

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

September 14, 2009

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Walters, called the meeting to order at 10:38 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates
Councilmember Michael Blynn
Councilmember Suzanne Gunzburger
Councilmember Ilene Lieberman
Councilmember George Neugent
Councilmember Marta Perez
Councilmember Joseph Scuto
Councilmember Katy Sorenson
Councilmember Paul Wallace
Councilmember Sandra Walters

The following Ex-Officio members were present:

- Mr. Gary L. Donn, representing the Florida Department of Transportation
- Mr. Tim Gray, representing the Florida Department of Environmental Protection
- Mr. Elbert Waters, representing the South Florida Water Management District

The following Council members arrived after roll call:

- Councilmember Scott J. Brook
- Councilmember Josephus Eggelation, Jr.

AGENDA ITEM THREE: Minutes of previous Meetings

Councilmember Neugent moved to approve the Minutes from the June, July and August meetings. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FOUR: Project Reviews

a) **Intergovernmental Coordination and Review Report**

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

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

a) DRI Assessment Reports

Councilmember Lieberman moved to defer the Lauderhill City Center DRI assessment review, accepting the applicant's proffer to waive the 50-day timeframe set forth in Florida Statutes. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

b) Development Orders (DO)

1) Chapel Trail NOPC – City of Pembroke Pines

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

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) Town of Southwest Ranches

c) Islamorada, Village of Islands

Councilmember Lieberman moved to approve the staff recommendation on agenda items 6b and 6c. Councilmember Blynn 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) Updates Amendments

- None

b) City of Homestead (09-RWSP1)

c) City of Homestead (09-1ER)

d) City of Tamarac

e) City of Deerfield Beach

f) Town of Davie (09-1ER)

g) Town of Davie (09-1)

h) Village of Virginia Gardens

Councilmember Lieberman moved to approve the staff recommendation on agenda items 7b, 7c, 7d, 7e, 7f, 7g and 7h. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

Councilmember Eggelleton arrived at the meeting.

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

1) Executive Director's Annual Evaluation

Councilmember Walters stated that the Executive Committee has reviewed the Director's suggestion, which was no increase in salary this year and no deferred compensation to her ICMA Retirement Corporation fund.

Ms. Carolyn A. Dekle, Executive Director, stated that she appreciated having the opportunity to work for the Council and she looked forward to the upcoming year.

Councilmember Brook arrived at the meeting.

Councilmember Lieberman moved to approve the recommendation of the Executive Committee noting that the lack of a salary increase was not a reflection on the Executive Director's performance or was not based a lack of confidence in her ability. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

2) Legal Counsel Evaluation and Proposed Contract Extension

Councilmember Lieberman moved to extend the contract for Legal Counsel, with compensation identical to the previous year, noting that the lack of an increase was no reflection on Legal Counsel's performance. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Mr. Samuel S. Goren, Legal Counsel, stated that Councilmember Gunzburger had requested information about hourly rates, but these are fees that are not paid out of Council funds; they are paid by outside sources, such as the Revolving Loan Fund and others. This information would be provided next month.

b) Financial Report

Councilmember Wallace asked if the move made with staff reductions last year has gotten the Council into more of equilibrium.

Ms. Dekle stated that the Council is staying within the budgeted personnel amount. It has a smaller operational budget than three years ago, and it's a result of the modifications made. Council staff is going to work with its partners to try to work within the budget that staff is asking the Council to approve. There is a certain level of uncertainty about some of the Council's funding for the future. Short answer, it was helpful and staff is hopeful that there will not have to be any additional modifications.

Councilmember Lieberman stated that the July report shows that there is only 9% of the budget left for occupancy costs, and only 7% is left in professional development; those will not hold over to the end of the year. She stated that occupancy costs concern her the most.

Ms. Dekle stated that she has an appointment with the landlord to discuss the possibility of reducing the Council's rent given the situation that generally exists at this point in time. It is probably a result of when the taxes and the other common space numbers were received. I hope to be able to bring the overall number down.

Councilmember Brook asked if the landlord was to appeal the tax assessment, how would the reduction be reflected in savings to the Council?

Mr. Goren stated that they tried years ago to carve out this site from the overall ad-valorem tax bill, because of the nature of the agency. The landlord rejected that, but made other accommodations in terms of the rent itself. When the contract was re-negotiated to include the new space, there were other accommodations made numerically that made the lease less; they didn't want to cut out this portion of the building from the overall tax bill, but theoretically that is something that staff can look at with the landlord.

Councilmember Brook asked how that worked logistically in terms of timeframes.

Mr. Goren responded that the deadline is now, but the ultimate result could be months down the road.

Councilmember Brook stated that he recommended to his landlord that he appeal the assessment for the building where he rents his legal space.

Mr. Goren stated that he will look into that, but he knows that staff has been looking at all options available to reduce costs. There are other provisions, which are escape provisions, not given to renters who are not in public life. Legal Counsel will look at any option that would reduce costs, he stated.

Councilmember Gunzburger moved to approve the Financial Reports for the months of May, June and July 2009. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Dekle informed the Council that Ms. Isabel Cosio Carballo, Council staff, worked on the Legislative Update. Staff has also been working with a working group, led by Bob Cambric, looking at Senate Bill 360 (SB 360). The group is comprised of local government planning professionals, developer representatives, and attorneys; and they are working together to see what might be suggested in terms of an urban area, and to respond to some of the things in SB 360. The results will be brought to the Council as soon as it is complete. The Council has received the draft agenda for the October Strategic Planning Session; however changes may have to be made depending on what is learned over the next few weeks in terms of resources and staffing and things of that sort. Ms. Dekle stated that staff would be emailing the Council members to see who will be attending. A suggestion was made that the Council provide lunch; however, she stated, the Council members will be given the option to purchase lunch or bring their own. Ms. Dekle then informed the Council of the Regional Climate Leadership Summit that will be hosted by Broward County on October 23, 2009.

Councilmember Lieberman stated rumor has it that Senator Bennet doesn't agree with Secretary Pelham's interpretation with SB 360. During the Session, she stated, the Council passed a resolution explaining all of the problems that it found with SB 360. She asked if the Council should bring that back and forward it again to make them aware that the Council has not changed its position with respect to traffic concurrency.

Ms. Dekle stated that there was no reason not to do that.

Councilmember Lieberman stated that the only adjustment that should be made would be to say something to the effect this has gone far enough, this is a local issue, don't do any more with it. She requested that this be added to the October agenda. Councilmember Lieberman also requested a

resolution supporting a dedicated funding source for Tri-Rail, especially if Sun Rail is to be part of the Special Session.

Councilmember Eggelletion stated that the South Florida Regional Transportation Authority (RTA) sent a letter requesting that they put on the call for the Special Session as a separate Bill on Tri-Rail. We have already submitted our Bill to the Governor's Legislative Director and we want a separate Bill, not attached to the Sun Rail Bill. It would be very helpful if this Council would send in a resolution of support. A part of the funding would go toward the extension of Tri-Rail further south in Miami-Dade and connect with Monroe County and north into St. Lucie County as well. Councilmember Eggelletion asked if the Governor agreed with Secretary Pelham.

Councilmember Lieberman stated, even if the Council passed a resolution before, it would be helpful to get a copy of the letter sent by the RTA and mirror our resolution to the latter and include those points, separate Bill, not linked to Sun Rail and have that on the October agenda.

Ms. Dekle stated that a reference can be made in the refreshed resolution to the fact that a resolution was sent in April 2009, the Council is re-affirming the thoughts there and adding the ones mentioned here.

Councilmember Lieberman stated that the key is having a separate Bill, because we don't want to be linked to Sun Rail. Sun Rail has some detractors that are not at all on the opposite side of us, in fact they are on our side for getting a dedicated funding source for Tri-Rail.

Councilmember Asseff stated that she would like to see the Council look at, during the planning session, would be some of the things that they are using on their Development Order (DO) conditions for Lauderhill DRI; one is to have an energy component. She stated that she would like to be sure this is in their packet of the things that they are looking to do, because this is the time. The other thing, she stated, is transportation; it is kind of discouraging this month that the Gold Coast Clean Cities Coalition was not awarded any money out of the \$15 million worth of grants that it applied for. There are currently two coalitions in Florida, and there will be a third in Tallahassee soon. The other coalition, in the Space Coast, also applied for \$15 million worth of grants. Neither coalition received any money from the Federal Government. Twenty-five states all received \$15 million and such out of the \$350 million that was awarded. Florida is the fourth largest state and is one of the largest consumers of oil-based products. She stated that if any of the Council members had any influence with any of our Congressmen or Senators, we need your help. Three weeks ago, we contacted the Department of Energy to find out why the State of Florida was left out, but have not received a response.

Councilmember Eggelletion stated our ranking member as well as the majority member on the Transportation Appropriations Committee in Washington are having a very difficult time explaining to their colleagues why Florida should receive money because this state is dead last in stimulus spending for transportation, despite the fact that it got a huge chunk of money and Representatives Mica and Brown both expressed frustration with the State of Florida and a lack of dedicated funding for Tri-Rail or other rails when they have cashed in their chips to advance those projects above other states in Washington. They are having a very difficult time with the Committee Chair in trying to reconcile those differences, and until Secretary Kopelousos mends her fences with her Congressional Delegation, Florida may see a very difficult time receiving further transportation funds in the future.

Councilmember Lieberman stated that it is actually worse than that; Congresswoman Brown and Congressman Mica were trying to get the Senate to understand; they were more keyed on Tri-Rail than Sun Rail and they were very frustrated that they couldn't sever the two and get the Senate to understand

the need to do the dedicated funding source. It is not just that they are disappointed; both of them are pretty outraged.

Councilmember Walters informed the Council that she decided to postpone the Hometown Democracy presentation until October, because it felt strategically related to discussion of the *SRPP*. She requested that the members book their calendars until 2:00 p.m. for that meeting.

d) Legal Counsel Report

1) SFRPC Records Retention Policy

Councilmember Gunzburger moved to approve the Records Retention Policy. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

Mr. Goren stated that there was an update on all of the loan programs provided in the backup. He then informed the Council that there was a memorandum provided for the August meeting regarding the request for information on Facebook.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only.

f) FY 2008-2009 Letter of Engagement for Audit by S. Davis & Associates

Information only.

g) FY 2008-2009 Budget Amendment

Councilmember Blynn moved to approve the FY 2008-2009 Budget Amendment. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

Councilmember Sorenson stated that Miami-Dade County's line item on membership fees has not yet been passed; it will be reviewed on Thursday night at the budget hearing. She stated that she was not sure if it would be reduced or not. That may require a budget amendment at a future time.

Ms. Dekle stated that the item being reviewed was the amendment to the 2008-2009 operating budget and will not be affected by the decisions of the County, that will be applicable to the 2009-2010 operating budget.

h) FY2009-2010 Operating Budget and Annual Work Program

Councilmember Walters stated, as we have just discussed, we are aware that Counties have not finished their budgets and some of these items may change, however, there are other potential funding sources and ways to bridge that. At this point, this budget does reflect a population decrease in the contributions from the County members.

Councilmember Gunzburger stated that the budget shows that occupancy is going up by \$6,000; she stated that she is looking forward to seeing that number decrease. She also said that knowing how Broward County government has worked in the past, if Miami-Dade reduces its contribution, Broward will do the same.

Councilmember Wallace made a motion to reconsider item 8f, for discussion.

Councilmember Walters stated that the Council would come back to that after it finished item 8h.

Councilmember Lieberman stated that she agreed with what Councilmember Gunzburger stated earlier; if Miami-Dade reduces its fees, Broward would do the same.

Ms. Dekle stated that was not at all unusual.

Councilmember Gunzburger moved to approve the FY2009-2010 Operating Budget and Annual Work Program. Councilmember Blynn seconded the motion.

Councilmember Brook stated that he was concerned about the lack of discussion about the “what ifs”. He stated that he would have preferred a little more discussion about “what ifs”. He posed the following question to Ms. Dekle, let’s say there is \$250,000 less in the budget, what do you consider proposing in terms of expense reduction? In all honesty and forthrightness, when you look at the expenditures, of the total proposed, more than half of that is salary and leave. There was some adjustment this past year, correct?

Ms. Dekle stated that there was an adjustment done the year before last; there were lay-offs and the staff went to a four-day work week, so everyone took about a 20% pay reduction. This past year there were no pay raises and the Council did not fill any positions. She stated that she heard what the Councilmember was saying about the “what ifs”, and she thinks that staff can more easily prepare those after the Strategic Planning Session, or she could prepare some for that discussion. Ms. Dekle stated that one of her concerns was as we have that dialog, we need to always be talking about what will that mean in terms of our ability as staff to provide the services that might be desired, or how do we partner with other organizations, or how do we work with other programs in the County. Right now, a lot of the funds generally flow through the planning department, but there are other places where the Council can provide services and that may be a way to help the Counties out in that regard.

Councilmember Brook requested that Ms. Dekle prepare some items to discuss at the Strategic Planning Session in October. Let’s have a three to five year outlook of where the Council is headed, because my guess is two years from now, revenue is still very low; a year from now, revenue is going to be lower than it is now and this Council should have some discussion in advance about what if we needed to cut \$250,000 from the budget, what would the Director propose and what kind of input is she looking for from the Council.

Ms. Dekle stated that one piece of good news is that there have become a number of different Federal programs where they are looking at Regional Councils as the primary delivery system for those programs. One that comes to mind is the Revolving Loan Fund Programs. What I hope to provide to the Council, she stated, is not just looking at the local governments for revenues, staff will try to stay revenue neutral in terms of the size of the Council and its expenditures, but looking for revenues from other sources.

The motion made by Councilmember Gunzburger and seconded by Councilmember Blynn carried by a unanimous vote.

The Council moved back to item 8f for further discussion, as requested by Councilmember Wallace.

f) FY 2008-2009 Letter of Engagement for Audit by S. Davis & Associates

Councilmember Wallace stated that he recalled a discussion that the Council had regarding this item last year. He stated that he was not certain what happened as a result of that, but the same issues are coming back again. Councilmember Wallace stated that his motion to look back into this again is based upon a matter of philosophy. This contract is made such that everything in it is made confidential. Everything that we do with outside parties requires a confidentiality agreement, the documents are confidential. If there is a disagreement between the Council and the auditors it goes to a secret arbitration, which is enforceable in court without any discovery being available, except by permission of the arbitrators. This is not what government ought to be. Having a contract that calls for confidentiality agreements and settlement of disputes in a secret arbitration enforceable in court without any hearing, without any discovery just smacks to be the absolute wrong way to go in conducting the public's business. He stated that he wanted to be on the record as not being someone approving this.

Councilmember Lieberman stated that she reads the agreement differently; on page six the provision on confidentiality, what it says is if they use a third party provider, in other words a sub-contractor, they want a confidentiality agreement so that the sub-contractor doesn't release the Council's information without consent. He is not saying that the Council's information is not going to come out to the public; what he is saying is if he brings in a sub-contractor they must agree that they are not going to release any information until it is ready to be released. Councilmember Lieberman stated that she also hated arbitration and mediation, but in the 17th Judicial Circuit, if you go to court they are pretty much going to require you to mediate before you have a hearing. Secondly, the agreement is not saying that the results of the mediation or arbitration can't or will not be shared.

Mr. Goren stated that the discussion did occur last year and legal counsel did discuss the issue with Mr. Davis and recommended to him that he rethink the strictness of the language. There was a side letter drafted that clarified last year's contract and the global contract itself referencing the rights regarding access to public records and the rights of the public. Arbitration was not a changeable provision, but he recognized that he was dealing with a public body. Mr. Goren stated that he would be happy to provide the Council with a copy of the letter.

Councilmember Wallace stated that the arbitration provision is totally antithetical to what we are doing here. Mediation is probably ordered in the 17th Judicial Circuit, but that is part of a public record court proceeding, which is totally different than going into a private mediation. Arbitration of disputes of a state agency that might involve the public's money should not be permitted.

Councilmember Eggelletion stated that he agreed with Councilmember Lieberman. He remembers when this came up before. You want your audit information to remain somewhat confidential until it is requested or released, or until all of the responding parties have responded so you have all of your information on the table; to do so prior to that would compromise the audit.

Mr. Goren stated that Mr. Davis made it very clear that the Council was not waiving anything.

Councilmember Lieberman stated that there were two very distinct issues going on here. She stated that she did not read this agreement the way that Councilmember Wallace did. Under engagement, administration, fees and other that has to do with sub-contractors in the first paragraph. You would not want a sub-contractor to release information before an audit draft is complete. Mr. Davis is not saying that he will not release public information; he is saying any sub-contractor will be required not to do that. Mr. Davis, she stated, is saying that his work papers are his product, which is not unusual. The agreement goes on to say that certain laws dictate that he may be requested to release audit

documentation to the Council's oversight agencies; that would be the only way that he would release that information. Ms. Dekle is the holder of the document and any public requests for copies would come to her. On the issue of arbitration, literally every state construction contract has an arbitration provision. The reason that they do that is in hopes that people would try to settle their differences without litigation, mediation or arbitration, because that is always going to be better than having some other party decide the differences.

Councilmember Wallace closed the discussion by stating that his biggest objection is the arbitration. No matter if everyone is doing it or not, having a secret arbitration of any disputes between the Council and this auditor is not in the public's interest.

AGENDA ITEM NINE: Revolving Loan Funds

Councilmember Asseff informed the Council that Ms. Dekle received an accolade from the U.S. Department of Commerce's Economic Development Administration. She was recognized for the Revolving Loan Fund (RLF) being a leader in RLF management. EDA interviewed Ms. Dekle and a copy is available at www.eda.gov.

Ms. Dekle stated that the credit really goes to Council staff.

Councilmember Asseff stated that Ms. Cheryl Cook, Council staff, and her staff do a phenomenal job; they go over every one of these loans and they really watch for every dollar.

Councilmember Lieberman clarified that by lack of a purple sheet on the RLF program, she was under the assumption that there were no changes from the full RLF status report.

Ms. Cook responded yes.

Councilmember Sorenson pointed out a typo on Loan #1041; the ending balance should be \$300,000.

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.

1) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Resolution

Information only.

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

Information only.

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

Councilmember Walters informed the Council that the completion date has now been extended until June 1, 2010, and in following that the local emergency management directors are supposed to modify their emergency plans to incorporate the results. She stated that she has expressed great angst over that; we will have been more than four years in the planning process and to not have something in place before the 2010 hurricane season is just insane. She understands that is not the Council's fault; there are certain things that have to happen before this gets to the Council. She stated that she has asked that Council staff express great concern about this as they proceed with coordination with the emergency management division at the Florida Department of Community Affairs (DCA) and the other RPCs in implementing this and we would like to see this expedited.

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

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

None

AGENDA ITEM FIFTEEN: Other Matters for Consideration

a) Presentation-Florida Power & Light (FPL) Proposed New Nuclear Plant-Turkey Point 6 and 7

Mr. Goren stated that there was currently a matter pending with regard to this discussion which is a legal process that this Council is currently in, under state law. Staff is working diligently in that regard and the Council's discussion and commentary today are not intended to change that process.

Councilmember Walters stated that she understands that this is a state-level process that FPL is going through right now; there is also a full federal-level process that she gathers is underway and she stated that it would be beneficial if the speaker would address the two processes so that people understand that there will be many opportunities to weigh in on this.

Ms. Florette Braun, Licensing Manager in the Environmental Department for FPL, stated that she along with two of her colleagues would be giving the presentation; they are Ms. Jena Meir from the Environmental Department and Mr. Robert Regan, Project Manager from the Development Department. She stated that they are at the very early stages of what will be a multi-year project. They are looking forward to continuing the dialogue to ensure that this project will meet stakeholder needs as well as be compatible with regional goals and objectives. Ms. Braun discussed the following topics during her portion of the presentation:

- Energy conservation;
- A balanced approach;
- 2008 FPL fuel mix; and
- Need for the project.

Mr. Regan discussed the following topics during his portion of the presentation:

- Turkey Point units 6 and 7;
- Reclaimed water;
- Economic benefits; and
- Environmental benefits.

Ms. Meir discussed the following topics during her portion of the presentation:

- Water management project area and opportunity; and
- Roadway improvements.

Ms. Braun wrapped up the presentation and discussed the following topics:

- Proposed new facilities; and
- Community outreach.

Ms. Braun stated that she would answer the questions raised by Councilmember Walters regarding the approval process. FPL put in a regulatory application and is in the very early stages. They are also focusing on the site certification application which goes through the State coordinating agency under the Power Plant Siting Act. There are plenty of opportunities for public input, before agency input. The Council has an opportunity to submit a report on the transmission lines. In January, the Council's preliminary issues report will be due and the final report will be due February 15, 2010.

Councilmember Asseff stated that there is a mandate coming up in Broward and Miami-Dade on the outfall pipelines; she asked if there was any way that the water from the outfall pipelines could be used as reclaimed water for FPL.

Councilmember Lieberman stated that Miami-Dade County is physically closer to the plant.

Ex-Officio member Waters stated that there were members of the Water Management District staff that will be participating in the discussions regarding reclaimed water and those outfall pipelines.

Councilmember Asseff asked for clarification on the use of natural gas. Is it because of the lack of pipelines that FPL does not use more natural gas, she asked.

Mr. Steve Simm, Director from FPL's Resource Planning Division, stated that FPL uses very little coal; in fact, most of it is used because it is under contracts, which are set to expire before the new plant opens. One will expire by the end of 2015 and a purchase contract is scheduled to end some time in 2016; the exact date is unknown due to IRS regulations.

Councilmember Asseff asked if FPL could pick up the other 6% in natural gas if they had to.

Mr. Simm responded, yes, if they had to. There are some problems, the first is that the graph shown says that 53% of our current energy is supplied by natural gas, by the time we get out of the coal contracts and the new nuclear units are in we are projected to be 67-68% natural gas; it's too many eggs in one basket. We run into problems on two fronts, while the price of natural gas is quite low right now, it is a very

volatile fuel. FPL is concerned about as we approach 2/3 of our energy being delivered by natural gas; they are very susceptible to very large fuel price increases. The second major problem is supply disruption. If hurricanes run through the Gulf of Mexico it is quite easy to have those pipelines shut down or shut off for a period of time. It is more of a question of diversity of fuel resources in order to counter balance the availability and supply of natural gas.

Councilmember Sorenson asked where the number \$100 million in annual tax revenue from Miami-Dade Public Schools and other services come from.

Mr. Regan stated that FPL did two economic studies.

Councilmember Sorenson stated that seems like a lot of money; if we had \$100 million, our entire staff that is taking a 5% pay cut could remain flat.

Mr. Regan stated that it was based on a calculation of the assessed values.

Councilmember Sorenson stated that the presentation says, "...the County will own and operate a reclaimed water pipeline to the south district plant", but it is not clear who will pay for that.

Mr. Regan stated that the Joint Participation Agreement lays out the ownership and how it is funded, and he thinks that they are still working through the funding of the pipeline.

Councilmember Sorenson then stated that the presentation shows that "FPL will provide added nutrient removal and filtration treatment at Turkey Point"; what about the other stuff? The issue is the quality might be legal for irrigation, but not for discharge to wetlands, where FPL is considering discharging some of this water. She asked how that was going to be done.

Mr. Ed Colp, Water Engineer for FPL, stated that cooling water was the main purpose of the reclaimed water use. We are saying that FPL needs to remove some of the nutrients as one of the cool water processes. If the water is going to be discharged to the wetlands then it has to be determined what quality of water can be discharged to what wetlands, and that is still under review.

Councilmember Sorenson stated that FPL is still requesting withdrawals from the Biscayne Aquifer.

Mr. Colp stated that having the reclaimed water, in case there are interruptions of service, FPL needs an alternate or standby source. They would draw saltwater from Biscayne Bay by means of radial collector wells, which are wells that are drilled horizontally under the Bay and as the water filters down to the Bay bottom (about 40 feet deep) then it flows into these collector wells by gravity to these large tanks and we would pump the water out of there. That would only be a secondary source if the primary source was unavailable.

Councilmember Neugent asked if the water was filtering down in or was it going into the Biscayne aquifer?

Mr. Colp stated that they were actually out in the Bay, so the rock formations are the same as those in the aquifer, this is not a freshwater source; it is a saltwater source.

Councilmember Sorenson stated that another concern she had was with the rock mining that was proposed and the potential for saltwater intrusion. We all want energy, but there are some environmental costs to this that really need to be carefully examined before we go through with this.

Ms. Meir stated keep in mind when the CDMP is approved, there are certain criteria that have to be met before we could do this work. FPL would also have to get approvals from the Department of Environmental Protection (DEP), the Water Management District (WMD), and Miami-Dade County. That particular project is a proposed project and we have to look at it, because it does save our customers money, but if it cannot be approved because of environmental concerns, then we won't use it.

Councilmember Sorenson responded it is saving money on one side for FPL and costing the County on the other side because there is saltwater intrusion.

Ms. Meir stated that FPL cannot do it if there is saltwater intrusion.

Councilmember Walters stated if FPL gets to the point where it is through the NRC initial review, then it is going to have to go through a full Environmental Impact Statement and they are going to be withdrawing water from underneath Biscayne Bay, which is a National Park. There are major issues with the National Environmental Policy Act (NEPA) that FPL will have to address associated with that as well as all of the geologic issues. FPL is at hurdle number one of a number of years of heavy review.

Councilmember Sorenson stated that it is important every step along the way to put all of our concerns on the record. She stated that she had three more concerns. The presentation shows that some two-lane roads will be converted to four-lane roads and it looks like some of the diagrams show that some of the new roads will cut through environmental restoration areas and that might be a problem. Councilmember Sorenson stated in her community there is a lot of discussion about putting the power lines and the poles along the U.S. 1 corridor. This corridor is slated for the long-term for mixed use, pedestrian friendly, transit oriented development, and putting up huge poles along there really flies in the face of that kind of long-term planning that many of the communities want to do. People could live with undergrounding those wires, but we still haven't gotten any cost estimate for that. Councilmember Sorenson thanked the Council for hosting the FPL public meeting, but, she stated, many citizens were frustrated that they had questions, but didn't get a lot of answers. Council staff got beat up, because FPL didn't answer a lot of the questions that were raised.

Councilmember Neugent stated that his Board of County Commissioners requested that he document and/or make a recommendation because of their concerns because we need to be paying close attention as we go through this evolutionary process. We certainly know that there will be a tremendous amount of federal and state agencies paying very close attention to this as it moves forward. Monroe County wants to be on record as saying that they are not asleep at the switch and would like to invite FPL to come down and make a presentation at a Commission meeting. He stated that he cannot iterate enough that this is something that Monroe County wants to participate in. The County would like to be made aware of any of the meetings that are taking place.

Ms. Braun stated that FPL would be happy to come down and give a presentation on the project.

Councilmember Perez stated that she would like to know if there were other communities that have already done this and if they have, what have been the environmental problems that they've encountered.

Ms. Braun stated that the Power Plant Siting Act is a fairly common process throughout Florida for a variety of different power plants. Very recently, Progress Energy has gone through siting nuclear power plants within the last month they started the Governor and Cabinet approval, going through a very

similar process. We could look into that for you in terms of who was interested and what their concerns were.

Councilmember Walters stated that this is the first application to expand a nuclear plant in a good number of years.

Mr. Regan stated that there are other projects like this around the country.

Councilmember Perez asked what environmental problems they faced.

Mr. Regan responded that they each have different issues.

Ms. Braun stated that the Department of Administrative Hearings' website has all of the documents related to those projects.

Ms. Elizabeth Hernandez, City Attorney for the City of Coral Gables, stated that the City was present to lend its voice to the concerns that were being raised. In addition to the concerns that were raised for informational purposes, we also feel that because of the route of the transmission lines the Council should ask questions regarding emergency communications. The height of the power lines will interrupt police and fire emergency communications and transmissions. Also the noise barriers and height levels; there are various municipalities that have fire stations along those lines. The firefighters sleep at these facilities; there is a potential of noise transmission from these lines, and the firefighters need to be able rest in order to be alert. Coral Gables has been working with FPL, but has not received the necessary information on this issue.

Councilmember Walters stated that she would pass along the comment card from Ms. Ferrer to FPL.

Councilmember Scuotto asked if there was any reason why FPL would not bury the lines along the U.S. 1 corridor or was there a reason why they could not, besides cost.

Ms. Braun stated that FPL is regulated by the Public Service Commission (PSC), and it requires them to provide the most economical and reliable method. Generally speaking, as long as there is a technically feasible option, it is not the preferred solution because it costs a great deal more.

Councilmember Scuotto stated so it is only cost.

Councilmember Walters stated it is not just cost it is about the maintenance as well, particularly for the capacity of the transmission lines.

Ms. Braun stated that the PCS has set things up so that the requesting party and the benefiting party have the responsibility to pay the cost differential. FPL is looking at the technical possibility of undergrounding along the U.S. 1 corridor at the request of several different entities.

Councilmember Wallace asked if there were considerations to not going along U.S. 1 and if so what were those options?

Ms. Braun stated that FPL did look at a number of different options and there were issues with all of the other options. One of the key challenges was getting across the northern area into Miami-Dade County some of the congestion of the circuits along the routes were extremely congested.

Councilmember Wallace asked what is the relationship between the two routes that are shown on the map?

Ms. Braun stated that the eastern line would take a single 230 KV, single pole set of facilities down to connect us to the Miami sub-station. Heading out west, we are going to take two 500 KV and one 230 KV to connect to the north central Miami-Dade County. It is a large transmission substation that will enable the Turkey Point project to connect to the grid-at-large to be able to have the power transmitted more conveniently throughout the system.

Councilmember Walters thanked the presenters for the information.

Councilmember Wallace asked if the report due in November would come to the Council for review prior to submittal.

Councilmember Walters stated that the staff report would be included in the November 2, 2009 agenda packet for Council review.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only.

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

None

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) October 5th, 10:30 a.m. (Council Offices, Hollywood)
- b) November 2nd, 10:30 a.m. (Council Offices, Hollywood)
- c) December 7th, 10:30 a.m. (Council Offices, Hollywood)
- d) January 4th, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 12:25 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 September 14, 2009 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 5th day of October 2009.

Katy Sorenson, Secretary

Date