

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
SEPTEMBER 19, 2014**

Chairman O'Bryan 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

St. Lucie County:               Commissioner Lewis  
  Commissioner Mowery  
  Councilwoman Martin (Alternate)  
  Commissioner Perona (Alternate)

Martin County:                 Commissioner Fielding  
  Commissioner Haddox  
  Commissioner Krauskopf  
  Commissioner Thurlow-Lippisch (Alternate)

Palm Beach County:           Commissioner Valeche  
  Councilwoman Gerwig  
  Mayor Golonka  
  Mayor DuBois  
  Councilman Guyton (Alternate)  
  Councilman Szerdi (alternate)  
  Vice Mayor Hmara (Alternate)  
  Councilmember Tinsley (Alternate)

Gubernatorial Appointees:   Douglas Bournique  
  Michael Davis  
  Michael Houston  
  Tobin Overdorf  
  Reece Parrish  
  Steven Weaver, Sr.

Ex-Officios:                    Larry Hymowitz, Florida Department of Transportation  
  Kathy LaMartina, South Florida Water Management District  
  Jill Creech, Florida Department of Environmental Protection

Council Staff:                 Michael Busha  
  Phyllis Castro  
  Kim DeLaney  
  Liz Gulick

Stephanie Heidt  
Peter Merritt  
Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum is present.

### **AGENDA APPROVAL**

Chairman O'Bryan noted an addition to the Consent Agenda, Item 8K, Amendment to Joint Participation Agreement with the Florida Department of Transportation for Professional Services Related to Land Use, Planning, and Technical Assistance. He indicated he is authorized to add an item to the agenda if there is good cause. Mr. Busha noted that the amendment to the agreement had been received by Council staff after the agenda package had been prepared and disseminated. He explained that Council has had a very long relationship with the Florida Department of Transportation (FDOT) for performing this type of planning and technical assistance. FDOT is requesting a resolution from Council to accept funds and amend the joint participation agreement with Council. Mr. Saberson asked if Chairman O'Bryan believes there is cause to add the item to the current agenda. Chairman O'Bryan indicated he does believe there is good cause.

Commissioner Fielding moved approval of the Agenda as amended. Commissioner Krauskopf **Motion** seconded the motion, which carried unanimously.

### **ANNOUNCEMENTS**

Staff indicated the Governor's office has responded to Chairman Nunez of the Tampa Bay Regional Planning Council regarding the veto of regional planning council (RPC) funding. During a meeting with Chairman Nunez, staff from the Governor's office indicated that rather than regional planning councils be a special item that is submitted through the general funds, the RPCs should work through the Florida Department of Economic Opportunity (DEO) to obtain funding through their budget. Staff indicated that members of the Florida Regional Councils Association will be meeting with Jesse Panuccio, executive director of DEO, on September 26, 2014 to discuss RPCs subcontracting through the DEO work program. Staff will report back to Council at the October meeting on this issue.

With respect to the concerns raised by Council members regarding the Osceola County comprehensive plan amendments, staff noted that Osceola County and Florida Audubon have reached a settlement agreement to re-arrange some policies within their plan so they are more evident. Florida Audubon had raised concerns that sections of the plan that focused on water issues had been deleted. However, the policies were scattered throughout the document. Osceola County has consolidated the policies so they have more focus on water management and cleanup of the Kissimmee River and Lake Okeechobee.

As requested by Council members, staff noted that the Communication Package contains a statewide map and information on all the RPCs. Staff noted that Palm Beach County will be having a boundary discussion on October 7, 2014. Staff indicated that information has been sent to the county for that meeting to facilitate the discussion of whether Palm Beach County will stay with the Treasure Coast Regional Planning Council (TCRPC), or become a member of the South Florida Regional Planning Council (SFRPC).

Staff noted that, at the request of the executive director of the Palm Beach League of Cities, consent to serve forms have been distributed to municipal members to determine if they would like to continue serving on Council. The general membership meeting is scheduled for September 24, 2014.

Staff requested Council give authorization to schedule a regular meeting on November 21, 2014 should the Draft Environmental Impact Statement (DEIS) for the All Aboard Florida (AAF) proposed passenger rail service be released. There is concern that if the DEIS is published before September 29<sup>th</sup> there will not be enough time to do a full review before the scheduled October Council meeting. Councilmember Weaver moved approval to schedule a Council meeting for November 21, 2014. Commissioner Fielding seconded the motion.

**Motion**

Councilwoman Gerwig stated this may conflict with the Florida League of Cities annual meeting. Upon checking, it was determined that there is no conflict. Chairman O'Bryan stressed the importance of the November meeting to review the DEIS.

Upon being put to a vote, the motion carried unanimously.

Staff reported the U.S. Environmental Protection Agency has awarded Council \$400,000 to continue the brownfields cleanup loan program.

### **CHAIRMAN'S COMMENTS**

Chairman O'Bryan indicated that the Florida Association of Counties (FAC) is concluding their policy conference which will draft the policies that will go before the FAC in November for final adoption. He noted that one of the issues under growth management is that the State appears to be moving away from the Development of Regional Impact (DRI) process. He stated that at the last legislative session it was proposed that more counties fall under the exemption of being a dense urban land area. There was discussion if the counties want to continue to support a DRI process, or if the RPCs might be a more appropriate vehicle to handle disputes between counties and municipalities when there may be potential extrajurisdictional impacts and boundary conflicts. He indicated he would keep Council updated on the progress of the FAC legislative policies.

### **COUNCIL MEMBER UPDATE**

Commissioner Fielding stated he is elated with the settlement agreement between Osceola County and Florida Audubon, because the changes to the comprehensive plan would have adversely affected our region. Commissioner Fielding noted that if Palm Beach County were to

go south to the SFRPC that would be a loss of \$550,000 in dues to TCRPC. He stated that they may well fit better to the south, but he would then suggest Council consider adding Volusia and Brevard counties. He stated he would like to pull the Indian River Lagoon area closer together.

Commissioner Valeche gave an update on baseball in Palm Beach County. He noted that the County and the Washington Nationals are working on a deal to have the team assist with costs of servicing the debt of a new stadium, which is proposed to be on a site between Military Trail and Haverhill Road. He noted the owner of the Nationals built a stadium in Washington D.C. and also redeveloped the area surrounding the stadium, which he is also proposing to do in West Palm Beach. He indicated the deal is still being negotiated with respect to the terms and addressing concerns of the Tourist Development Council. He stated he will keep Council updated on this issue.

Vice Chairman Mowery noted that the owner of the Astros is moving his residence to the City of Port St. Lucie, which he indicated is now the second largest city in South Florida. He stated that he and Commissioner Lewis will be traveling to Tallahassee for the upcoming selection meeting for the state veteran's nursing home.

Commissioner Szerdi expressed disappointment in a recent bond referendum that failed by only twenty-five votes in the City of Lake Worth. He indicated the \$63.5 million bond would have been for infrastructure and safety improvements. He noted that the property values in the city have significantly decreased, which has been a challenge for the city.

Councilmember Bournique stated agriculture has been hit hard in Florida in recent years, with jobs going from 30,000 to 15,000 due to citrus greening. He indicated that the Secretary of Agriculture just announced a tree assistance program that will get Florida growers up to five million citrus trees, which will help to stabilize the industry. The program is designed to provide growers with low cost trees.

Councilmember Overdorf indicated he is participating in the Southeast Honor Flights program. This program escorts veterans of World War I and Korea to Washington DC. He encouraged everyone to get involved with this program. He thanked staff for forwarding the One Florida Foundation presentation. He stated he found it very informative and noted of particular concern is the septic tank issue in Martin County. He stated he believes the current opportunities for public utility services should be utilized to save the river and estuaries by reducing pollution from septic tanks. He noted that the Martin County Commission recently downplayed the opportunity to hookup more utilities. He encourage all the municipalities to expand utilities and get rid of the septic tanks which have long-term detrimental impacts.

Councilmember Weaver expressed his support of St. Lucie County's efforts for getting the veteran's nursing home. He asked everyone to make one last push to support the County. He indicated he still has lingering concerns about the impacts of AAF on downtowns like Fort Pierce, especially with the possibility of cargo trains following the possible commuter trains.

Councilmember Parrish indicated that the Florida Sales Tax Holiday is September 19-21 for Energy Star and Water Sense appliances. He encouraged anyone in the market for a new refrigerator or dishwasher to take advantage of this tax-free holiday.

Kathy LaMartina stated that the following day there is a waterways clean-up day event for Martin and St. Lucie counties. She indicated people can go to the beaches and there will be individuals to assist in the clean-up efforts. She stated that the St. Lucie River Issues Team presentation meeting will be on October 3 at Stuart City Hall. This meeting is to discuss upcoming projects for Fiscal Year 2015. She also noted that the Indian River Lagoon National Estuary Programs Advisory Board meeting will be on September 24<sup>th</sup>. She indicated that this meeting is important, because the program is currently going through reorganization.

Councilman Guyton stated that the City of Riviera Beach is well on its way to becoming a destination point. He indicated that the marina project, which is a public/private partnership, is progressing and the city has hired a construction company. He stated the city is also preparing to do improvements to a public park that will be located next to the new events center. He noted the city has hired a director of hospitality to market and solicit businesses for the new events center.

Chairman O'Bryan indicated State Representatives Magar and Powell were in attendance.

#### **PUBLIC COMMENT ON CONSENT AGENDA ITEMS**

With respect to the Osceola County comprehensive plan amendments, Alex Larsen stated she is very concerned when she sees that words have been removed from documents. She noted that in the Port St. Lucie comprehensive plan amendment it states that a policy had inadvertently been deleted in 2012, noting that it was just noticed that the policy was missing. She stated that she does not agree that septic tanks are the problem. She stated she has lived in her house for eighteen years with a septic tank, and if they are properly maintained they will not cause problems. She noted that West Palm Beach is proposing to remove the words "neighborhood master plan" from their comprehensive plan. She also noted a recent article in the Palm Beach Post about the proposed baseball stadium and how there will be a special taxing district that will benefit the surrounding neighborhoods. She asked Council members to consider all the people they represent and not the interests of the developers. She expressed concern that removing language regarding neighborhoods may lead to people losing their property through eminent domain.

Anne Kuhl stated she wished to comment about the Inland Logistics Center. She stated that this is meant to bring desperately needed jobs to the Glades area of western Palm Beach County. She stated it is intended to be warehousing, distribution, and light industrial uses. However, now they are including residential, commercial, institutional and recreational uses to support the workforce for the center. She stated that if they are intending to bring in a workforce, then it will not help the people in the area. She stated she is concerned this will create an independent, self-contained area that will not help the region. She stated this project has taken on a life of its own and she is concerned that the current residents will be left out again.

## CONSENT AGENDA

Commissioner Mowery moved approval of the Consent Agenda. Commissioner Valeche seconded the motion. Upon being put to a vote, the motion carried with Commissioner Fielding opposed. **Motion**

Councilmember Overdorf commended the City of Port St. Lucie for looking forward to their water needs and bringing McCarty Ranch in as part of their water storage needs.

Commissioner Fielding expressed concern regarding the recent proposal from Hendry County to create a major sector plan for 50,000 acres that will include a freight airport. He stated that if we are to have any long-term hope for the waters and discharges out of Lake Okeechobee, then we need to send the water south into the Everglades and stop killing our estuaries with excessive discharges. He stated he is very concerned when there are these types of large scale developments proposed. Chairman O'Bryan stated he has asked staff to look into this project and determine what the impacts will be to the Comprehensive Everglades Planning Project and the Everglades.

Commissioner Thurlow-Lippisch asked why the comprehensive plan amendments are on the Consent Agenda and not discussed individually. Staff indicated that if a proposed comprehensive plan amendment is consistent with the Strategic Regional Policy Plan, then it is put on the consent agenda. Staff noted that any item can be pulled from the Consent Agenda by a board member to be addressed separately. Commissioner Thurlow-Lippisch stated there seems to be a lot of development around Lake Okeechobee and to the south. She stated she is concerned with the proposed changes as it is occurring to mostly agricultural land. She noted that in the Town of Sewall's Point they are currently dealing with flooding issues and she stated a lot of the areas around the lake may also be close to flood zones.

Items on the Consent Agenda were: 8A, Financial Report - June 30, 2014; 8B, Financial Report - July 31, 2014; 8C, Minutes - July 18, 2014; 8D, Resolution Recognizing the 50<sup>th</sup> Anniversary of the West Florida Regional Planning Council; 8E, Town of Jupiter Inlet Colony Comprehensive Plan Amendment No. 14-1ESR; 8F, Palm Beach County Comprehensive Plan Amendment No. 14-2ESR; 8G, City of Port St. Lucie Comprehensive Plan Amendment No. 14-2ESR; 8H, Wellington Comprehensive Plan Amendment No. 14-2ESR; 8I, City of West Palm Beach Comprehensive Plan Amendment No. 14-2ESR; 8J, Intergovernmental Coordination and Review Log; and 8K, Amendment to Joint Participation Agreement with the Florida Department of Transportation for Professional Services Relating to Land Use, Planning, and Technical Assistance.

## PALM BEACH COUNTY COMPREHENSIVE PLAN AMENDMENT NO. 14-3ESR

Mayor Dubois indicated he wished to recuse himself from the discussion and vote due to a conflict of interest and contractual obligations with his employment.

Staff provided an overview of the comprehensive plan amendment, which proposes to change the future land use designations on the 3,788.60-acre Minto West Property in central, western Palm Beach County; and related text changes to the Introduction and Administration, Future Land Use, and Transportation elements and Map Series of the comprehensive plan. Additionally, the amendments will revise conditions of approval, the Conceptual Plan, and Implementing Principles. Staff indicated the proposed amendment would increase the residential density from 2,996 units to a maximum of 4,546 units, for a net increase of 1,550 units. Also, the proposed future land use designation would increase the non-residential intensity from a maximum of 235,000 square feet of commercial uses to a maximum of 500,000 SF retail; 1,500,000 SF of economic development uses (office, light industrial, and research and development); 200,000 SF of civic uses; and allow a 150-room hotel and a 3,000-student college.

Staff noted there has been an extensive amount of public comment with respect to the proposed development and provided a summary list of concerns. Staff also noted that both the Town of Loxahatchee Groves and the Village of Royal Palm Beach have passed resolutions opposing the proposed changes. Staff noted the draft report indicates the approval of the proposed amendment has the potential to degrade the quality of life in the central western communities of Palm Beach County by adversely impacting the level of service on several regional roadways. The draft report recommends that Palm Beach County adequately address the concerns of the Town of Loxahatchee Groves and Village of Royal Palm Beach prior to approval of the proposed amendment. Additionally, the draft report includes some advisory recommendations related to town planning and urban design. Staff recommended approval of the report and authorization to transmit it to Palm Beach County and the Florida Department of Economic Opportunity.

Councilmember Davis asked for more detail on the size of the natural transect and if it will be used for wetland restoration. Bryan Davis, principal planner for the Palm Beach County planning division, stated that the natural transect as proposed is a minimum of fifty-five percent of the land area. He stated this land will be used for recreational uses, such as trailways and greenways, and also include regional water management or environmental restoration. He said this will also allow for existing or new agricultural uses. He stated the idea is to get a compact, sustainable traditional development form with most of the open space on the edges to be useful for the existing residents in the overall region and allow for a meaningful transition within the development to serve the new residents. Councilmember Davis asked how much of the fifty-five percent will be actual ecological restoration. Mr. Davis indicated that has not yet been determined and will depend on the permit from the water management district, but the rule of thumb is approximately fifteen percent for retention. Councilmember Davis asked if the lakes in the open water area would be counted as restoration. Mr. Davis stated that whether the areas will be used for water management or water treatment purposes will be determined through best management practices.

Councilmember Weaver asked if it is a fair assessment to say that on 3,700 acres it will be 1.7 units and two million square feet of retail and other commercial improvements. Mr. Davis indicated that 1.2 is the multiplier to get to the 4,500 units.

Councilwoman Gerwig stated that Wellington had been asked to sign a resolution opposing this development. She stated this was considered, however Wellington staff indicated there would be

impacts to Southern Boulevard, but impacts to Wellington would be limited. She stated that because of this, Wellington decided they would not support the resolution, but they are not supporting the development either. She stated Wellington is officially neutral based on the fact that impacts to Wellington will be minimal.

Councilman Hmara stated he wanted to make it clear that the issue is of expansion, because the property currently has approval to build 2,996 homes and 235,000 square feet of commercial. He stated the issue is with the expansion to approximately 4,500 homes and 2.1 million square feet of commercial and the consequential impacts of those increases.

Mayor Golonka noted that one of the purposes of the plan is to correct imbalances in the land uses and a need for more commercial. She asked how the imbalance will be improved by adding another 1,500 residential units. Mr. Davis stated that staff position has been that this area has been studied for more than ten years under a sector plan effort, which was ultimately adopted, found not in compliance, and repealed. He stated that this proposal is consistent with a long established practice in the county to allow additional residential as an impetus or inducement for a developer to provide other, non-residential components as well to meet the larger regional needs. Mayor Golonka asked if this meant that the proposed scenario would not occur if the 1,500 units were not included. Tara Duhy with the Law firm Lewis, Longman, Walker, P.A., stated she is attending the meeting with Don Hearing of Cotleur & Hearing and John Carter of Minto West. She stated that the current entitlement is for the 3,000 units and a very small amount of non-residential uses. She stated that they have been working with the county to produce a better plan that requires additional density to provide the drainage benefits and other public benefit components. She stated she believes that the additional units are necessary to support the proposal. Commissioner Valeche indicated that there is phasing in the conditions of approval that the commercial must first be done before additional residential units will be allowed. Mr. Davis noted that they are currently working on a phasing plan that will release a certain amount of residential units based on the developer meeting certain performance thresholds.

Mayor Golonka asked if there will be one or two east-west roads in the project. Mr. Davis stated there will be two internal roads, Persimmon Boulevard, which connects from the eastern edge to Seminole-Pratt Whitney Road, and a future road that will come in off 60<sup>th</sup> Street to the north, adjacent to the M-Canal. Mayor Golonka asked if there will be a new north-south road through the project. Mr. Davis stated that county staff had looked at asking for more connections, because it is good planning practice to have a great network of connectivity. However, he stated this would have created a perception of additional impacts for all those roads not presently connected. Mayor Golonka asked if there would have been opposition for this from the surrounding neighborhoods. Mr. Davis indicated there would have been opposition. Mayor Golonka asked if the amendments include a definition of the uses for the economic center. Mr. Davis stated that has been equated to the Economic Development Center land use designation used elsewhere in the county. Mayor Golonka asked if the proposed university is already planned or being reserved for future use. Mr. Davis indicated it is his understanding that is for a long-term need.

Councilman Guyton indicated that the comments received from the public are understandably emotional. However, he stated that he prefers to make his decisions on more substantive data,

documents, and evidence. He indicated that the portion of the staff report that states it is not the quantity or intensity of the development that should be of concern stood out for him. He stated that two comments important to him were how the development can enhance water quality, water management and environmental restoration efforts in the area; and whether there will be adequate public facilities and infrastructure to support the development. Since it is directly related to whether or not the infrastructure will be adequate, he asked when the traffic study would be completed. Mr. Davis indicated that through the zoning process they have a concurrency level traffic study, which is a more realistic and less predictive model. He stated that is basis of all the conditions regarding the proportionate share payments. He stated it needs to be clear that the county's position is that even though the road impacts are not there now, there is enough existing committed development that is unbuilt that will cause nearly all the roadways in the area to fail. He stated that with this project there is a chance to look at addressing some of that impact and this project can help serve to either mitigate some of the impact, or serve as a way to fund the infrastructure deficiencies that already exist. Councilman Guyton asked for the timeframe associated with the study being conducted. Mr. Davis stated he could not speak to the details of the study. However, he indicated there is a proposed 20-25 year build out, so the study would address that specifically and be tied to square footage approvals and building permits for residential, and based on achieving those performance thresholds. Councilman Guyton asked how the impacts to the quality of water, water management and environmental restoration are being determined. Mr. Davis noted that the county does not control regional water management. He stated that is done by the water management district. He stated that the county and the applicant have both met with the water management district to understand in advance what the impacts are and set up this project in a way that can either benefit flood control issues, or address water supply and water quality for the drinking water supply for West Palm Beach, Palm Beach, and South Palm Beach. Ms. Duhay indicated that as this project moves from agriculture to the proposed development, it will reduce the demand of water by two billion gallons a day. She stated that the drainage necessary to serve this project is less than the existing permitted capacity. Also, they are in the process of determining if there is a way to get additional drainage capacity onto the property to reduce regional issues.

Councilmember Bournique stated that he has worked with the Callery-Judge people for over thirty-five years, noting they struggled financially to stay in production with their 5,000 acres of grapefruit and oranges. He stated that citrus canker and greening spread to the groves because private individuals that are now opposing this project refused to remove the contaminated trees from their backyards. He stated he finds it ironic that the men and women that held onto the very end are being punished more than anyone else.

Commissioner Szerdi questioned why, from the perspective of pedestrian distance, the north-south road would be the core of the project. He stated that if the plan is rotated to an east-west orientation everyone inside the project would be closer to the core. He indicated that all the water that is shown will be a tremendous benefit. He noted that people also like to ride bicycles and questioned if there is an estimate of how much that will be included in the plan. Mr. Davis noted that the residential areas themselves will be walkable and the parkways will have significant pedestrian, bicycle, and equestrian opportunities. With respect to the orientation of the plan, Mr. Davis indicated this was done because retail and businesses want the high exposure of a roadway. Commissioner Szerdi stated that since there are not a lot of people in the

immediate area to market to, he believes that if the plan is rotated, the core would be more proximate to the entire area, and be more conducive for walking, bicycles, and possibly electric carts. This would solve the problem of needing a lot more surface parking, which will only add to the water drainage issues.

Councilmember Houston indicated this seems like an opportunity to establish best management practices and this is the type of project that creates the opportunity for well-planned environmental systems. He suggested planning for the future, because he believes that eventually people in the other communities will want to be connected. He stated that this project could be the basis for future studies and is a great opportunity for Palm Beach County to set the bar high, particularly as it relates to the environment.

Commissioner Thurlow-Lippisch stated that although she is not an expert on Palm beach County, she does spend a lot of time studying the water issues. She stated this appears to be the worst possible place to encourage development. She noted that J.W. Corbett Wildlife Management Area, Grassy Waters Preserve, a water conservation area, and the Everglades Agricultural Area are all in this area and she does not believe that development in this area is good for South Florida. She stated that although she feels sorry for the individuals who lost their orange grove, she believes that it may be better to work on improving the water quality for everyone in the area and not adding more strains to the system. She stated that the Central Florida Water Initiative just south of Orlando is running out of water and there is a good chance we will be in the same position in the future if we do not keep things intact.

Commissioner Valeche stated that with respect to Mayor Golonka's questions regarding the proposed university, he noted that Keiser University is proposing to be part of the Avenir development, which he believes will not get done. He stated there is not a need for two universities in the area, but Keiser wants to be in Palm Beach County, so whichever development is there first may get the university. He stated that he voted for this plan, because there it is going to be a planned community and the county would like to see how to maximize the area and do good planning. He stated that the original plan was not good planning, provided no open space, and the buffering was much smaller. He stated this plan will have better buffering from the surrounding communities and provide public access to all the water features. He indicated that the original agricultural enclave designation was done by the Legislature and not Palm Beach County.

Commissioner Krauskopf stated he would not support transmittal, because he believes that the amendment misses the big picture and he does not know how water quality can be improved when there is a massive increase in density.

Commissioner Fielding stated that when talking about this development we are talking about starting from scratch, not an incremental increase. He encouraged a more broad view of not just the impact to this site, but the entire area. He stated this is not about protecting agriculture, which we all have a direct interest in, but converting agriculture to residential and commercial. He indicated that there will be enormous infrastructure needs and adverse impacts to roadway level of service, as well as water quality and availability issues due to the proposed increases in density and intensity.

Councilman Hmara stated there are many issues, from both global and tactical levels. He noted that the proposed economic development center is being held up as being mostly research and development. He asked if there has been an economic analysis done to determine if businesses of that nature will gravitate to that location. Mr. Davis stated that the area has an abundance of residential with no industrial or research development in that location. He stated a good planning practice is to have a balance available. He noted that although there is not a specific user identified, they tend to show up, as is the case with Royal Palm Beach and their distribution center. He indicated that businesses are looking for property that is ready and available, because they do not want to go through the lengthy land use amendment process. He stated that although there is no commercial or industrial real estate market, there is an imbalance of uses in this area compared to the rest of the county. Councilman Hmara stated he asked this question because it has been suggested that the employment center will act as a magnet to keep the residents that move into the Minto West area from traveling on Okeechobee Boulevard and other roads outside the community to commute to work. He stated he is concerned how this will affect the surrounding communities if the businesses do not come. Commissioner Valeche stated that if the non-residential does not occur, then the homes will not be built. He stated there is a phasing plan that is done over a 20-year period. He stated that the real problem is Northlake Boulevard, because that is where the jobs are to the east. He indicated that if the employment center is built, it will alleviate the morning and evening commuting traffic from Northlake Boulevard. Councilman Hmara asked if he could be provided the specifics on this issue.

Councilman Hmara stated the staff report is well done, however he is concerned that the recommendations being offered will not be implemented, specifically the recommendation for Palm Beach County to address the two municipal resolutions opposing the project. He said his other concern is on the global level that we are not looking at the big picture and basically piecemealing development within the county, which is problematic and misses consideration of the overall impacts.

Councilwoman Gerwig noted that the Indian Trail Improvement District (ITID) also passed a resolution opposing this project. Chairman O'Bryan indicated this is noted in the staff report. Councilwoman Gerwig noted that the C-51 canal can be directed to drain either east or west to meet current needs. She asked if pedestrian bridges within the development could be included as part of the recommendation for walkability. Staff indicated that might be useful, but would only be a band-aid and not solve the issues within the design with respect to pedestrian mobility. Councilwoman Gerwig noted that if you look at this area from the aerial view, you can see this is different from the surrounding homes that have been developed, because it has water retention areas. She stated that she thought these areas were undevelopable and asked Mr. Davis for a history on this issue. Mr. Davis indicated that the grove came into existence first. Then Indian Trail existed on paper, but had done no improvements. Indian Trail then effectively drew a map and numbered the different sections and then activated them over time. He indicated that they say there are only a certain number of developable acres, but this is because they have not activated all the various portions. Councilwoman asked what the process is for activating the other areas. Mr. Davis stated that has to do with how their 298 district operates. He stated that it is about managing the amount of infrastructure investment at a given time. He stated that like with any development there is phasing and the piece that is needed immediately is done,

knowing that it will set up the subsequent phases. Councilwoman Gerwig asked if there is a requirement for the developer to create any retention. Mr. Davis stated that they operate under a completely different drainage rule, and they are to retain on site at an agricultural level, which is why they are allowed to be so low and why the canals are relatively low there. He stated that he understands that this property was given a higher allowance due to the active agriculture. He stated that the Acreage and Royal Palm Beach were tied together originally to facilitate the development of Royal Palm Beach. Since Royal Palm Beach occurred first, more of the drainage was taken out of the Acreage and allocated to Royal Palm Beach and that is why their topography is slightly higher and they have more allocation of drainage. The acreage is left with whatever is left and that has been the way the permits have been issued ever since development began to occur the 1970s.

Chairman O'Bryan reminded everyone that Council does not approve or deny projects. Council's role is to provide comment on a proposed comprehensive plan amendment. He indicated that the comments contained in the report are that the proposed amendment is considered inconsistent with our Strategic Regional Policy Plan with respect to level of public facilities and quality of life; the project is not consistent with adjoining municipalities that have expressed opposition to the project; and the report includes advisory recommendations related to town planning and urban design. He noted the staff's recommendation is that the comments be transmitted to Palm Beach County and the state.

Under public comment, Bill Louda stated he teaches environmental chemistry. Dr. Louda stated that he finds it interesting that Palm Beach County wants to divide this up, because less than ten years ago they would not let Loxahatchee Groves go from one unit in ten acres to one unit in five acres, which was the historic land use before 1989. He stated Loxahatchee Groves incorporated to keep out development. He stated the area is rural and exurban. He stated that this site is surrounded by exurban and rural. He indicated that Palm Beach County's own data for the immediate area that includes Northlake Boulevard, Seminole Pratt Whitney Road, and Southern Boulevard and what is in Loxahatchee Groves, has 0.3 million square feet commercial low, plus 1.1 million square feet of non-residential approved to be built, which includes the 235,000 square feet the applicant gets. He noted that if you add their request for 2 million square feet it will then be 3.5 million square feet of commercial and industry in the area. With respect to the employment center, he noted that the employment in their zip codes is under six percent. He asked if the jobs are needed.

Dr. Louda noted that Palm Beach State College will break ground in Loxahatchee Groves in about five weeks. He stated that there is no need for another college. He stated that Commissioner Valeche has said the Minto plan is better than the Callery Judge plan. Dr. Louda stated that Callery Judge did not have a plan, but a broad-brushed statement and stayed under 3,000 units so they would not be considered a development of regional impact. He said they found a buyer, got \$55 million, and left town. He stated that the residents can live with the 2,996 units and 235,000 square feet of non-residential. He said that the Agricultural Enclave makes a bit more sense when you cannot do agriculture anymore, you should be allowed to do something, and getting what is around you sounds reasonable. He noted that there has been much opposition to this project which includes petitions, letters and resolutions from municipalities and agencies.

Ms. Kuhl stated that at a recent meeting the ITID said they have spent \$400,000 opposing this project, because of the impacts it is going to have to the district, which encompasses 100 square miles around the project. She noted that the people in the communities already have jobs and utilize the current commercial and retail services. She encouraged Council to talk to the ITID engineer, who has indicated that you cannot get more drainage here. She said that the one inch of retention they are proposing equates to a minuscule 1/8 inch over the entire area. She said that ITID has also indicated that there will be impacts to the roadway network, which was built by ITID and is maintained through the tax dollars of the residents. She stated these roads are some of the highest in the county and for them to say they are going to be a big impact for the drainage is ridiculous. She asked how you can equate more drainage when you are adding more residential and commercial. She encouraged council to get more information from the ITID and strengthen the comments opposing this project.

Ms. Larson noted that the Palm Beach Metropolitan Planning Organization (MPO) has indicated there is a \$1.8 million shortfall in their budget. She thanked staff for saying that this project is inconsistent and noticing the big picture which includes the Arthur Marshall Wildlife Refuge and J.W. Corbett Wildlife Management Area. She stated that the County spent \$217 million on the L-8 Reservoir and another \$70 million for a pump when they did the pilot project, which sucked the water out of Deer Run. She stated that water is connected to water and paving does not help. She stated she is glad Commissioner Szerdi commented on the design of the project. She stated that in the county's Unified Land Development Codes state that kayaking, canoeing and paddle boarding will take trips off the road. She stated that the requirement for new development to take care of their infrastructure for parks and recreational facilities has been removed from the codes. She said the sector plan in Palm Beach County was stopped by development groups.

Penny Riccio stated that she lives in the Acreage. She noted that in 1959, Food Fair founder Samuel Friedland came to Palm Beach County and purchased 100,000 acres in the central western part of Palm Beach County. She stated that in 1981, he divided that land up into the Village of Royal Palm Beach and dedicated 25,000 acres to the acreage and Loxahatchee, which were subdivided and plotted. She said that in 1998, disputes began between the Palm Beach County Board of County Commissioners and the people of the Acreage and Loxahatchee. She stated the residents do not believe the Commission is serious about the residents' wishes to keep the area rural and semi-rural, and showed every intention of forcing urban development on people who did not want it. Ms. Riccio requested a video be played, but due to technical difficulties the video was not shown.

Suzanne Hetrick said she is surprised after listening to the comments that no one said the word preposterous. She stated it did not make sense to have all this development coming in when it has been determined that the roads are going to fail. She stated that the planners have said that they will use eminent domain in order to make the roads wider. She indicated that there is acceptance of what has already been approved, and the opposition is to the proposed expansion. She stated that they should make what has already been approved work. She stated that the residents will have to live with the decisions that are made for the rest of their lives. She stated she brought her property and does not want to have this development in the area, because it does not fit. She said it will have tremendous adverse effects for the future of the entire state. She stated that they do not need the increase in commercial space, which may not be used for a long time. She

encouraged the recommendations in the report be strengthened, stating that it would be nice to have open communication, but if the county is not required, they are not going to do it. She indicated that at the meetings she has attended the boards do not listen. She stated that recommendations from individuals and groups like Council will help to solidify the entire picture.

Betty Argue pointed out that Seminole Pratt Whitney Road is the only north/south road that travels through the acreage. She stated that all the communities to the west must use this road to get to Northlake Boulevard, Southern Boulevard, and Okeechobee Road. She indicated that right now, even with the recent expansion that was done, the road is a nightmare in the morning. She stated that there are frequent accidents and it is very dangerous for the children leaving the high school. She stated that land has been taken to widen the roads and that is why people are upset. She stated that this is a rural exurban tier. She stated that people have said it will not impact the area, but she cautioned that they are taking the rural tier out of their amendment and when that happens they will start imposing urbanism in the area, such as putting in public transportation and other urban services the residents of the area do not want. She stated that they will not be able to have the livestock and agriculture currently there and their lifestyle rights will be taken away. She stated that the costs will not be to Minto, but to the tax payers. She said they will be losing their land and lifestyle, and will be paying more in taxes every single year for the developer to build there. She stated that they only have land use approval and have not gone to zoning. She said they can design in zoning and the county can have control in zoning. She admonished the county commissioners for not listening to the community.

Commissioner Valeche indicated that Palm Beach County has a very strict tier system and that the only change will be this project, because when it became an Agricultural Enclave it was designated as urban. However, it will be urban in the midst of the status quo of suburban as the surrounding land use designations will not change.

Drew Martin stated he is speaking as the Conservation Chair for the Sierra Club, Loxahatchee Group. He also noted that he is elected to the Palm Beach County Soil and Water Conservation District. He stated that he is glad Council is going to have comments and questions regarding the proposed amendment. He stated that he agrees with the other speakers that the comments are not strong enough. He stated that this project has nothing to do with agriculture. With respect to the argument that citrus could not succeed because of the surrounding people refused to cut down their trees, he stated that the problem was that a lot of those trees were not contaminated and people had spent years growing their own citrus. He said they did not want to cut down healthy trees and have to spend money to buy new trees. He said the problem came from China, because when China built their trading crates for shipping goods the crates were filled with all kinds of invasive insects and diseases. He stated that people in the area do not want this and it is very frustrating, because people have invested in the area and want to maintain a rural lifestyle. He recommended Council approve the staff recommendations and make them stronger.

Lawrence Corning indicated he is with The Downtown Group in West Palm Beach, served on the first preservation board for the downtown action committee, and on the planning board in Loxahatchee Groves. He stated that as municipal leaders, Council members need to get a grip on the whole organism, which is the function of the regional planning council. He stated that he also

works for Morgan Bank, an investment firm in Geneva. He stated that suitability is a very important concept, and he believes that this project is not suitable for the area. He stated this is a large commercial development to make money. He stated that Palm Beach County is perfectly suited for the transect, but has gone away from that planning concept and Eastward Ho!, because it is more costly to redevelopment. He stated that the county needs to make it more financially feasible for developers in areas where infrastructure already exists.

Chairman O'Bryan indicated there is no more public comment and called for a motion. Commissioner Fielding asked for the recommendations in the report to be stated. Staff indicated that the conclusion of the report focuses on three issues: 1) the extrajurisdictional impacts with a recommendation for the county to work with the Town of Loxahatchee Groves and the Village of Royal Palm Beach to resolve any conflicts; 2) the adverse impacts from the increases in density and intensity on regional resources and facilities such as the roadway network; and 3) advisory recommendations regarding town planning and urban design.

Commissioner Fielding stated that he would like to preface the recommendations with wording such as "Council expresses concern..." Chairman O'Bryan asked if that would be a motion. Commissioner Fielding indicated that would be his motion. Chairman O'Bryan stated the motion would be to submit the report with stronger wording regarding the overall concerns with the project. Commissioner Fielding clarified that he would like to also include in the motion that the water issues be more fully addressed. Staff noted that the water issues were addressed in the body of the report, but the concerns could be added in more detail to the conclusion. Councilmember Bournique seconded the motion.

**Motion**

Commissioner Valeche stated that he does not think it is appropriate to make a motion to approve a report with changes that have not been brought back before the Council for approval. Commissioner Solari stated that he did not have a problem with the addition, because that is something that Council does regularly. He stated that if you look at the big picture, water is obviously going to be part of the conversation. He stated that there are tremendous opportunities for benefits regarding water in this project, and it can be developed so there are environmental benefits, which would be better than leaving the property as an unused grove.

Commissioner Mowery expressed concern with the direction of the discussion. He stated that he feels the county and applicant have really worked through this and that he is concerned that Council will make comments without having all the facts and figures. He stated that this is a comprehensive land use amendment, not a site plan or an approval for a planned unit development. He stated that staff has already spent a significant amount of time evaluating the proposal and developing a recommendation that will be beneficial to Palm Beach County staff as they evaluate the amendment at this point in time.

Councilmember Overdorf concurred. He stated that what is being proposed will address the water issues. However, if they were to develop as currently approved, none of the water issues are addressed. He noted that Mr. Davis has indicated that things such as wetlands restoration and hydrological treatment will be addressed as this moves forward and the water management district will provide their comments. He stated that he would have concern with adding additional language to the current staff recommendation.

Councilmember Tinsley stated that she agrees with Commissioner Valeche, Commissioner Mowery and Councilmember Overdorf.

Mayor Golonka stated she is surprised with the hesitancy, because Council has a history of adding to staff recommendations. She stated that the difficulty with this is Council is faced with the statutory requirement for new urbanist design and this will be difficult to fit into the surrounding area. She stated that it is difficult to argue whether the surrounding land use is inefficient, but there should be a diversity of land use choices in the county. She stated that she has always been a supporter of people having options of where to live. She stated that when looking at this from a regional perspective, Council needs to ensure that the project will add value to the area. She stated that there has been no evidence that adding 1,500 additional residential units and traffic impacts will improve the area or add value to the region. She stated that discussion of a past plan is not relevant, the discussion should be related to the change in land use that is being proposed. She stated that if there is ultimately consensus on the motion, she would like to have the sentence in the report modified that states it is not the intensity or quality of development that should concern the county. She stated that she is glad to know there is phasing for the non-residential, but having been in government she knows that phasing conditions can be changed in the future. She indicated that she does not believe that this project meets the state requirements with respect to new urbanism design principles, and there is a lack of connectivity. She stated that Council does have the authority to strengthen the recommendations based on a review from a regional perspective and the impacts and benefits the project will have on the overall region.

Councilman Guyton stated that he strongly agrees with Commissioners Valeche and Mowery. He stated that he believes the current recommendations are sufficient to address the concerns that have been voiced. He stated that to just have the recommendations strengthened without Council members approving that language makes him uncomfortable. Councilwoman Gerwig stated that she agreed that any changes to the recommendations need to be considered by the Council board. Chairman O'Bryan asked if staff could provide clarification on how the recommendations will be strengthened. Staff indicated Commissioner Fielding's comments that there are concerns and the water issues will be summarized in a more direct way. Staff noted that when comments are adjusted in a report, staff listens to the meeting tapes to ensure that the direction of the Board is followed. Commissioner Fielding stated that the intent of his motion is that we accept the report as developed with a preface that there are concerns of Council, and that the information regarding the water issues is included in the conclusion. Councilmember Weaver stated the absence of the evaluation from the South Florida Water Management District (SFWMD) should be noted.

To clarify the voting procedures, Chairman O'Bryan indicated that if a member and alternate are both present, only the member can vote. In the case of a member not present, the alternate will vote. Also, if a member and alternate are not present, then another alternate can vote. Mr. Saberson stated that the alternates can only vote for members within their county.

Chairman O'Bryan stated that the motion is to approve the staff report with the additional wording to strengthen Council concerns regarding the project and reflect the fact that the water management and drainage has not been adequately addressed.

Upon being put to a vote, the motion failed with nine in favor, nine opposed, and Mayor DuBois abstaining.

Chairman O'Bryan called for a new motion. Councilmember Overdorf moved approval of the staff recommendation. Councilmember Bournique seconded the motion, which carried with twelve in favor, six opposed, and Mayor DuBois abstaining. **Motion**

### **ALL ABOARD FLORIDA UPDATE**

Staff indicated that the agenda materials provided a summary of the activities that have occurred with respect to the AAF project since the last Council meeting. Staff stated that the diagnostic field reviews for Indian River and Brevard counties were completed in July. Also, the Phase II report with respect to the High Speed Rail guidelines is expected to be released within the next two weeks and should include recommendations from the Federal Railroad Administration for the entire high speed rail portion of the corridor. Staff also provided an update on the establishment of quiet zones in Palm Beach County. Staff noted that the entire stretch of the corridor from 15<sup>th</sup> Street to Brevard County can accommodate faster trains, so the expectation is a much higher degree of safety structure will be required by AAF, reducing the costs to the local governments.

Staff noted there has been discussion of having regional staff-level meetings to review the DEIS when it is released. These workshops are intended to ensure a stronger, unified voice in the region. When the DEIS is published, Staff will send out information on the meetings to all local governments in the region.

Staff provided information related to public forums being conducted by the U.S. Coast Guard (USCG) with respect to the three bridges within the corridor. The purpose of the meetings is for the USCG to receive public comment. Staff will attend the meetings to listen and discuss the project.

Staff noted that AAF has announced Siemens has been selected to construct the train equipment. Also, Council staff noted they are continuing to work with FDOT and other agencies to convene a freight forum. It is anticipated that this forum will take place in the month of November. This will coincide with the review of the draft EIS, so the best available data will be available.

Commissioner Valeche stated that he has heard that some people want to opt out of the quiet zones, because of safety concerns. He asked staff for an explanation of this. Staff noted that it is easier administratively to establish county-wide quiet zones, because crossings can break at county and municipal lines. Staff indicated that this is an ongoing issue and the MPO staff is working with local governments to determine which ones may opt out of quiet zones. Staff noted that a considerable majority of the local governments have expressed a strong interest in being in the quiet zones, but ultimately that action needs to be determined by the individual commissions.

Additionally, there are concerns to the north as to whether quiet zones are appropriate there. Councilman Guyton stated there has been minor discussion in the City of Riviera Beach as it relates to cost and potential funding. He asked if there is any information from AAF regarding Riviera Beach. Staff stated that AAF has been working with the MPO to evaluate all the grade crossings in Palm Beach County. Staff indicated that the real benefit to moving quickly to get the quiet zone designation evaluated is to tie the construction activity of the quiet zones in with the infrastructure improvements being done by AAF to reduce costs. Since the timeframe has not yet been established for the part of the corridor north of 15<sup>th</sup> Street, the main focus has been on the southern section of the corridor. The MPO has been engaged with the northern local governments in evaluating the individual grade crossings and what additional infrastructure may be necessary for quiet zones. The MPO has pledged it will continue those discussions so the northern part of the county will be ready when the construction activities are scheduled.

Councilmember Weaver asked for clarification that even though local governments may be opting out of quiet zones, it does not preclude the requirements of AAF to ensure the corridor is secure and make the whole corridor inaccessible. Staff stated that is correct and that it is expected north of Palm Beach County there will be a sealed corridor. Staff noted safety zones are the responsibility of the local governments and separate from the safety infrastructure that AAF is required to install. Councilmember Weaver noted that the quiet zone only applies to blowing the train horn, and there is nothing that can be done about the vibration and general sound of the locomotives. He noted that the minutes reflect he asked staff to determine if any of the local MPOs have legislative capacity to control or adjust what happens within their municipalities. Staff noted that this is being looked at by the Palm Beach MPO and was the discussion at a meeting the previous day. Staff stated that the EIS will be the vehicle for all public agencies to communicate comments with respect to the project and railroad operations, because they do not have that type of legislative authority. Staff noted that local governments have legislative authority over many aspects of transportation activity, but railroads are not required to comply with that local legislative authority. Councilmember Weaver stated that there is nothing that can be done to oppose this project at the state level. He asked for confirmation that this is strictly a federal level decision, and even Congress does not have a say on this project. Staff stated that FDOT has a certain level of authority in that it has a responsibility to review and confirm that safety improvements are implemented in the corridor. Councilmember Weaver asked if every municipality that has reviewed this project opposes it, there are safety concerns, and the State of Florida opposes it, which agency at the federal level will make the decision of approval related to this project. Staff stated that the Federal Railroad Administration is the agency responsible for determining compliance with safety regulations. Staff noted that this project is different than what Council typically reviews, and there is limited permitting activity required for the project to proceed. Staff indicated further investigation needs to be done. Chairman O'Bryan stated his understanding is even if the safety improvements and quiet zones are established, it is at the discretion of the engineer whether or not to blow the horn at a crossing.

Councilmember Overdorf indicated that it is his understanding that the USCG sessions are not related to AAF, but to freight. He stated that until the EIS is released, the USCG will not comment on the AAF project. He also reported that AAF has assured the City of Stuart that they will not be double-tracking in the downtown, so the parking there will not be affected. Councilmember Overdorf stated that regardless of how elected officials may feel about this

project, it is their fiduciary responsibility to their tax payers to at least look at the grants associated with quiet zone and crossing improvements. He stated they should explore the grant process and apply for grants so if this project moves forward any improvements will not be on the backs' of the tax payers.

Chairman O'Bryan stated that Senator Thad Altman has reviewed an agreement between AAF and the Orlando-Orange County Expressway Authority and he has found two conditions that state AAF cannot add stops between West Palm Beach and Cocoa, because it might impact the revenue stream to the expressway and jeopardize the covenants of their bonds. Senator Altman has submitted a request to Attorney General Bondi to review this agreement. Chairman O'Bryan indicated both Indian River County and the City of Sebastian have passed resolutions supporting Senator Altman's request. He stated he will provide the backup information and copies of the resolutions to anyone who is interested. He indicated that this means that future stops are dependent upon some bond council somewhere else impacting what we can do locally. Councilmember Weaver asked if the information could be posted. Chairman O'Bryan stated he will have the county attorney forward the information to staff for distribution. Staff indicated the information will also be posted to the website.

Commissioner Solari stated that he does not believe that he has a fiduciary duty to collaborate with the enemy. He stated that at this point AAF is the enemy, because they have misrepresented themselves. He stated that AAF has made statements that they have nothing to do with freight, and then Rusty Roberts spoke with Commissioner Putnam about freight and getting around cold storage treatment for citrus. He stated that if anyone would like, he can present a whole series of reasons at the next meeting why AAF is the enemy, but as an elected official he has no duty to collaborate with people who have come into the community and lied.

Chairman O'Bryan stated that, according to state law, since this is an informational item only Council is not required to allow public comment on this item. He asked members of the public if their comments were specific to the report, or if they could be moved to Public Comment later in the agenda.

Ms. Larson stated that she is very concerned with the statement that was made that there will be no additional stops between West Palm Beach and Cocoa, because we are impacting Miami-Dade, Broward and Palm Beach counties with the tremendous financial impacts of building new stations. She stated that she thinks it is funny how there is a pick and choose on what economic engines the public is allowed to address. She stated she agrees with Commissioner Solari about the lying, and the tax payers are tired of it. She stated that people cannot even afford to live. She stated that is why she comes to Council to speak, because so many municipalities are represented. She stated that the dragon is going up the road and it will affect all of the counties, not just Miami-Dade, Broward and Palm Beach. She stated this is a boondoggle that is once again financed by the tax payers. She stated there is a large amount of money wasted when elected officials deal with other people's money. She said this concerns her gravely, and she stated that in all her years of coming to meetings she has never been told she cannot speak to an item on the regular agenda.

Chairman O'Bryan stated that due to the length of the meeting, he would like to table Agenda Items 11, 12, and 13 to the October meeting. Councilman Guyton moved approval of tabling the items. Councilmember Houston seconded the motion, which carried unanimously.

**Motion**

### **PUBLIC COMMENT**

Phyllis Frey of Vero Beach stated she would like to discuss the citrus industry with regard to AAF. She stated that when Indian River citrus is shipped to Japan, one of the requirements is to guarantee that the citrus is free from the Caribbean fruit fly larvae or live insects. She stated this is achieved by cold treating the fruit during its 28-day transit, and it takes 21 days at a certain temperature to ensure that the fly will die in transit. She indicated that currently when fruit is imported from South America into the United States, it goes through a full 21-day treatment process as it navigates through the Panama Canal and up through New Jersey and the ports of Philadelphia. She stated that AAF recently arranged a luncheon with Secretary Putnam's key staff to lobby for on-site fumigation of fruits and vegetables coming from South America to Miami. She stated they want to do this because the transit time is only six to eight days and the shipping company does not want to incur the expense and delay of stopping in Panama and waiting. She stated that instead, AAF wants to spray methyl bromide at the Miami facility, after it enters the state. She stated that AAF is trying to do an end-run around the citrus industry and meet with the Department of Agriculture to push for on-site fumigation. She stated that does not sound like a passenger operation to her. She stated that AAF is all about freight as are the parent company and subsidiary shipping companies. She stated that Rusty Roberts was once chief of staff for Congressman Mica who is on the transportation committee, and hired a key staff member for the congressman who will have influence over whether or not AAF gets their Railroad Rehabilitation and Improvement Financing (RIFF) loan. She stated that Mica's staff and Rusty Roberts served with some of the staff that is currently with the commissioner of agriculture, so they know each other. She said that AAF's willingness to put our citrus and agricultural industry at risk is unconscionable, and one more example that they could care less about anything here, including the destruction of our small, treasured communities, our safety, our livelihoods, our quality of life. She stated that the citrus industry is a nine billion dollar industry in Florida's economy and one of three legs of the stool of construction, agriculture, and tourism, which keeps our economy vibrant. She asked for Councilmember Bournique's comments as president of the Indian River Citrus League.

Ms. Kuhl stated that before the clock begins she would like to note that because she was not permitted to speak on the AAF project, Council would not get the benefit of the information she wanted to provide. With respect to the AAF project, she stated she has attended a couple Permits of Heightened Concern meetings at the SFWMD. At the meetings the two segments of the project in Broward and Palm Beach counties were already approved. She stated she voiced her concerns why SFWMD is not looking at the entire project, and questioned why construction can begin on the Broward and Palm Beach sections when the northern section has not been approved. She stated that monies are going to be expended for stops and quiet zones before we even know if the northern part will be done. She stated that this puts more pressure on having the entire length of the project eventually finalized. She said that once the local governments spend money, they are going to be pressured to finish it. She stated that she does not believe that anyone has thought about the fact that Orange and Miami-Dade are going to be connecting their AAF trains

to their international airports. She stated she is concerned about how this will impact Palm Beach International Airport, because it is well known that there are much better connections, direct routes, and international flights out of the Orange and Miami-Dade airports. She stated that there are a lot of unintended consequences that have not been thought of yet with the route from Miami to Orlando. She stated roads are being closed in West Palm Beach, which will cause more congestion and interfere with travel to downtown. She stated that people do not realize that this is not just passenger trains, but freight trains as well. She said AAF is looking at this from their own self-interest instead of the broader affects for everyone else.

Councilmember Bournique stated that Ms. Frey was correct in her comments about the citrus and fumigation chambers in the Port of Miami. He said there are major concerns, especially since the pests that caused the greening and canker came through that port. He said that the good news is that Commissioner Putnam is a citrus grower and he understands all the concerns.

Ms. Larson stated that she, Ms. Kuhl and Mr. Martin are the only people who attend the Permits of Heightened Concern meetings. She said the stuff she is seeing is a crime and she told them at the meeting to put up crime scene tape. She stated that the L-8 Reservoir project sucked the water out of Deer Run. She asked Council to look at the map, because she thinks that some of the Council members should have recused themselves from voting on the Minto agenda item, because they probably have potential conflicts. She stated that the nine to nine vote was interesting. She stated that water is regional and what they want to do with the C-51 Reservoir project is right next to the L-8 reservoir project as one of the biggest crimes committed in Palm Beach County, with bribery and every other thing involved. She stated these projects are boondoggles and if the commission had listened to her she could have saved them billions of dollars. She stated that she went to a Department of Interior meeting and they think the Comprehensive Everglades Restoration Plan will be done by 2053. She stated that AAF is another boondoggle. She said that she is going to lobby the legislature, because she wants a refund from every elected official who makes a mistake with the tax payer money. She stated that we can say we elect people, but they may only be in office for a short time. She also stated that if the appointees do not vote in the manner they are expected, they will no longer be an appointee. She stated that we are collectively dying, citing salt water intrusion to the turnpike in Palm Beach County, and the nuclear power plants at Turkey point and Port St. Lucie melting down. She stated that we should start growing our own food, because we do not want it imported anymore. She asked that these things be taken into consideration.

Chairman O'Bryan noted that Mayor DuBois very clearly outlined that he had a conflict and recused himself from the discussion and voting on the Palm Beach County comprehensive plan amendment. He stated that accusations of any other potential misconduct are unfounded and totally out line.

Gayla Tanner of Stuart stated that she finds it disturbing that many of the elected officials are buying into the sustainable development and social engineering that is taking place in our country, and more specifically in our counties and cities. She stated that the high speed rail system being proposed could not even be considered if they had to get private funding and not rely on a RIFF loan from the tax payers. She stated this is tax payer funded destruction of the Treasure Coast. She said that from the Department of Transportation's perspective, it achieves

the end results that they are looking for to move people from rural, small communities to the packed urban areas and get us to give up our cars. She said that AAF gets what they need, which is to expand their freight system by getting money that they could not otherwise obtain. She stated that from her point of view, regionalism, or whatever it is called, will be achieved through whatever means necessary. She stated that grants are dangled in front of cities and counties and they cannot resist the free money. She stated that many of those present will not be here to see the mess that has been created. She said our freedoms are being eroded and private property rights destroyed by the insistence that climate change is real, when the science is not settled. She stated that we discuss the dependence of individuals, but what about the dependence of the government on all of us that are footing the bill. She stated that we do not seem to have any representatives, only a few that really want to do the right thing.

Mr. Corning asked Council members to imagine being on a board of a private company that is approached by another company that proposed the current deal. He stated that the economic externalities of the deal would be enough that they would be laughed out of the room. He stated the deal would not be done, because they are making the money and someone is footing the costs. He stated that as public servants on behalf of the constituents, how they can take these deals. He said that he knows Treasure Coast does not have a host of analysts, and they do not look at this as if it were an investment.

Commissioner Thurlow-Lippisch stated it is nice to see the information from Don Voss with the One Florida Foundation electronically provided to Council members. She noted that the acronym STOZE (Storage, Dredge Channel, Orlando, Restore Oxbows, Flow Ways) is very confusing, because the letters do not match up. She suggested making a sheet that explains the acronym and what it means.

### **LEGISLATIVE PRIORITIES 2015**

Item postponed to next meeting.

### **H.R. 612: SAFE AND EFFICIENT TRANSPORTATION ACT OF 2013**

Item postponed to next meeting

### **FLORIDA CHAMBER FOUNDATION/REGIONAL PLANNING COUNCIL WEBSITE LAUNCH ON REGIONAL METRICS**

Item postponed to next meeting.

### **STAFF COMMENT**

None.

**ADJOURNMENT**

There being no further business, Chairman O'Bryan adjourned the meeting at 1:07 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 September 19, 2014 meeting of the Treasure Coast Regional Planning Council.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

## FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>DuBois James</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Treasure Coast Regional Planning Council</i>
MAILING ADDRESS <i>516 Sabal Palm Dr.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY <i>state agency</i>
CITY COUNTY <i>Lake Park FL Palm Beach</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>9-19-14 Sept. 19, 2014</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, James DuBois, hereby disclose that on September 19, 20 14:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of Coltery Judge Grove, by whom I am retained; or officer
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

TCRPC Item 9 Agenda 9/19/14 -  
I am a partner and officer of Coltery Judge Grove,  
and there are contractual obligations between Coltery  
Judge and Minto regarding the property that inure  
to my benefit and to Coltery's benefit.

9-19-14  
Date Filed

James DuBois  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.