

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

Chairman Trias 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:	Commissioner O'Bryan Commissioner Solari Mayor Adams
St. Lucie County:	Mayor Faiella Commissioner Perona
Martin County:	Commissioner Hayes
Palm Beach County:	Commissioner Marcus Commissioner Taylor Commissioner Burdick Mayor Ferreri Mayor Golonka Mayor Pro Tem Dr. Priore Vice Mayor Webster Councilman Lowe Vice Mayor Pro Tem Andel (Alternate) President Pro Tem Norris (Alternate) Commissioner Golden (Alternate) Councilman Pinto (Alternate)
Gubernatorial Appointees:	Michael Davis Kevin Foley Susan Hershey Richard Oujevolk Reece Parrish Peter Sachs Ramon Trias
Ex-Officios:	Jim Carnes, South Florida Water Management District
Council Staff:	Kate Boer 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.

**PUBLIC COMMENT ON
CONSENT AGENDA ITEMS**

None.

AGENDA

Mayor Ferreri moved approval of the Agenda as presented. Mayor Pro Tem Dr. Priore seconded the motion, which carried unanimously. **Motion**

CONSENT AGENDA

Commissioner Marcus moved approval of the Consent Agenda with the removal of Item 5C, Interlocal Agreement with Palm Beach County and Subgrant Agreement with the City of Pahokee for Brownfields Development. Mayor Pro Tem Dr. Priore seconded the motion, which carried unanimously. **Motion**

Items remaining on the Consent Agenda were: 5A, Financial Report – November 30, 2010; 5B, Minutes – December 10, 2010; 5D, Post-Disaster Redevelopment Planning Service Agreements; and 5E, Intergovernmental Coordination and Review Log.

**INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY AND SUBGRANT
AGREEMENT WITH THE CITY OF PAHOKEE FOR BROWNFIELDS DEVELOPMENT**

Staff provided information to Councilmembers on this agenda item. Originally the project was to clean up a portion of the Palm Beach County Stub Canal located immediately adjacent to a closed landfill at the southeast corner of Belvedere Road and Australian Avenue. A cleanup scope of work and a draft interlocal agreement between Council and Palm Beach County had been drafted, and a developer was identified to put the redevelopment plan into effect. However, in October 2010, the site developer notified Council staff that it was not able to close on the landfill redevelopment parcel. Without the developer in place, the commercial redevelopment project was compromised and Council staff requested permission from the U.S. Environmental Protection Agency, the grant funding agency, to re-direct the grant funds to two alternative brownfield sites. As a result of discussions with Palm Beach County staff, the Pahokee Plaza Site on Highway 441 and the former Pike Utilities Site (Wastewater Treatment Plant) in Lake Worth were identified as alternate sites. The staff recommendation is to authorize the Executive Director in consultation with Council's attorney to draft, negotiate, execute and modify, as deemed necessary, an Interlocal Agreement with Palm Beach County and a Subgrant Agreement with the City of Pahokee, subject to final U.S. Environmental Protection Agency approval and subject to Council obtaining Environmental/Pollution Liability insurance or other acceptable insurance. Mr. Roger Saberson stated if Council was amenable to approve this item, it would be to approve the staff recommendation.

Commissioner Marcus moved approval of the staff report. Councilmember Hershey seconded the motion, which carried unanimously. **Motion**

Commissioner Burdick asked how the project for the West Palm Beach landfill site would be prioritized. Staff noted awards are dependent on the availability and timing of funds from the Environmental Protection Agency. As this project has received previous approval, it is likely there will be no issues with approval if the funds are available.

COMMITTEE APPOINTMENTS – 2011

Commissioner Marcus moved approval of the Committee Appointments as presented. Mayor Pro Tem Dr. Priore seconded the motion, which carried unanimously. **Motion**

REVIEW OF PALM BEACH RENEWABLE ENERGY FACILITY NO. 2 AGENCY REPORT

Staff indicated that the Solid Waste Authority of Palm Beach County submitted a Site Certification Application for the Palm Beach Renewable Energy Facility No. 2. The proposal is to construct the new facility adjacent to the Authority's existing Renewable Energy Facility No. 1. The draft report presented for Council approval was prepared to comply with the review responsibilities associated with the Florida Electrical Power Plant Siting Act. The report concludes that the proposed facility is consistent with the goals, strategies, and policies in the Strategic Regional Policy Plan, provided that the project is constructed and operated in compliance with the conditions of certification approved by the State of Florida. The report recommends approval of the project. Staff recommended that Council approve the report and authorize its transmittal to the Florida Department of Environmental Protection.

Commissioner O'Bryan asked if Plant No. 1 is at capacity and stated he assumed there would be no additional traffic going to the landfill. Staff confirmed that the trucks that are already on the roadway will be redirected from the landfill to the new facility.

Commissioner O'Bryan asked about the rate Florida Power and Light Company would be paying for electricity generated by the new facility. Mr. Marc Bruner, Chief Administrative Officer of the Solid Waste Authority, said that the Solid Waste Authority is negotiating a new contract with Florida Power and Light Company to purchase electricity at a current rate of 5.5 cents per kilowatt hour. Commissioner O'Bryan asked how much the new plant would cost to construct. Mr. Bruner indicated it was in the range of \$600-700 million. Staff asked about the rate Florida Power and Light Company will sell the power to the consumer. Mr. Bruner stated the rate is 12 to 15 cents per kilowatt hour.

Commissioner Marcus noted this is the only resource recovery facility to be built in the United States in the last 20 years. She noted the current facility is a refuse derived fuel facility and is one of the cleanest in the country. She stated the County will be borrowing up to \$700 million to finance this plant, but with careful attention to the construction the County hopes to keep the cost lower. She requested that references in the report include the word County after Palm Beach, so this will not be confused with the Town of Palm Beach. Staff indicated this would be done.

Councilmember Foley asked if the rate Florida Power and Light Company will be paying is too cheap. Mr. Bruner indicated the Florida Public Service Commission regulates the rate. He stated this rate is based on the avoided cost of an existing plant, in this case the Jacksonville Power Park Coal Plant. Councilmember Foley asked if there would ever be renegotiation of the price. Mr. Bruner indicated that the avoided cost will vary over time, depending on fuel prices and other factors. Therefore, as the cost to produce the energy rises, so will the rate.

Councilmember Sachs asked how many private and/or public sector jobs will be created by this project. Mr. Bruner indicated during the period of construction, which will be approximately three years, there will be an average of 250 jobs, peaking at 900. He stated there will be 60-70 permanent jobs created to run the facility. He noted the facility will be owned by the Solid Waste Authority, but the facility will be designed, constructed and operated by a private contractor.

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

Motion

2011 UPPER EAST COAST WATER SUPPLY PLAN UPDATE PRESENTATION BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Mr. Mark Elsner, Director of the Water Supply Development Division of the South Florida Water Management District made a presentation to Council describing the 2011 update to the Upper East Coast Water Supply Plan. This plan presents population projections, water demands, water resources and water supply development projects, and related water supply planning information for the Upper East Coast Planning Area within the District, which includes Martin and St. Lucie Counties in the Treasure Coast Region.

Commissioner Solari noted water use is often broadly broken down into agricultural, commercial, industrial and residential. He asked for the percentage breakdown for the Upper East Coast region. Mr. Elsner stated that agricultural is about fifty-four percent, with the urban uses making up the difference.

Commissioner Solari asked if the South Florida Water Management District promoted coercive ordinances for conservation. He explained that the St. Johns River Water Management District is trying to get all local governments to have ordinances that mandate times residents can use water for irrigation, and fine people if they are not in compliance. Mr. Elsner indicated that in March of this year his Board approved year round irrigation conservation measures which limit the number of days and hours for landscape irrigation. He stated the South Florida Water Management District encourages local governments to carry out that direction through a local ordinance. Commissioner Solari asked how they encourage local governments to do that. Mr. Elsner indicated they work cooperatively with the local governments. He noted their water use permitting has an eight point conservation program associated with it, one of which is to have the utility look into adopting an irrigation ordinance that would incorporate that direction.

Commissioner Solari asked if there were any studies done showing the effectiveness of coercive ordinances versus using education as a conservation tool. Mr. Elsner stated he was not aware of any studies, but believes that both are effective. He stated the District has been collecting data since the water shortage restrictions began in 2006 and, depending on the phase of restrictions, there was a ten to thirty percent reduction in water usage.

Commissioner Solari noted that in the last year the St. Johns River Water Management District spent about \$610,000 for coercive ordinance enforcement, and he believes those dollars would have been better spent on actual projects. Mr. Elsner stated the South Florida Water Management District is working with local governments and utilities to create a conservation ethic, much like recycling. He stated in 2008 his Board adopted a comprehensive conservation program that includes three initiatives; regulatory, voluntary, and education and outreach initiatives. Staff indicated it would be helpful to have a study such as the one Commissioner Solari suggested determining which are more effective, coercive ordinances or education. Commissioner Solari stated the role of the water management districts should be to set objective standards for water conservation, and then let the local government determine how to meet those standards.

Commissioner O'Bryan noted the drought standard is measured as a 1 in 10 year event. He asked if 2010 was more or less severe. Mr. Elsner stated that he did not have that information, but noted there are few average years; either a season is dry or wet.

Commissioner Hayes stated the presentation anticipated an increase in water use and asked how that increase in demand would be met. Mr. Elsner stated that within the urban service boundaries, all the utilities in the region are proposing use of the Floridian aquifer to meet that increase in demand. With respect to wastewater, he noted the District is working with wastewater utilities to extend reclaimed water lines into new developments as they occur for use of reclaimed water as the irrigation component.

Commissioner Hayes asked about the amount of reuse water that is currently being used in this area. Mr. Elsner indicated that currently there is about 10 million gallons of reclaimed water used in this area daily. He stated the District is projecting to increase that to 30 million gallons a day through the planning horizon.

Commissioner Hayes observed that there are objective standards for water conservation, but noted there are large amounts of water that are released to tide daily. He stated there needs to be more direction given to capturing this discharge through different opportunities such as water farming, water storage and aquifer storage and recovery methods.

Mayor Pro Tem Dr. Priore asked what the District is doing to require the use of reclaimed water where it is available. He stated there are large commercial parcels of open land, such as golf courses and polo fields, which are using potable water because it is cheaper. He believes there needs to be more regulations in the permitting process to require use of reclaimed water for these irrigation purposes. Mr. Elsner noted that in a lot of cases reclaimed water is not available in the area. He stated the permitting process does require all users to use reclaimed water unless they can demonstrate that it is not environmentally, technically, or economically feasible. He stated it is more economical to have new developments install the dual use systems in anticipation of reclaimed water use than it is retrofit. Mr. Elsner stated the Comprehensive Everglades Restoration Plan has identified significant storage areas for capturing water and delivering a more reasonable rate. Additionally, the District is working with private entities and local governments to implement such a system. Mayor Pro Tem Dr. Priore stated that if there is no methodology to require the consumer use the reclaimed water, then there will always be the issue of water shortage. He stated he believes requirements need to be in the permitting process that reclaimed water will be used where available.

Commissioner Solari stated he would like to have a motion to communicate to the water management districts that they should set the objective standards for water conservation, but should allow the local governments to decide the best way to meet those goal-based objectives.

Although they are not currently updating their water supply plan, Mayor Ferreri asked to have St. Johns River Water Management District make a presentation to Council on their plans and programs.

Councilmember Oujevolk asked if there has been any movement to start creating additional funding sources for surface water storage. Mr. Elsner stated that the District has already purchased ninety percent of the land needed for storage systems and is currently designing a reservoir within the C-44 Canal System, which will be constructed over the next three to four years. The funding for the construction of the reservoir will be a cooperative effort between the Water Management District and the Army Corps of Engineers.

Councilmember Foley stated that if it is determined that a project cannot adhere to requirements to provide reclaimed water because it is not technically or economically feasible, then that project should not be allowed to proceed. Mr. Elsner noted there are two scenarios; one, is when there is an existing consumptive use permit that is conditioned upon use of reclaimed water when it becomes available. For new development, in order to meet the applicable rules, the District will work with the applicant to determine if reclaimed water, the Floridian aquifer, reverse osmosis, or storage of stormwater will be the source that is permitted.

Commissioner Burdick asked if the drought models are ever run with a 1 in 5 year standard. Mr. Elsner stated the 1 in 10 level of certainty is established by statute and guidance from the Department of Environmental Protection. He stated that with this plan it was determined that the previous modeling and assumptions are still applicable today, so no additional modeling was done.

Commissioner Burdick stated the County is currently doing their Evaluation and Appraisal process on their Comprehensive Plan and asked how the County can best coordinate with the District's plans. Mr. Elsner stated the District is working very closely with the County Planning and Utilities Departments during the Evaluation and Appraisal process. Commissioner Burdick noted that water was not one of the major issues identified in the Evaluation and Appraisal Report process and she expressed concern that water issues will not be addressed. Mr. Jim Carnes stated that although it had not been identified as a major issue, the County staff is reviewing each element in the comprehensive plan and will be doing an analysis of the Water Supply Facility Planning Element.

Mayor Ferreri stated that from an architect's perspective it is more efficient and less expensive to design for a dual system of water delivery. He stated that having a future interconnection already in place is much more economical than redesigning and restructuring the whole system. He stated this needs to be tied into local governments rules as well as in the consumptive use permits issued by the water management districts.

Staff noted there had been several comments made by Council Members that could be included in a motion to forward to the water management districts. Staff summarized those comments as: requesting that the Districts set objective standards for water conservation, but allow the local governments to decide how they will meet those objectives; look into ways to more aggressively accelerate water storage in place of releasing water to tide; and be more aggressive when issuing consumptive use permits to prepare new developments for the use of reclaimed water.

Councilmember Foley stated he would like to add that the District study diverting the water that runs through the canals and out to tide.

Councilmember Davis noted that this is joined to a lot of different things, such as the water discharges from the Herbert Hoover Dike done by the Army Corps. He suggested a presentation by the Corps be made to Council.

Commissioner Hayes stated federal and state funding for alternative water supplies has been significantly decreased and he urged all local governments to be vocal about the need for support of this funding.

Under Public Comment, Drew Martin, representing the Sierra Club, stated the current water supply plan was good, noting the emphasis on conservation, storage, landscape irrigation and water reuse. With respect to reservoir storage, he stated that will generally not work if there is extended dry weather. He said this is just a temporary approach and the real place to store water in Florida is in the aquifers. He stated that every piece of land that is used for development takes away aquifer discharge. He said the Everglades restoration process is a way to recharge the aquifers and he was told by a water engineer that in this area there is a good amount of water recharge in the area of citrus crops. He stated that deep well injection and rock mining are having a negative effect on the aquifers.

Mr. Elsner indicated the District is in agreement with all of Council's comments on surface water storage, and this is a major component of the plan. With respect to the reclaimed water, he stated communication between the District, and the local governments and utilities is key with requirements needed in both the local government development orders and the District permits.

Mayor Pro Tem Dr. Priore made a motion to have staff summarize Council's key points of discussion concerning water supply issues for transmittal to both water management districts. Commissioner Marcus seconded the motion, which carried unanimously.

Motion

COUNCIL MEMBER ORIENTATION PROGRAM

Staff made a presentation to Council which provided organizational background as well as information regarding Council's work program to be carried out in 2010-2011 Fiscal Year.

There were no Council comments or questions.

SUSTAINABLE COMMUNITIES INITIATIVE GRANT UPDATE

Staff made a presentation to Council on the Sustainable Community Regional Planning Grant from the U.S. Department of Housing and Urban Development which recently awarded \$4.25 million to the South Florida and Treasure Coast Regional Planning Councils. One of the four top awards nationally in the regional plan development category, this grant is part of an interagency effort by the U.S. Housing and Urban Development Department, the U.S. Department of Transportation, and the U.S. Environmental Protection Agency to better align their national funding programs and promote the creation of comprehensive investment plans for strengthening the economy and environment of regions. This grant supports metropolitan and multi-jurisdictional planning efforts

that better integrate housing, land use, economic development, community development, social equity, water/environmental protection, energy conservation, transportation and infrastructure.

Councilmember Foley noted the importance of this grant and staff involvement on the project. Staff indicated there will be regular updates as the grant progresses.

ANNOUNCEMENTS

None.

COUNCIL MEMBER INFORMATION EXCHANGE

None.

STAFF COMMENT

None.

CHAIRMAN'S COMMENT

Under Public Comment, with respect to the Solid Waste Authority's Renewable Energy Facility, Drew Martin of the Sierra Club noted that Lake Worth is very forward when it comes to waste management system, where they are using a single stream and getting a lot of participation to do composting. He stated one of the concerns he has with waste-to-energy is that it can have the reverse impact if the plants are so expensive that in order to be maintained, everything must be burned.

ADJOURNMENT

There being no further business, Chairman Trias adjourned the meeting at 12:15 p.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the January 21, 2011 meeting of the Treasure Coast Regional Planning Council.

Date

Signature