Walters suggested that the Council move on to 15b and 15c until there was a quorum present.

**AGENDA ITEM FIFTEEN:** Other Matters for Consideration

a) FPL Proposed New Nuclear Plant – Turkey Point 6 & 7 Community Presentations

Councilmember Walters suggested that item 15a be tabled until a quorum was present.

b) Offshore Drilling Letters

Councilmember Walters moved to approve the Offshore Drilling Letters. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

c) Southeast Florida Regional Partnership Memorandum of Understanding (Sustainable Communities Initiative)

Councilmember Sorenson moved to approve the Southeast Florida Regional Partnership Memorandum of Understanding (Sustainable Communities Initiative). Councilmember Carruthers seconded the motion, which carried by a unanimous vote.

Councilmember Wallace asked for a status update on the Regionalism conference that he had requested.

Ms. Dekle stated that a time has not been scheduled at this point. She stated that staff has been working hard to address a number of different issues that have been emerging on a monthly basis. She stated that staff will make sure that is at the top of the to do list.

Councilmember Wallace stated that staff could poll the Council Members to see if there was an interest in going forward with it.

Ms. Dekle stated that one of the reasons for the delay was waiting until all of the appointments were made, and that has occurred. Staff will work on finding a time and work with the Council Members on creating an agenda.

Councilmember Gunzburger stated that Broward County has been trying to have a joint conference with Miami-Dade and Palm Beach Counties, and it just has not occurred. It seems that the schedules are such that we never can find a convenient time. If we are talking about meeting with Gold Coast and Treasure Coast then we are looking at an even greater scheduling challenge.

Ms. Dekle stated that one of the steps that the Council took today, acknowledgement of the Memorandum of Understanding (MOU) for the Sustainable Communities Initiative; it may be around that that we have one of our first convenings. We are very optimistic that we will be funded for that and that gives us a clear path with a Federal partner.

Councilmember Kelley arrived at the meeting.

Councilmember Sorenson stated even though we have had mixed luck getting Commissions together, I still think we should try. It is really important because it puts our Region at an advantage if we coalesce on critical issues. In fact, MyRegion.org, in Orlando, has been very successful. Guess where the first rail line is going? There is a reason for that; they have gotten together, they have identified their priorities as a region and have been able to work together.

Councilmember Lieberman stated that she agreed with Councilmember Sorenson, but the real problem has been Miami-Dade, most of the representatives Broward and Palm Beach show up. Though Councilmember Sorenson and Heyman have been showing up routinely, we don't seem to get the majority of the Miami-Dade Commission. She asked for suggestions on how to address this.

Councilmember Sorenson stated that there was new blood on the Council. Councilmember Sosa, having just been appointed to the Council, is going to be engaged in regional issues, and hopefully Councilmember Barreiro will as well. She stated that she cannot take responsibility for the Miami-Dade County Commissioners, but still thinks there is value in continuing to pursue this.

Councilmember Riesco stated that the Council hosted a Regional Summit several years ago and it was a decent event, and a lot of good things came out of that. He stated that from his end, representing Miami-Dade County, he would do what is necessary to realize one of these functions again. It is a great concept and something that we could all benefit from.

Councilmember Sosa stated that she would follow Councilmember Sorenson's example and be there and do everything in her power to support this concept, but cannot respond for others in Miami-Dade County.

Chair Scuotto stated that there was a segment on Beacon Television about two months ago involving the Chairs from the Broward and Palm Beach Metropolitan Planning Organizations (MPO) who both said that they would like to work with the Council because development and transportation go hand-in-hand. He asked that Ms. Dekle move forward on this.

Mr. Goren stated that Councilmember Kelley was in the room and there was a physical quorum present, and Councilmember Lieberman's vote, via telephone, would count. Any motion that has been made thus far can be ratified, otherwise the meeting could continue as a full Council Meeting.

**AGENDA ITEM SEVEN:** Adopted Local Government Comprehensive Plan/ Amendment Reviews (Cont.)

d) Miami-Dade County

Councilmember Sorenson stated that the staff report shows a unanimously approved transmittal of the recommendations, but there were individual votes on each application. I personally voted no on Application 5 and 6, she stated. I do not recall what the rest of the votes were, but I do not want the impression that everything was passed unanimously when it was not.

Ms. Dekle stated that staff would correct the staff report prior to transmittal.

Councilmember Sosa stated that Application 5 and Application 6 were problems. The problem with Application 5 was what happened before. Apparently the staff and the departments allowed this person to do the construction and allowed some trucks to park in the area. After the extension was done they were told trucks were not allowed to park there anymore. They came back to the Commission, submitted the explanation, and the Department of Environmental Resource Management (DERM) was involved.

Councilmember Walters moved to approve the staff recommendation for Application 3, 8 and 9. Councilmember Sorenson seconded the motion, which carried by a unanimous vote.

Councilmember Sorenson requested input from Miami-Dade County Planning Staff.

Mr. Mark Woerner, Chief of Metropolitan Planning with the Miami-Dade County Department of Planning and Zoning, stated that he did not have the votes with him, but the information should have been in the packets sent to Council staff. He stated that this was a text amendment that was proposed by the Applicant to be the Open Land Sub Area. In the staff report, attachment 5 shows a diagram of the area in question. The primary uses of this designation are seasonal agricultural, rock mining and primarily wetlands. The applicant requested an amendment to the text that describes the uses allowed within this category to include commercial vehicle parking. This Application went through 5 or 6 iterations of text before the Board voted on it on April 28, 2010. What was finally voted on was to allow this commercial vehicle truck parking with numerous mitigating circumstances. First thing was that disabled vehicles could not be parked there, commercial and agricultural equipment was allowed on premises and incidental-temporary parking of operable-non-disabled passenger vehicles was allowed. It also provided that such parking and storage uses would only be allowed on properties larger than 20 acres, under single ownership, and located within an arc of no more than 7,000 lineal feet of Okeechobee Road and the Turnpike. The parking was also subject to DERM requirements, specifically quarterly water quality monitoring reports, and an approved drainage system. The County Commission requested that staff look into the demand for truck parking, and as part of that staff and the consulting firm for the Miami-Dade Metropolitan Planning Organization (MPO) did a study, and based on the preliminary result staff would have recommended to deny the Application. County staff looked at the truck parking and tried to find enough land within the Urban Development Boundary (UDB) to accommodate this. Staff found 18 sites within the UDB totaling approximately 137 acres that could hold 1,370 trucks. Staff also looked in municipalities that had the appropriate zoning and land use designations and found more sites that could potentially accommodate the use. Staff did not have a good picture of the demand out there; which would have been able to more clearly tell us what the demand for the parking is. The Commission found enough information in the County staff report to vote positively on this Application.

Council Members Barreiro, Bates and Lieberman arrived at the meeting.



Councilmember Sosa asked why the Department allowed this specific area to do that construction and then after that fact tell them that this truck parking was not allowed.

Mr. Woerner stated that the construction was done without a permit. When it was determined that they were in violation they were cited and the property has been vacant since then. It wasn't that the County allowed it; it happened, then after that citations were issued.

Councilmember Sorenson stated that she has always felt that it was her job, as a Council Member, to represent her constituents not the findings of the County Commission. She stated that what she heard in the original hearings was that there was so much land available that there was plenty of capacity for this kind of truck parking and so to go outside the UDB for parking just doesn't seem to make sense. Councilmember Sorenson then added that she did not like the fact that this item, which was basically a map amendment was coming in as a text amendment. I don't know if that has to be corrected legislatively or how we address that for the future, she stated.

Mr. Woerner stated that the County would have to amend its code to clarify the type of amendments that are allowed.

Mr. Felix Lesarte, representing the applicant for Application 5, informed the Council that he and his client went through a years worth of hearings on this issue, and the constant theme was that many of the Commissioners stated that there were issues with trucks parking illegally in their districts. The Commission has historically held the line and has kept a vigilant eye on doing so. This case is unique because it is a text change and because there is a compelling need for truck parking. Yes, there is land within the UDB, but it is prohibitively expensive, and a lot of the land that was found is adjacent to high end industrial parks, which don't want truck parking next door. The proposed area is close to rock mining operations and asphalt plants where trucks are already being parked.

Councilmember Barreiro stated that he supports Application 5 because it is in an area that has a lot of different things going on, such as slaughter houses and warehouses, etc. He stated that he thinks that it is an appropriate use. It is cost prohibitive to use the lands within the UDB for this practice. He stated that he supports the Application.

Councilmember Lieberman stated that the staff report states that it is being changed for ancillary uses, which means that it is not a primary use, but a subsequent use to something else. She asked what the primary use for the property would be.

Mr. Woerner stated that the actual text does not make reference to an ancillary use.

Councilmember Lieberman stated, so then the staff report is wrong, because it references "new ancillary uses in the Open Land use category". She then asked if Open Land meant generally no structures.

Mr. Woerner stated that there can be structures.

Councilmember Lieberman stated that the report also states that they would be required to monitor and maintain groundwater quality and maintenance and repair of commercial vehicles shall be prohibited. She asked what the code considered maintenance and repair; can someone wash a vehicle there?

Mr. Woerner stated according to the specific language any kind of mechanical work, requiring disassembly that type of maintenance would not be allowed.

Councilmember Lieberman asked if someone could change their oil.

Mr. Woerner stated that he was not up on the specifics of those DERM regulations, but he could imagine that they could at least top off the oil.

Councilmember Lieberman stated that the reason for her questions was because they are being required to monitor and maintain groundwater quality and so when you are parking commercial vehicle for storage there are things people do to their vehicles and she is assuming that some of those must be permitted if they are being asked to monitor the groundwater.

Mr. Woerner stated that there is a concern because the County cannot be there everyday to monitor the activities and that is why the language was included in the Application. The monitoring may give an indication that the prohibited activities are taking place.

Councilmember Sosa stated that the groundwater monitoring requirement was included as a way to check to make sure that they are not doing something that they are not supposed to do. At the same time we want to make sure to protect the environment by not allowing washing of the vehicles either.

Councilmember Wallace asked for an explanation of what happened at the County Commission review of this Application.

Councilmember Sorenson stated that every individual Application had a different vote, and she did not remember what the vote was for this Application.

It was announced that the vote was 11-1 in favor of the Application.

Councilmember Sorenson stated that she was the one vote opposing the Application. Let me just say this, she stated, I just had well contamination in my district. Wells are really only as good as the last person who changed their oil nearby the water source. If DERM monitors it quarterly, that is not a good enough reason to subject this land, which is near a wellfield, to this. She asked how far this property was from the wellfield.

Mr. Woerner replied the very northern outer reaches of the wellfield.

Councilmember Sorenson stated this property was on the outer limits of the wellfield, but it is within the influence of the wellfield. She stated that it makes her very nervous, because we are talking about our water supply, and I would rather err on the side of caution.

Chair Scuotto stated that he understood both sides of the argument. He and his City Commission have approved opening of auto part stores where people make the repairs (illegally) right there in the parking lot and this is in a residential neighborhood.

Councilmember Lieberman stated that the Chair accurately described the situation. The requirement to test the groundwater can be added, but there is no way to monitor the property 24 hours a day. She stated that they are having the same problems in her neighborhood, where auto repairs are prohibited, but yet the repairs are done after 5 p.m. when code enforcement has gone home. She stated that her biggest concern is that there will be no way to monitor the property 24/7.

Councilmember Walters stated that what she is hearing through the discussion is that there is a huge need and the need is not met within the UDB in a fashion that is doable. As a result, people are doing it

anyway, illegally. There has to be a balance, it has to be people and the environment. The monitoring provides a protection, and DERM's enforcement actions are very strong. I, frankly, understand why the Commission voted the way they did, she stated.

Councilmember Carruthers asked if, by allowing what we have clearly stated is an inconsistent use outside the UDB, are we setting a precedent for any other cases.

Mr. Goren stated that this is a very unique circumstance in connection with how the UDB operates and what it is, which is different than any other line of demarcation in Broward or Monroe Counties. Whether or not it is interpreted by a third party as to be precedential, it is the third party's argument to make, but there are facts that would lend itself to suggest that it would be precedential.

Councilmember Carruthers stated that Council staff has stated many reasons why this is inconsistent with the Goals of the *Strategic Regional Policy Plan (SRPP)*; what are our options in terms of dealing with Application 5.

Ms. Dekle stated that the determination that can be made by the Council is to find it consistent or inconsistent with the *SRPP*. It is the recommendation of staff to find it inconsistent.

Councilmember Carruthers stated that she has not seen or heard anything to say that it is consistent.

Councilmember Wallace stated that a similar issue came up before where the Council voted opposite of the staff recommendation. He asked if there was anything said here today which would give the Council something on the record if it wanted to disagree with the staff recommendation.

Mr. Goren stated that the Council was certainly within its policy making bounds to have this conversation, which it is.

Councilmember Ritter stated that she was not hearing that there is no available land, she was hearing that the applicant did not want to pay for it, because he specifically said that it is "cost prohibitive". It is a much different argument to say there is absolutely nowhere to park these vehicles; versus we don't want to pay for it because it is real expensive. She stated that she supported the staff recommendation of inconsistent.

Councilmember Barreiro stated you have to look at the landscape of the area to make a determination. If you have driven through the area, this is by no means pristine or worthy of preservation; it is a hodge-podge of uses that are permitted. How can one be held to certain requirements, when the neighbor is doing something 10 times worse and it is permitted? Unfortunately, he stated, this is one of those areas that is going to be dealt with lot by lot by lot. He requested that the Council allow the representative for the applicant to speak to the issue.

Mr. Lesarte stated that the area has many road contractors, there is an asphalt plant; it is an area that has many intense uses. DERM did not object to this Application, when they were asked on the record. The standards for protection of the environment were drafted by DERM. When a permit is pulled on a Class IV and there might be issues with fluids; ground testing is required once a year. In this case, the Commission has requested that it be done quarterly for this property.

Councilmember Lieberman stated that the staff report shows that there are three different Natural Resources of Regional Significance that could be impacted by this. The compelling argument is that there is nothing in the report supporting what the applicant is saying. The report states that this has to be on a

property greater than 20 acres, does that mean that they have to use more than 20 acres, she asked. It also says that this reduces the amount of open land in Miami-Dade County. Councilmember Ritter hit the nail on the head when she said that the applicant's own testimony is it is not that there is not land, it will cost more to do it somewhere else within the UDB; that is not a compelling reason. The staff report identifies several reasons that this is inconsistent, and no sufficiently supported reasons for having a different recommendation.

Councilmember Sosa stated that Miami-Dade County is the only county that has the UDB to protect our environment, so I do believe in the UDB as a protection for our environment. I also believe that sometimes you have to balance. When I vote on an application, I make sure that I have all of the information. The reality is that what you have surrounding this area are areas that already have asphalt, drains, parking, and washing of vehicles. We are controlling this area with guidelines from DERM and to have DERM in front of the Commission saying that they don't oppose the application and we will be able to monitor this. I would rather have an area that I can control and have quarterly water testing done rather than having people parking over there in the grass anytime that they want. At least the guidelines will prevent improper use of the land. The residents of Miami-Dade County do not want those trucks parked in residential areas. It is a balance that you have to bring when you make a decision, because we also represent those citizens. This is why I supported it when it came before the County Commission and I respectfully support it now.

Councilmember Kelley asked for a clarification regarding the mention of additional information being submitted.

Ms. Dekle stated that Council staff receives the full package from County staff. Staff analyzes it and condenses it into the report that the Council Members receive.

Councilmember Kelley asked so based on what staff received, the recommendation was to find this Application inconsistent.

Ms. Dekle responded yes, based on the staff review the recommendation was to find this Application inconsistent with the *SRPP*. The staff review was a combination of the information received from the County, the County staff analysis and the Council staff analysis. The Council is a policy making board, based on the discussion here today, you will make the recommendation and staff will transmit it to the Department of Community Affairs.

Chair Scuotto asked if the site was visited.

Ms. Dekle stated that she has visited the site and know exactly what Council Members are talking about. Every amendment reviewed by staff includes a site visit.

Councilmember Carruthers asked if photos were taken.

Ms. Dekle responded no.

Councilmember Carruthers requested that photos be taken in the future.

Chair Scuotto asked what the other reasons were for finding this inconsistent when there are other property owners operating in a similar capacity.

Ms. Dekle stated that there were two primary issues: approving an amendment outside of the UDB is something that staff has been pretty firmly against, also water quality issues.

Councilmember Riesco requested clarification on the question Councilmember Kelley raised earlier regarding additional information.

Ms. Dekle stated that Council staff receives the full packet of information from the County staff. The information is analyzed and a report is provided to the Council. The full packet of information is not provided to the Council, so there is additional information which staff analyzed and from that drafted a report for the Councils review.

Councilmember Wallace stated that what has come out in this discussion is that DERM is charged with environmental analysis. DERM has looked at the environmental issues regarding this Application. Can we confirm that DERM had no objection to this, he asked.

Councilmember Sorenson stated that she recalled that DERM's first recommendation was against this proposal and when it seemed as though the County Commission was going to pass it they said quarterly monitoring is better than nothing. She stated that she did not think that the quarterly monitoring was DERM's first recommendation. She asked for clarification from Mr. Woerner.

Mr. Woerner stated that he cannot speak for DERM, but he was at the hearing. This application has gone through a year long process and DERM had concerns from the beginning regarding ground water contamination. It would be correct to say that DERM made some suggestions at the final hearing as to what might be used or what official language could be used. The Director for DERM did get up to offer some final tweaks to the language. I don't know if they ever got up and said that they whole heartedly support the application or not.

Councilmember Sorenson stated so in other words, they could see it was going to pass they were just trying to do some mitigation, because the original recommendation was that it was not a good idea.

Councilmember Gunzburger moved to approve the staff recommendation for Application 5. Councilmember Sorenson seconded the motion, which failed with a 6-7 vote against.

Councilmember Sosa moved to find Application 5 consistent with the *SRPP*. Councilmember Barreiro seconded the motion, which passed with a 7-6 vote in favor.

Councilmember Wallace asked if he could change his vote on the last item, did it require a motion. He requested that the record reflect that he changed his vote on the last item.

Councilmember Sosa moved to reconsider the last motion. Councilmember Barreiro seconded the motion which carried by a unanimous vote.

The vote to find Application 5 consistent with the *SRPP* passed with an 8-5 vote in favor.

Councilmember Sorenson moved to approve the staff recommendation on Application 6. Councilmember Lieberman seconded the motion.

Mr. Richard Grosso, representing the Everglades Law Center, stated that he supports the staff recommendation. There were two alternatives one was farther to the north and would have been outside of the Biscayne Bay Coast Wetlands Restoration area that we had recommended. Instead, FPL chose a

road that is farther south within the Biscayne Bay Coastal Wetlands Restoration Project footprint area. If you are going to put a road here, please don't further impact the wetlands and Biscayne Bay where we are spending lots of money trying to restore. This roadway selection is the least environmentally advantageous. It will complicate restoration and there is no adequate mitigation for it. We recommend that the Council follow the staff recommendation.

Councilmember Wallace asked what the alternatives were.

Mr. Grosso stated that there was a northern alternative east-west road that was 344<sup>th</sup> Street, and was an existing dirt road that would need to be expanded. There is also an alignment farther to the north that was outside of the Biscayne Bay Coastal Wetlands project.

Ms. Dekle reminded the Council that this was an adopted amendment and extensive testimony was heard on this at a prior meeting.

Councilmember Sosa stated that she agreed, there were two alternatives, one was 344<sup>th</sup> and the other was of a lesser impact to the area. She asked if there was a problem with some areas that needed to be dedicated to this; there was a discussion at the Commission that selecting the one that was safer was a problem with the right-of-ways. Then there was discussion when the Commission chose the alternative; the biggest discussion was to include in the approval the specific language on the removal of those roadways after construction is complete, with minimal impact to the environment.

Mr. Woerner stated that Councilmember Sosa was correct. County staff asked the applicant to look at the 344<sup>th</sup> Street option, which was the street north of 359<sup>th</sup>, which is now a dirt-transmission line road that goes from the plant site out to the west. Their intent was to use 359<sup>th</sup> along with other temporary road improvements in order to get fill into and out of the site for Units 6 and 7. In looking at the 344<sup>th</sup> Street option, there is a canal and on the south side of the canal is an existing two-lane, paved, roadway that leads up to the front door of FPL from the west. There is also a canal in the middle with a dirt road to the north that is used for canal maintenance by the County. The thought was, and this was suggested to the applicant, to look at temporarily improving both canal roads, which would have resulted in six lanes. The problem was the right-of-way of the canal was wider in some cases. I don't know that we considered this a deal breaker, but it was problematic. FPL's requirement is for a total of six lanes. The Commission approved the use of 359<sup>th</sup> with some additional text amendments on these temporary roads. There will also be additions of two lanes to S.W. 328<sup>th</sup> Street. There was discussion as to whether or not the County would be interested in maintaining some of these temporary roadways permanently and it was concluded that they would all remain temporary. Criteria were included as to the timing of improvements to be added and removed.

Councilmember Carruthers asked if FPL's requirement was four or six lanes.

Mr. Woerner stated the requirement was for six lanes.

Councilmember Carruthers requested clarification: there will be four lanes at 328<sup>th</sup>, five at 360<sup>th</sup> and six at 344<sup>th</sup>.

Mr. Woerner stated that was for security reasons and for separation of construction traffic from normal traffic and the current plant workers.

Councilmember Carruthers then asked how the plant workers get there.

Mr. Woerner replied they use 344<sup>th</sup> Street.

Ms. Henrietta McBee, Director of Project Management for FPL, stated that the questions that have been asked were addressed in a letter that was sent to staff on Friday. The criteria were developed by the Commissioners.

The Council Members stated that they did not have copies of the letter.

Ms. Dekle stated that the letter came in Friday afternoon, and staff decided not to distribute the letter per the discussion that took place last time this item was reviewed by the Council. If the Council would like to have copies, they are available.

Councilmember Gunzburger stated that she had a problem with distributing it when the Council has to vote on it; this should have been submitted much earlier it is not fair to this Board to have to sit here and read through new information.

Ms. McBee stated that they received the staff report Friday morning. She stated that they reached out to staff to make sure that it was sent over, and were given assurances that the Council would receive it. My apologies if it was not received.

Ms. Dekle stated that there were copies available for distribution if the Council wanted, as a courtesy to the Board; staff was trying not to put more paper in front of the Board on the day of this discussion.

Councilmember Carruthers stated that Mr. Woerner had stated that there were problems with 344<sup>th</sup> Street in terms of rights-of-way, but that they were not insurmountable. I would like to understand the difference between impacting the environmentally sensitive areas versus an existing roadway and rights-of-way.

Ms. McBee responded on the impact to the private land owner; we have an additional 19 private land owners that would be impacted. Regarding the wetlands impact, I would like to turn it over to our professional wetlands scientist, Ms. Jena Mier.

Councilmember Carruthers asked if the 19 privately-owned pieces of land were developed.

Ms. McBee responded they were primarily undeveloped.

Ms. Jena Mier, Senior Environmental Specialist for FPL, stated 359<sup>th</sup> versus 344<sup>th</sup>, when we reviewed the direct and secondary impacts to the wetlands both roads the difference was one acre between the two. There were more direct impacts with 359<sup>th</sup> and more secondary impacts with 344<sup>th</sup>. In addition to constructing a new road north of the canal, because the construction access needs to be completely separate from the existing access to the plant for security reasons, for evacuation reasons we need to keep a separation between the two roads. An additional road, into the plant, needed to be constructed. It was proposed to run along the L-31 levy which runs south, and that was an area of mangroves that had no impact whatsoever. There was more wetland impact than just along 344<sup>th</sup> associated with that roadway. With regard to 359<sup>th</sup>, that is a roadway that has been in existence since 1983. It is not a dirt road, but a gravel and is in better condition than some of the other unpaved roads in the area; it is a transmission road that is currently used by FPL to monitor transmission lines and perform maintenance. This road is approximately 10 feet wide and is elevated three feet above the existing elevation of the wetland and has culverts about every 200-300 feet. In 2007, Miami-Dade County issued FPL and unusual use permit to construct Units 6 and 7, along with that are requirements that FPL has to address with whatever

roadwork that comes in. Those conditions include maintaining the surface water flow across or under any of the roads, FPL is required to address wildlife issues, mitigate for the wetland impacts. In this case, along 359<sup>th</sup>, which FPL owns in its entirety, FPL is mitigating for those wetland impacts that are temporary; we are mitigating for them as if they were permanent, but within two years after construction is complete those roads will be removed and wetlands will be restored. FPL is going above and beyond what would normally be required under permitting scenarios.

Councilmember Carruthers stated that it was mentioned that there were primary and secondary environmental impacts and that overall there is only one acre of difference. What is the difference in the primary impacts of 359<sup>th</sup> versus 344<sup>th</sup>, she asked.

Ms. McBee stated that they had a handout that had some interesting pictures as well as a very simple to read document that compares the two.

Chair Scuotto asked the Council if they wanted the documents passed out.

The Council said yes.

Councilmember Gunzburger requested that the Council take a ten minute break to look this information over and get lunch.

The Council took a ten minute break.

Ms. McBee stated that she wanted to clarify the information about the width of the roads. She stated that 328<sup>th</sup> Street, which is a two-lane road, will be widened to four lanes. Also, 117<sup>th</sup> is a two-lane road, running north/south, that will be widened to four lanes. Running just east of the speedway, 137<sup>th</sup> will be widened to three lanes. The first half of 359<sup>th</sup> will be widened to three lanes and then from 177<sup>th</sup> east to the plant it will be widened to four lanes.

Councilmember Carruthers asked what would happen at the foot of 359<sup>th</sup> Street.

Ms. McBee stated that there would be a bridge constructed across the levy and is not included in this graphic because it is covered under the unusual use permit and has already been approved.

Councilmember Sosa stated that the staff objection was because the amendment failed to provide mitigation strategies for the impact to the wetlands. She asked if the mitigation was approved.

Mr. Woerner stated that the text amendment with regard to the temporary roads was approved.

Councilmember Sosa asked if the mitigation strategy was part of the approval.

Mr. Woerner stated that the roads must be designed to meet substantive requirements in the Miami-Dade Code as interpreted by DERM and the design of the roadways shall be consistent with all the Goals and Objectives in the Comprehensive Development Master Plan (CDMP), Comprehensive Everglades Restoration Plan, County land use approvals and other applicable environmental management components, and appropriate mechanisms be provided to enhance protection for wildlife in the area and County DERM shall enforce environmental regulations within its jurisdiction to the extent allowable by law. While this is an amendment to the County's Comprehensive Plan to deal with these temporary roads, access roads are also subject to site certification application for FPL, which are also being reviewed.



With regard to the wildlife and the wetlands, FPL still has to demonstrate that there will be the least amount of impact to those resources.

Councilmember Sosa stated that she wanted to make sure that she understood. There are two avenues and one of them encountered problems with the right-of-ways, but both can cause damage to the environment. My biggest concern is at the end, when those roads need to be removed are we taking the proper steps as part of the Plan to remove with the minimum impact and with the mitigation of restoration that is necessary for that? Maybe if we are saving them money, they can eliminate those terrible power lines. My concern is I understand that both roads will cause damage to the environment, but one has a lesser impact. Do they have enough guidelines and protocol to make sure that at the end of this project things are properly removed and mitigation established to the proper level, she asked.

Mr. Woerner responded, to the extent through the site certification process, we are demanding many different types of management plans and I will go through some of those during the discussion of item 15a. We are working to get these assurances in place and requirements that will be included in the site certification process.

Councilmember Sorenson moved to approve the staff recommendation. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

**AGENDA ITEM FIFTEEN:** Other Matters for Consideration (cont.)

a) FPL Proposed New Nuclear Plant – Turkey Point 6 & 7 Community Presentations

Mr. Bob Cambric, Council staff, informed the Council that the revised staff report was at the Members' seats. At the direction of the Council, staff contacted the communities that were formally participating in the power plant expansion and transmission line siting act process. The communities were asked to provide information to the Council about how the transmission lines and/or the power plant may affect their community. Mayor Cindy Lerner from the Village of Pinecrest, Mayor Philip Stoddard from City of South Miami, Mr. Mark Woerner from Miami-Dade County, and Assistant City Attorney John Herin from the City of Doral are all in attendance to make presentations to the Council.

Mayor Cindy Lerner, Village of Pinecrest, thanked the Council for the opportunity to speak on this issue. She stated that the Village was a newer municipality located along the U.S. 1 Corridor. There is a municipal coalition made up of municipalities located along the U.S. 1 Corridor that has been meeting over the past year as part of the Chamber South Transportation Committee. We are all of the opinion that we will all be significantly, adversely impacted by the proposed transmission route. We have participated with the process since the beginning when the public hearings began. By the end of the public hearing, FPL suggested that the U.S. 1 Corridor was the preferred corridor. Pinecrest passed resolutions opposing this, and forwarded those onto FPL. The commercial interests are very much opposed to this. Williamson Cadillac has a really beautiful dealership at 104<sup>th</sup> Street and U.S. 1 had no idea of the proposed route, because they were never informed by FPL. They have since contacted the Congressional Delegation, and in fact, we do have a letter that Ileana Ros-Lehtinen sent on behalf of her constituents to oppose the use of the U.S. 1 Corridor for the transmission lines. The Village has residential, commercial and Congressional opposition documented. We are in the process of preparing and eventually submitting an alternate corridor. As a member of the Miami-Dade League of Cities, I have requested the creation of a task force in response and that has been approved. This will be an issue that the League of Cities will take on as well.

Councilmember Wallace stated that he didn't hear the Mayor say anything about undergrounding the lines. He asked if the Village had disposed of that as an alternative.

Mayor Lerner replied no, we have not disposed of it; that has also been part of the resolutions and the Village's request. In terms of the administrative process that we are in the midst of, it is our understanding based on the response we received, undergrounding was not considered an alternate route. The cost should not be paid for by the communities, but should be part of the overall cost of the infrastructure for the project. The Village has also not been satisfied at the projected cost of the undergrounding.

Mr. John Herin, Assistant City Attorney for the City of Doral, stated that the City of Doral shares the concerns of the Village of Pinecrest, with one thing that is unique to Doral and that is an existing utility line corridor. When it was located there, the area was the western edges of growth in Miami-Dade County. The corridor is now surrounded by residential and commercial development. The City has great concern regarding any additional impacts beyond what is already there. Doral has been working with the other affected municipalities to look at alternatives, whether it is an alternative corridor, undergrounding. We are in the process of working toward looking at those solutions but yet we don't have the answers that we potentially need. The City has continued to be in communication with FPL on this issue and in that respect we are very appreciative of FPL's interaction with us and their availability and reaching out to us. There are concerns that still need to be addressed. Beyond the transmission line, there is one overall concern and that is the impacts that the project may have on the groundwater. There has been a lot of discussion and a lot of material that has been submitted by FPL that goes directly to that issue how they are going to have water dredge and fill activities, and this may negatively affect the water supply for the entire Region since it is in very close proximity to the Florida Aquifer. This is another concern that needs to be addressed to the satisfaction of all of the affected communities in Miami-Dade County, especially South Florida.

Councilmember Wallace stated that he was a little confused. He asked if Doral was on an alternate route.

Mr. Herin stated that there were two corridors being proposed. There is the U.S. 1 Corridor and the Western Corridor. The Western Corridor already exists, but in order to place additional improvements within that corridor, it has also been part of the application. The Western Corridor primarily impacts unincorporated Miami-Dade County, certain portions of Doral and parts of the City of Medley. It runs parallel to the Turnpike, north-south about 2-3 miles north of 836, then heads east when it gets to the middle of Doral it starts running north and then it goes back west into an existing substation located in the Town of Medley. In a perfect world the City of Doral would like to see the entire corridor shifted to the west of the Turnpike until it needs to go east into that particular substation. That would be the preferred solution for the City of Doral.

Mayor Philip Stoddard, City of South Miami, thanked the Council for the opportunity to speak on this topic. He stated that everything that Mayor Lerner said applies to South Miami, only more so. The proposed transmission corridor cuts right through the heart of South Miami. Economics is the first topic that he addressed; energy efficiency measures can reduce Florida's energy consumption by 20-27%. Nuclear is the most expensive way to meet growing energy needs and it is the most expensive zero-carbon technology. Residents in South Miami strongly support energy efficiency over nuclear expansion. In fact, 6 and 7 are going to add 10% to the generating capacity of FPL, but they could virtually triple the base rate of the company. This could increase our electricity costs by 50%. Safety was the next topic Mayor Stoddard addressed. Units 6 and 7 will use the new Westinghouse AP-1000 reactor. Nuclear Engineer, Arnie Gunderson has found two flaws in this reactor design that could cause leakage. After reading the Miami-Dade County Safety Plan for radiation leak, I find it woefully inadequate. In a nuclear

release, people should take potassium iodide before encountering the radiation cloud. All the potassium iodide is stored up at Florida International University (FIU), which is a 30 minute drive on the Turnpike if there were no traffic. Mayor Stoddard stated that he completely supports the issues; concerning 359<sup>th</sup> versus 344<sup>th</sup> as routes for the roads. Next item discussed were the transmission lines, these go right through the heart of South Miami. The lines will come within 50 meters of South Miami Hospital, and the CEO had no knowledge of it. The lines cut right past Red Road Commons, the densest housing development in South Miami, as well as the City's commercial center, City Hall, and the library. New epidemiology studies show a doubling of Alzheimer's Disease and a 50% increase in other senile dementias in people living within 50 meters of transmission lines. There has been a doubling of childhood leukemia rates seen within 50 meters of transmission lines. There is a new lab study showing a doubling of cancer in lab rats exposed to magnetic fields. Everybody needs to take this seriously. The World Health Organization now lists magnetic fields as possible carcinogens. We are already seeing home sales fall through along the proposed transmission line corridor. There are energy disincentives in the regulatory structures right now for FPL to pursue energy efficiency structures, and I am very concerned about that. I don't like the fact that the economic structures pit us against a large corporate entity; I would much rather see us aligned. The Public Service Commission (PSC) earlier considered decoupling as a measure to provide incentives for energy efficiency and that was shot down. I think we need to revisit that.

Mr. Woerner stated that he had comments about the plant site and the transmission lines. Starting with the transmission lines, County staff has been reviewing a very large site certification application for both the plant site and the transmission lines. All departments within the County are reviewing parts of this application. This application was filed some time ago and we are still at the stage of trying to determine the application complete. Complete means whether or not it had adequate data and analysis to further identify what the issues would be for everybody. This includes all of the reviewing agencies including the County, the cities, the State Department, the Department of Environmental Protection (DEP), the Water Management District, and any other state agencies that are involved in this process. For the transmission lines we are in the fifth round of completeness; that means we have been going around asking the questions. Some of the comments or concerns that the County has are how the western transmission corridor would impact bird feeding and nesting areas as well as the travel corridors of migrating birds. The County also has concerns about the impact that the transmission corridors would have to surface water sheet flows, the Wink Eye Slough, and the Northeast Shark River Slough. These sloughs are important to Everglades Restoration, and that has to do with the western part of the transmission lines. We also had concerns about how compatible the transmission line corridors are with existing planned pedestrian and transit facilities we have along the eastern border of the U.S. 1 corridor such as our impact Metrorail infrastructure that we have already there. We also have concerns that the SCA does not adequately address compatibility in the overhead option of transmission line wire impacts to the higher density areas, specifically at the Dadeland urban center north along the U.S. 1 corridor to these higher density planned areas and mixed use development areas, as well as the other transit stations on up to Downtown Miami. There is also concern about what affect these can have as well on the County's fixed Guide-way Rapid Transit Area. There is also concern about the electromagnetic fields from overhead suspended wires, particularly in the Dadeland where there are 7-10-story residential units. There has also been review of co-locating some of the transmission lines along Metrorail; the Guide-way is another alternative. Mr. Woerner stated that the County also has concerns with the overhead wire pole impacts to existing tree canopies in the U.S. 1 corridor and no mitigation strategies have been provided to our concerns. There is an issue with what is called a radial collective water systems of collector wells to use as a secondary source of water, the main source is going to be reuse and reclaimed water, which is a good thing. The concern with the radial well is that this is a source of cooling water; these wells would go horizontally under Biscayne Bay and Biscayne National Park, and tap into the Biscayne Aquifer. The County has concerns about how these wells would affect groundwater quality

and the surrounding ecosystems. There is also concern about the sheetflow of wetlands and waters, wildlife habitat along the access roads. The last round of comments that the County sent was about a 44-page report listing concerns. The County is still working on this, and FPL will still have to come in for land use and zoning consistency as well later on after demonstrating that Units 6 and 7 are still in compliance with the zoning conditions that were approved in 2007 to allow for the unusual use permits.

Councilmember Wallace asked if the list of issues, regarding completeness, were the issues that were in play before there is a determination on what the County is going to recommend the term of whether the application is complete.

Mr. Woerner stated that was correct.

Councilmember Wallace asked if that was the one that was due in September.

Ms. Dekle stated that the Council and the County were on different timeframes. The report from the Council is due by the middle of September. She requested clarification from Mr. Woerner.

Mr. Woerner stated that he was referring to the Agency Report, which is not issued until the agency finds the application complete. There may be different timeframes according to who has been found complete.

Ms. Dekle stated that Council staff will follow up with member units of local government to get their information and will include that information in the Council's submittal report. The way that the process works is that everybody has independent standing in the Administrative Hearing process as it goes forward, and the local governments probably have a stronger standing in that process.

Councilmember Wallace asked, if the Council wanted to do something, in terms of input, where is the entry point.

Ms. Dekle stated that it would be the September report that we are preparing.

Mr. Richard Ogburn, Council staff, stated that there are two entry points and it is important to keep clear that there is a review process with the transmission lines and a separate review process for the facility. The one that is coming up in September is for the transmission lines. There will be another report once the review of the facility is complete and then once those two reports have been prepared by the Council and submitted, the Council would have a role in making a presentation at the hearing.

Ms. Dekle stated that staff would prepare a timeline for the Council.

Councilmember Wallace asked if the Council would have an opportunity to discuss and direct staff on its feelings on these issues.

Ms. Dekle stated that staff could prepare a preliminary copy of its report to make available to the Council at the September meeting.

Councilmember Wallace stated that he would like to make a motion to allow the Council the opportunity to review and discuss this report.

Mr. Goren stated that there is a Statute that governs all of this and talks about the Council's legal point of entry. The Council does have a right of entry in that process. The Council speaks as a whole, so if there are any comments or concerns, above and beyond the professional staff analysis that is being performed

now, as a policy-making body, the Council's point of entry would be at that public meeting before the final report is submitted.

Councilmember Wallace stated that he wanted to make sure that the Council had an opportunity to provide input on this report prior to its submission.

Councilmember Sorenson thanked the Mayors for their presentations and thanked Mr. Woerner for working very diligently on this. She stated that she has been meeting with the South Dade group as well and they are very concerned when they see a letter from FPL that says quote, "...because specific underground projects benefit only a few, it is not considered appropriate to have all of the customers pay for the visual esthetics benefitting only a few customers". That really seriously minimizes the concerns of the South Dade community, who is talking about safety, the economy and health issues. We have done so much planning for mixed use and transit oriented development, pedestrian friendly development, to think that people are not buying houses along the corridor because they are concerned about the health effects and there is a hospital right there. These are serious issues to be minimized in this way is quite unconscionable. The discussion of the key operable difference between underground and overhead transmission lines is that it "typically takes significantly more time to diagnose a problem in an underground line and to perform the repair, repair times can be months and weeks instead of hours and minutes and cannot be done during flooding". Councilmember Sorenson stated that her question was where is the data on overhead versus underground, and the kinds of repairs that need to be made, because it seems to me that with overhead would blow down a lot more than underground, so there would be fewer repairs needed. She stated that she would like to see data on that issue.

Councilmember Lieberman stated that she had a concern about waiting until September to bring the report to the Council for review. The reason being is because the August meeting is Executive Committee only; if there are changes that the Members want to make there may not be sufficient time. She stated that she would like to see staff put a draft together for the meeting in July, incorporating the comments heard today from affected parties. She added that she was glad to hear Councilmember Sorenson ask for more information about undergrounding. We, as representatives from local governments, have asked for underground transmission lines. In other states, the utility puts the lines underground and then they pass the cost on to all the rate payers as opposed to Florida, which requires exorbitant payments only along the transmission corridors, not thinking about the impact generally. The other argument is that Florida has a high water table and is prone to hurricanes and it would be harder to fix the lines if they were underground. She stated that she would like staff to look at what the arguments have been against this and to research the issue. It is not just preparing the draft, but it is looking point-by-point at the issues and providing information on both the issues the speakers brought forward and the issues FPL brought forward.

Councilmember Sosa stated that the problem that she has is this, she represents Miami-Dade County and has five municipal governments in her district. Maybe Miami Springs will come to me and say we don't want these lines they are too risky, but then Coral Gables will say they don't want it in their area and then West Miami will say we have a problem. The County is doing an incredible project in the area between Miami Children's Hospital and former Pan American Hospital, now Metropolitan Hospital, and transmission lines had to be installed. At the beginning we tried to do underground, but it cost so much that the municipal government and the County doesn't have the money to pay for this, and this is an area that is completely residential. She stated that she understood that the Federal government was requiring these lines because of the hurricane risk, but the problem is, are we going to keep going. The wires in between is something that I don't see in Broward County, but see a lot of in Miami-Dade County. This cannot be seen as an isolated problem for one isolated area, because everyone is entitled to the same treatment. Everybody says that they don't want this in their backyard, but then on the other side to

pressure the company to go completely underground, they are going to charge the residents for that and then at the end of the day they are going to say the politicians were the ones who pressured us into this. We have to be very careful and we have to weigh, in this critical economic time, what is the right way to go. I have concerns, but FPL comes to the table to discuss. There are some things that can be accomplished, but others are going to be very hard.

Councilmember Barreiro stated that his issue is underground. A corridor needs to be picked and the lines need to be underground. Their policy should be underground first. I would ask that staff also, as they are researching, look international communities as well. There are several islands out in the Pacific that have gone completely underground with the lines because of the number of monsoons. That is the direction that we need to go; we need to bite the bullet now.

Mr. Grosso stated that the Friends of the Everglades Law Center is party to the siting process. This Council has a unique roll in all of this; it has substantive issues from city esthetics, community character to the ecosystem issues, and everything in between. No other agency has that unique set of jurisdictional issues, which is why the Council is a very important player in this process. This is one of the most important siting issues during my career. Just think about the role that this agency has played on cutting edge issues like energy conservation, sea level rise, climate change, and modern economics; think of all the pre-planning that went in before this application was made and all of the work that has gone on in this agency since and on every single issue. FPL has some of the most talented professionals that I have worked with in my career, but we still don't have any answers to any of the issues. I encourage the Council to step up the level of activity to reiterate to DEP and the other agencies considering this application that we are not yet at the question of how to do this project. We are still really at the point of should we be doing this project. Take into consideration that this would be permanent and the impacts 20-40 years from now. Pull into this the projections that were made a few years ago about energy demand and population projections that may not be accurate anymore. Then think about where this entity has been on these questions of how to deal with modern needs for energy consumption and making them consistent with ecological restoration and everything else that is important. Think about a few cents on an energy bill that is maybe at play here versus the other real world economic impacts, and when you look at all of that as a whole, there is a very real question as to whether we ought to be doing this project at this time. When Miami-Dade County issued this conditional use approval two years ago, it required answers to a lot of these questions, and the County still has not received them. That is because these are tough issues, as you see there is not an issue raised by this that is not a very difficult issue that raises question of whether we ought to be pursuing this project at this time. I would just ask that the Council continue to have its staff emphasize those "whether" as opposed to "if" issues and continue to play the roll that only this agency should play and it should be ok in polite company to talk about the question whether we should be pursuing this project as a Region.

Councilmember Riesco asked if the State was under a determined need order to do this.

Mr. Grosso stated that Councilmember Riesco was referring to the PSC's determination from two-three years ago that there was a need for additional electric power. There is an end goal report where they relook at the economic numbers, and I don't think there is anything about that that requires the Council to say we have to neglect the regional issues because we are compelled to say yes to this. The need question can be revisited by the PSC, and that is not to say that any agency has to say yes to it.

Councilmember Riesco asked why these reports are done if they can be disregarded.

Mr. Grosso responded that the structure of that law is that the issues are looked at by different agencies. The PSC looked at is there a need for more electric power; they are now saying it has to be here and it has

to be this way; that question is being decided by the siting application process. Given the amount of money that we are talking about there is a suggestion, because of that determination a few years ago, based on old numbers, we are now committed to rush headlong into building this even if it doesn't make sense anymore; certainly government should not work that way.

Ms. McBee exhibited a PowerPoint presentation which was an update on the power plant siting process. FPL has done outreach with numerous local governments and agencies, including mailing over 400,000 letters with information about the website, email and a dedicated toll free number. There are lots of opportunities for involvement. The agency report that the Council will be submitting will include a discussion on the impacts of the transmission lines, a recommendation and any proposed conditions. Ms. McBee stated that one of the handouts that FPL provided contains information about the alternate corridor process which provides a way for the local governments to provide input to come up with an alternate corridor.

Councilmember Wallace stated that there are two problems with FPL's position: first, if there were 500,000 letters sent out, how does it get to the point that something so distasteful to so many people gets on the table as what's going to happen on U.S. 1. That bothers me a lot, because if there is that much insolence from that many people are you saying that there was never anybody through this whole process that said you can't do this, this is terrible. The answer is always we sent out 500,000 letters. The other point is it seems that there is no dialogue from FPL's side, which is what I personally want. I am interested in having this discussion just to get these things in the open. I recognize, he stated, that there are a whole lot of people that believe that the lines should be undergrounded and I have not heard anything from anyone at FPL, at any point, ever say that is something we can consider. I would like to know why that cannot be considered. Why is it that the only answer is we have reached out, because that is not an answer?

Ms. McBee stated that in addition to the number of correspondence sent out there were several meetings, and as part of the process the public provides its comments and concerns to us. We had some criteria that we needed to adhere to as far as not locating the lines near schools, etc. We evaluated over 230 routes that included that type of feedback. The website, email and the toll free number are available at anytime. We are happy to discuss the topic of undergrounding.

Councilmember Wallace asked if there was any point where FPL considers and alternative to doing what they have said they are going to do. Is there any chance that we can all here operate as a one south Florida community and talk about some possible alternatives to this other than just having more dialog, more statistics, what it costs, and so forth. Where is the openness, he asked.

Mr. Goren stated that this was not a public hearing; he suggested that the Council accept the testimony which has merit and value. Mr. Goren suggested that the Council make a motion to accept the testimony and allow it to be utilized in the context of the overall analysis being prepared by staff now.

Councilmember Wallace moved to accept the testimony given on the issue of the FPL Proposed New Nuclear Plant – Turkey Point 6 & 7 and allow it to be utilized in the preparation of the Agency Analysis being prepared by Council staff. Councilmember Sorenson seconded the motion, which carried by a unanimous vote.

Chair Scuotto thanked all of the presenters for their participation in the discussion.

**AGENDA ITEM SIXTEEN:** Correspondence and Attendance Form

Information only

**AGENDA ITEM SEVENTEEN:** Councilmember Comments/Public Comments

None

**AGENDA ITEM EIGHTEEN:** Upcoming Meetings

- a) July 12<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)
- b) August 2<sup>nd</sup>, 10:30 a.m. (Council Offices, Hollywood) – Executive Committee
- c) September 13<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)
- d) October 4<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)

**AGENDA ITEM NINETEEN:** Adjournment

The meeting was adjourned at 1:26 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the June 7, 2010 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 12<sup>th</sup> day of July 2010.

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Heather Carruthers, Secretary

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Date