

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
APRIL 16, 2010**

Chairman Ferreri called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Vice Mayor Abell Commissioner Flescher (Alternate) Commissioner O'Bryan (Alternate)
St. Lucie County:	Commissioner Grande Mayor Christensen
Martin County:	Commissioner Smith Commissioner Hayes Commissioner Scott
Palm Beach County:	Commissioner Vana Commissioner Koons (Alternate) Mayor Ferreri Councilmember Brinkman Mayor Golonka Commissioner Brown Councilman Lowe (Alternate) Vice Mayor Webster (Alternate) Councilman Fred Pinto (Alternate) President Pro Tem Norris (Alternate) Vice Mayor Pro Tem Andel (Alternate)
Gubernatorial Appointees:	Eduardo Balbis Bill Hall Michael Davis Kevin Foley Susan Hershey Reece Parrish Richard Oujevolk
Ex-Officios:	Jim Carnes, SFWMD Lois Bush, FDOT Ron Bunch, Enterprise Florida, Inc. Ann Benedetti, SJRWMD Mary Murphy, DEP
Council Staff:	Marlene Brunot Michael Busha

Kim DeLaney
Sandy Gippert
Liz Gulick
Wynsum Hatton
Stephanie Heidt
Terry Hess
Dana Little
Peter Merritt
Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

Chairman Ferreri welcomed the new members and the re-appointees. He explained the new process for Public Comment wherein comments will be heard prior to the Agenda and Consent Agenda approval on all agenda items requiring Council action. Any additional comments from the public with respect to items other than those requiring action will be heard once all Council business has been resolved. The public will be allowed three minutes during each of these opportunities.

AGENDA AND CONSENT AGENDA

Commissioner Smith moved approval of the Agenda and the Consent Agenda. Mayor Christensen **Motion** seconded the motion, which carried unanimously.

Items on the Consent Agenda were: 5A, Financial Report – January 31, 2010; 5B, Financial Report-February 28, 2010; 5C, Minutes – February 19, 2010; 5D, Wild and Scenic Loxahatchee River Day-Resolution; 5E, Fort Pierce Comprehensive Plan Amendments DCA Ref# 10-1; and 5F, Intergovernmental Coordination and Review Log.

ANNOUNCEMENTS

Staff presented the 2009 Thomas Yatabe Award to Division Chief Daniel Wouters of Martin County Fire Rescue. This Award, given annually, recognizes outstanding achievement, accomplishment or superior participation in the hazardous materials planning program by a member or alternate of a Local Emergency Planning Committee; individual, agency or organization; or industry or business.

Staff noted a grant award of \$3.99 Million to assist the Glades Utility Authority in developing a regional wastewater infrastructure system in the Glades region of western Palm Beach County. The Glades Utility Authority, a partnership between Palm Beach County and the Cities of Belle Glade, Pahokee and South Bay, intends to provide a regional solution for the provision of sustainable infrastructure in the tri-cities area. Overall project construction is expected to commence in October 2010. The construction period will last 6 months with a scheduled completion date in April 2011. The anticipated impact of the project is the creation of 240 jobs, retention of 270 jobs and \$48.5 million in private sector investment.

Staff also announced another grant award of \$3.8 million to assist Vaccine and Gene Therapy Institute of Florida (VGTI-FL) in completing its research lab build out at the Florida Center for Innovation at Tradition. VGTI-FL proposes to build a 100,000 square foot biomedical research facility to house laboratories, scientific staff and a vivarium for small animals. The proposed location is on an 8 acre tract at the Florida Center for Innovation Industrial Park at Tradition in the City of Port St. Lucie. The property is adjacent to the existing Torrey Pines Institute for Molecular Studies. The Economic Development Administration grant funding would allow the facility to be fully-completed and, therefore, allow VGTI-FL to generate the projected 189 full-time equivalent positions. In addition, the project will generate an estimated 530 temporary construction jobs.

ExOfficio Ann Benedetti provided Councilmembers with a Proclamation from the St. Johns River Water Management District proclaiming April as Water Conservation Month. She noted several activities to promote water conservation month including presentations and letters to local government elected officials recognizing them for their commitment to water conservation; guest appearances on radio public affairs programs, guest editorial columns in newspapers and online newsletters; “Splash Into Science” nights at elementary schools and feature articles and news coverage about the Florida Water StarSM Program.

PUBLIC COMMENT

Ms. Alexandria Larson stated the Florida Department of Transportation has installed red lights on the on-ramps to I-95 in Miami-Dade County. With respect to the Environmental Protection Agency numeric standards, she stated everything she has seen at local meetings and in the news has been that everyone is against the numeric standards. She stated her wish to have the Environmental Protection Agency enforce these standards, as these should have been done in 1972 when the Clean Water Act was enacted. She stated her community already meets the standards. Her concern is the standards are not consistent throughout the state. She stated there is a real problem with mercury and phosphorous in our water and compliance with the Clean Water Act should have been done a really long time ago. Additionally, she expressed her desire for the price of the West Palm Beach transit village to be lowered from \$1.5 billion.

I-95 TRANSPORTATION ALTERNATIVES STUDY UPDATE – PRESENTATION BY BOB HAMM, WILBUR SMITH ASSOCIATES

An overview of the project was presented to Council by Mr. Bob Hamm, P.E., the senior transportation planning manager in Wilbur Smith Associate’s Tallahassee office and project manager for this study. The purpose of this item is to provide an update regarding the I-95 Transportation Alternatives Study, which is being undertaken by the Florida Department of Transportation. This study is designed to assess the travel demand and freight moving along the I-95 corridor in Florida against four measures: transportation, emergency management, homeland security, and economic development. The project identifies a 12-county study area, including Duval, St. Johns, Flagler, Volusia, Nassau, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties. Additionally, the study will identify cost effective strategies to alleviate congestion, facilitate emergency and security response, and foster economic development of the state of Florida. The anticipated completion date for the study is June 2010.

Councilmember Hershey inquired how the data is collected. Mr. Hamm indicated the information is provided through the Statewide Travel Demand Model, which is a forecasting tool the Department of Transportation uses on traffic flow.

Mayor Ferreri noted that while traveling on the turnpike the day before he had received surveys at exit ramps and toll booths. Mr. Hamm stated the Department conducts those types of surveys regularly at various locations to support the data and information for these types of studies.

Councilmember Foley asked Mr. Hamm to elaborate on the public comment regarding stop lights on the ramps in Miami-Dade County. Mr. Hamm stated this is termed Ramp Metering, and is a traffic operations technique to control the flow of traffic onto an Interstate or freeway facility. He stated he does not know if this will occur in Palm Beach County. Ms. Lois Bush stated she would look into this. Councilmember Foley said it appears this is a very thorough study and asked what the legislature will do with the study. Mr. Hamm indicated the original intent of the legislation was to encourage economic development in some of the rural communities. He said as the bill proceeded through the legislature, and was signed by the Governor, there were a lot of other pieces added such as the Emergency Management section. He stated it is the intent of the Department to satisfy the requirements of the study and provide those options and alternatives back to the legislature, and provide a list of all the possible options, along with some policy implications of those options, such as land use decisions and modal choices. He did not know what the legislature will then do with the study.

Commissioner Koons asked if the grant application for passenger service on the FEC Corridor is noted in the study. Mr. Hamm indicated it was. Commissioner Koons asked that this be emphasized in the report. Commissioner Koons also indicated the Department is funding a freight study with the Florida Chamber and asked if this is in the report. Mr. Hamm indicated that some of the data being collected as part of that study is incorporated into this study.

Commissioner Koons stated he believes there needs to be a comment in the report as to the sustainability of the transportation systems to ensure the financial resources are there to support it. Mr. Hamm indicated one of the policy implications in the alternatives memo discusses funding. Commissioner Vana indicated her support of Commissioner Koons' request.

Councilmember Oujevolk asked if the recommendations in the report would be ranked, or are they just proposed strategies. Mr. Hamm indicated there are thirteen different option categories, with indications of impacts to emergency response, affordability, and ease of implementation. He stated there will be an overall rating system, but the report will not contain specific recommendations.

Commissioner Smith asked if the report will be sent to the legislature when complete. Mr. Hamm indicated to fulfill the requirements of the legislation the report must be sent by June, 2010. Commissioner Smith asked if the report will also be sent to the 2060 Horizon Work Group. Mr. Hamm indicated it would. Commissioner Smith asked if there was anything Council could provide. Mr. Hamm indicated any comments in terms of policy implications would be helpful. Commissioner Smith stated he would agree with Commissioner Koons that if there is a hierarchy, the FEC Corridor project should rise to the top.

Staff asked when the final draft will be completed. Mr. Hamm indicated the final draft is due in a couple weeks to the Department for internal review, and then from there it has to be reviewed by all

of the state agency partners. After concurrence from these agencies, the draft report will then be provided to the local metropolitan planning organization and regional planning councils for comment. Staff indicated a staff report could be provided to Council at the May meeting for Council to take a formal position. Mr. Hamm indicated he will have the alternatives memo as well as the needs plan completed within the next two weeks. The report to follow is essentially a summary of these two documents.

BUDGET AMENDMENT FOR FISCAL YEAR 2009-2010

Chairman Ferreri noted it is customary for a mid-year adjustment to Council's budget due to grant assistance and special projects not available at the time of the original budget. Staff noted the adjustments pertain to an additional \$409,557 in revenue, mostly related to federal, state and local contracts. Staff indicated the Budget and Personnel Committee met on April 1, 2010 and approved the proposed budget.

Chairman Ferreri thanked the members of the Committee for their participation in the budgeting process. He noted Commissioner Solari had expressed concerns that with the cutbacks many local governments are facing, he would like to see no increase in the county dues, and actually recommended a decrease in dues. Chairman Ferreri indicated thirty percent of Council's revenue comes from County dues, and there could be constraints with the bank loan on Council's office building if these dues are decreased. Additionally, the Committee discussed possibly trading/eliminating the Council car.

Commissioner O'Bryan moved approval of the amended budget as presented. Mayor Christensen

Motion

seconded the motion. Commissioner Smith thanked staff for the hard work to bring in additional revenue and keeping the Council functioning. Chairman Ferreri commented that the repeat clients were a great indication of the excellent work produced by Council staff. Commissioner Koons stated it would be worthwhile for the new members to better understand Council's philosophy if staff were to put together a list of the contracts from the last ten years. He stated this list would illustrate the relationships that have been built with other agencies and provide a clear understanding that Council is a full-fledged regional planning council, able to execute almost anything.

Chairman Ferreri asked for further discussion. There being none, a vote was taken on the motion, which carried unanimously.

ENVIRONMENTAL PROTECTION AGENCY PROPOSED RULE: WATER QUALITY STANDARDS FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS

Staff made a presentation to Council on the U. S. Environmental Protection Agency proposed water quality standards for the State of Florida. These standards would set numeric limits on the amount of phosphorus and nitrogen pollution that would be allowed in Florida's lakes, rivers, streams, springs and canals. This proposed action seeks to improve water quality, protect public health, aquatic life and the long term recreational uses of Florida's waters, which are a critical part of the State's economy. Staff provided an overview of the proposed standards, as well as comments to be transmitted to the U. S. Environmental Protection Agency prior to the April 28, 2010 deadline.

Commissioner Hayes offered his support of the proposed standards. He agreed that this will be costly to local governments, but warned that it could be even more costly if we continue to degrade our environment and estuaries. He said local governments will need assistance, but this is not an issue that should be ignored. He stated he is trying to implement an environmental enhancement filter for the Martin County Commission to use when reviewing changes to the comprehensive plan.

Councilmember Davis supported Commissioner Hayes' comments. He stated he has been involved for 32 years in actively writing and enforcing the Clean Water Act. He stated he understood the economic argument, but felt that was a very short-term view, and by ignoring the issue paying later will be a lot more expensive and more traumatic. He stated he too supports a financial assistance component.

Commissioner Brown asked if the court still has jurisdiction. Councilman Davis stated there have been a couple of recent cases wherein the district court ruled against the Environmental Protection Agency not enforcing the phosphorous limits.

Commissioner Vana stated she is on the Water Resource Advisory Committee of the South Florida Water Management District and this has been a topic of conversation there as well. She stated there should be a fair share responsibility component to ensure those who have done the polluting will pay for the clean up.

Councilmember Balbis stated there seems to be some confusion with respect to the position of the local governments. He stated no one is questioning that there needs to be criteria developed for these nutrients, but there is concern with how the criteria is developed. He stated the criteria needs to be scientifically based, and should not be established statewide, or even regionally, but narrowed down to the receiving water body. He stated the Department of Environmental Protection has a good system in place in the permitting process. He also noted there has been millions of dollars spent on infrastructure for water reuse, but there currently is no reuse facility that would meet the proposed limits.

Vice Mayor Webster concurred with Councilmember Balbis. She stated everyone agrees that we want our environmental system to be clean and well-maintained, but the standards are unreasonable and not based on reliable data. She stated the economic hardship to the local governments will be enormous, and was not sure where the local governments will get the funds to meet the proposed criteria.

Councilmember Balbis added that if the science for a receiving water body indicates those low levels are required, he would support those levels. He stated he supported the comments in the staff report.

Commissioner Smith noted that over 15 years ago Martin County started a stormwater Municipal Services Taxing Unit, which has been generating revenue for the County to do projects through the entire urban area, providing both stormwater and flood protection at the same time putting remarkably good quality water back into the estuary. He stated none of this would meet the new criteria. He expressed how disappointing it was to see all the good work the County has done over the last 15 years stop.

Councilmember Foley asked staff if the Environmental Protection Agency has set the bar so high that it cannot be obtained. Staff stated after analyzing the information it seems apparent that the Environmental Protection Agency tried to produce the technical reports for the entire state, which is extremely diverse, in a relatively short period of time, and did not take into consideration a lot of local conditions. Staff noted comments from the Department of Environmental Protection have been instructive in recommending the Environmental Protection Agency look at making adjustments for the diversities. Staff noted the State was developing their own numeric standards, when the Environmental Protection Agency stepped in to promulgate this rule. Staff noted one of the comments in the report is that there needs to be some federal dollars to help local governments meet the standards. Councilmember Foley stated he did not believe there would be any federal funding for these projects and that he did not think the rules proposed by the Environmental Protection Agency are workable.

Councilmember Hall stated that if he were to support the staff report, he would want to make two recommendations; one to add to the comment for support of an establishment of a number system, he would add “study and review”. Second, he asked a fifth comment be added to address the establishment of an equitable statewide funding mechanism. Additionally, he stated he would like to see the word “adopt” be replaced with “transmit” in the recommendation section of the report.

Chairman Ferreri asked if Councilmember Hall was making this a motion. Councilmember Hall **Motion** stated he was. The motion was seconded by Councilmember Foley.

Commissioner Vana asked for the language regarding equitable funding be modified to ensure the clean up responsibilities are assigned equitably. Councilmember Hall indicated this would be acceptable.

Exofficio Mary Murphy noted for Council the Department of Environmental Protection Agency’s website as it pertains to these standards. She noted the deadline of April 28, and stated there are guidelines on the website detailing how to submit comments.

Councilmember Davis expressed his agreement with Commissioner Vana that there needs to be a polluter pay assessment. He also stated there needs to be a phased approach to the implementation of these standards that would allow local governments to build on what they currently have, such as the case with Martin County. He said he believes the economy and the environment should not be separated. He stated there is already a lot of federal money coming to Florida for the restoration of the Everglades.

Commissioner O’Bryan agreed with the motion, except for the recommendation to modify the word adopt. He stated this has been a topic of discussion over the years and that he believe Council needs to take ownership of the report to give it more strength.

Commissioner Smith indicated his support of matching federal dollars, stating it will be easier to ask for local dollars when there is a federal match.

Chairman Ferreri stated he supports a statement under staff comment two to have diverse standards that recognize the differences throughout the state. He also agreed with Commissioners O’Bryan and Smith that there needs to be language with respect to federal funding or grants.

Mayor Golonka stated she would like to make a substitute motion to retain the word “adopt” in the recommendation; recognize in the second comment that there needs to be recognition of the diversity throughout the state; and an additional comment to address federal funding mechanisms. Commissioner Vana stated she would second the substitute motion.

Councilmember Foley stated he was opposed to adopting the report, saying he would vote against the substitute motion in favor of the previous motion.

Chairman Ferreri asked for additional discussion.

Councilman Pinto stated that if the report were not adopted by Council, then that would mean Council does not support it. Councilmember Hall stated that by not adopting but transmitting the report it would state Council understands there are recommendations going forward, but Council also realizes this is a work in progress and there are a number of components Council is questioning. He said Council could not adopt the report as there is not a finality of what the numbers are in the process, but by transmitting and bringing forward the comments, Council is giving guidance. Commissioner Vana suggested just adopting the conclusion and recommendations, then transmitting the rest of the report.

Mr. Roger Saberson stated that Council would only be adopting the staff report, and not indicating approvals of any specific numerical standards. He stated the staff report raises various issues and attaches exhibits relating to whether or not the standards are right, science based, or if the approach being used is correct. Council adopting the staff report would not mean that Council approves of what the Environmental Protection Agency is putting forward. Councilmember Foley indicated he would be in agreement with adopting the staff report. Staff noted that the term adopt is used to indicate Council has a report and recommendations. Once Council adopts the staff report, staff will transmit a letter with the Council’s concluding comments, which will be more concise than the entire report.

A vote taken on the substitute motion passed unanimously.

AMTRAK/FEC CORRIDOR UPDATE

Staff gave a brief update regarding the Amtrak/FEC Corridor Project and noted the Florida Department of Transportation had requested Council staff assist the Department in the preparation of an updated federal funding application for the project. Staff noted the need for Council to authorize the Executive Director to execute an amendment to an existing Florida Department of Transportation joint participation agreement to extend the deadline for said agreement and add additional funds to enable this work.

A motion was made by Commissioner Smith to provide such authorization to the Executive Director. The motion, which was seconded by Commissioner Koons, carried unanimously.

Commissioner Koons thanked staff for their efforts on this important project and staff’s ability to work in multiple regions and deliver really good services that are recognized around the State.

WEST PALM BEACH CSX/FEC CONNECTOR CHARRETTE – UPDATE OF CHARRETTE FINDINGS

Staff made a presentation to Council on the charrette conducted in January. Approximately 100 residents, elected officials, business and property owners, and staff from the City participated in the opening session and activities during the week. Council's charrette team tested the various station locations and developed a plan for the physical rail connection north of 25th Street in the Northwood Industrial District. The design team paid careful attention to the two sacred sites in the area, the Evergreen Cemetery and the Storm of 1928 Mass Burial site. Additionally, the team created designs for eight different station locations within the city, looking at architectural, land use, and zoning implications for key redevelopment locations. Council staff will continue to work with the City and Community Redevelopment Area on refining design and policy recommendations from the charrette as well as a detailed fiscal impact analysis for properties affected by the proposed rail connection.

Commissioner Smith commended staff on the great work.

Councilman Lowe also commended staff for a very good job. He asked what is being done to address stations in the northern municipalities. Staff indicated during this charrette there had been a station location identified and planned for at the intersection of 13th Street and Old Dixie Highway in Riviera Beach. Staff indicated Council is participating with the Florida Department of Transportation's project team, in coordination with the local governments, to appropriately identify and plan for future stations. Additionally, staff noted that for the past 20 years during the conduction of charrettes there have been stations identified and planned for along the FEC corridor; and showing where redevelopment can occur around the stations. Staff recognized Lois Bush from the Department of Transportation, and Randy Whitfield from the Palm Beach Metropolitan Planning Organization as great supporters of staff's efforts to improve Council's transit oriented development and land use programs. Staff also thanked Councilmembers for their support.

Commissioner Koons stated it would be worthwhile for staff to circulate information regarding the process for charrettes. Staff noted a State Road 7 charrette during the upcoming week. This charrette comes from a settlement agreement between the Department of Community Affairs, and Palm Beach and Broward Counties. The charrette is being conducted in collaboration with the Florida Department of Transportation, the South Florida Regional Transit Authority, Florida Atlantic University, the Palm Beach Metropolitan Planning Organization and the South Florida Regional Planning Council.

PUBLIC COMMENT

Sharon Waite stated she was adamant that we should all be diligent about the numeric standards. She said once the water is destroyed, there is no going back. She cited a book she recently read with respect to lead poisoning in women, and stated there are new diseases that cannot be explained. She stated that taking care of our water is very important, and that we need to do whatever we can do to clean it up now before it gets any worse.

Alexandria Larson stated the first time she went to a County Commission meeting several years ago, she knew several of her commissioners were crooks, and they are in federal prison now. She stated that because of the last meeting where there was someone from the public who did not understand the process, she was now being penalized to not ever speak again. She stated that

throughout the years she has pointed out several subjects to Council and that now she is being censored to only speak a certain amount of time. She asked Council to reconsider reorganizing public comment. She stated she is very upset and will deal with it in writing.

COUNCIL MEMBER INFORMATION EXCHANGE

Councilmember Hershey told Council of a joint project between the Martin County school system and Florida Power and Light Company wherein solar panels have been installed and are currently servicing five classrooms at J.D. Parker Elementary School. She stated the accompanying software tells the children how much energy is being generated and used, with daily, monthly and yearly comparisons. She stated she had spoken with Mr. Nick Blount at Florida Power and Light and he told her the Florida Power and Light energy report is due out next month. She asked if Council will have a chance to review and comment on the report. Staff indicated this report will most likely be brought before Council in July.

Commissioner Koons urged Council to stay involved in overseeing the regional water systems. He stated that he was in Tallahassee the previous week and there is some legislation being proposed that would require any entity that levies taxes or fees to be periodically reaffirmed by the voters. He stated this would include the Children's Services Councils, development districts, neighborhood drainage districts and regional planning councils.

Mayor Golonka asked for the clock for the public comment to be a smaller graphic. She expressed her appreciation for the West Palm Beach Charrette presentation and the sensitivity to the 1928 Hurricane Mass Grave.

STAFF COMMENT

None

CHAIRMAN'S COMMENT

Chairman Ferreri stated the intent of the reorganization of the agenda is not to limit anyone, but to have a more organized, timely meeting that allows the Council to retain a quorum to conduct Council business. With respect to Commissioner Koons' comments on the community development district, Chairman Ferreri stated the proposed legislation would unfairly put the burden on the local governments and that he is opposed to it.

Commissioner Vana stated she would like it put on the record that she believes public input is important and Councilmembers should know the meeting may go to noon or later.

ADJOURNMENT

There being no further business, Chairman Ferreri adjourned the meeting at 12:00 pm. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the April 16, 2010 meeting of the Treasure Coast Regional Planning Council.

Date

Signature