

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 28, 2010**

The regular meeting of the Southwest Florida Regional Planning Council was held on January 28, 2010 at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Acting Chair Mick Denham called the meeting to order at 8:58 a.m. Commissioner Kenneth "Butch" Jones led an invocation and Councilman Don McCormick led the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

- Charlotte County:** Councilman Don McCormick, Commissioner Tricia Duffy, Commissioner Robert Skidmore, Ms. Andrea Messina, Mr. Alan LeBeau
- Collier County:** Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann Mr. Bob Mulhere
- Glades County:** Commissioner Kenneth "Butch" Jones, Commissioner Paul Beck, Dr. Edward Elkowitz
- Hendry County:** Commissioner Karson Turner, Mr. Melvin Karau
- Lee County:** Commissioner Tammy Hall, Commissioner Ray Judah, Mayor Mick Denham, Ms. Laura Holquist, Councilman Forrest Banks, Mayor John Sullivan, Councilman Tom Babcock, Mr. Paul Pass
- Sarasota County:** Commissioner Tom Jones, Councilman Ernie Zavodnyik
- Ex-Officio Members:** Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Mr. Johnny Limbaugh - FDOT

MEMBERS ABSENT

- Charlotte County:** None
- Collier County:** Commissioner Frank Halas
- Glades County:** Councilman Michael Brantley
- Hendry County:** Mayor Paul Puletti, Commissioner Tristan Chapman, Mayor Mali Chamness
- Lee County:** Councilman John Spear

Sarasota County: Commissioner Jon Thaxton, Commissioner Carolyn Mason, Mr. George Mazzarantani, Mr. David Farley

Ex-Officio Membership: Ms. Tammie Nemecek - EDC of Collier County

**AGENDA ITEM #4
LEGISLATIVE OVERVIEW - STATE REPRESENTATIVE AUBUCHON**

Acting Chair Denham introduced Representative Aubuchon.

Representative Aubuchon stated that he will give an overview of the following issues: Commuter Rail Special Session in December, Growth Management (SB360, Hometown Democracy/Amendment 4), and Offshore Drilling.

Commissioner Judah applauded Representative Aubuchon for his efforts in both the commuter/high speed rail efforts and also offshore drilling. He then explained Lee County's contract in creating bio-diesel by using grease and next week they are exploring an opportunity by entering into a contract with a company that converts algae to ethanol.

Commissioner Coletta stated that we need to stop harvesting our natural resources, especially the oil in the Gulf of Mexico, and try to save those resources for when we really are going to need them in the future.

Commissioner Hall asked Representative Aubuchon what is perspective of when the high speed rail link would reach Southwest Florida. Representative Aubuchon explained that part of the legislation which passed in December created the Florida Rail Enterprise housed within FDOT and charged them with the challenge over the next 13 months of updating Florida's Passenger Rail Study. Now the current study does not contemplate coming to Southwest Florida nor the Panhandle, but that needs to be changed and he will be strongly advocating for the consideration of both regions in that long-term vision.

INTRODUCTIONS

Acting Chair Denham introduced: Ms. Diana McGee, Regional Director from US Senator Bill Nelson's Office; Shawn, Senator Dave Aronberg's Office; Mr. Charles Duray, SFWMD Governing Board Member; and Mr. Mathew Spielman, Field Representative from US Congressman Connie Mack's Office.

**AGENDA ITEM #1
AGENDA**

The agenda was approved as presented.

**AGENDA ITEM #2
MINUTES OF DECEMBER 17, 2009**

Commissioner Judah moved and Mr. Pass seconded to approve the minutes of December 17, 2009 as presented. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Both Mr. Pass and Mr. Mulhere noted that they would be abstaining from voting on Agenda Item #3(e) Hendry County Comprehensive Plan Amendments (DCA 10-1) due to a conflict of interest.

Commissioner Judah moved and Ms. Messina seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for December 31, 2009; Agenda Item #3(c) Babcock Ranch Increment I DRI - Development Order Review; Agenda Item #3(d) Sarasota County Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(e) Hendry County Comprehensive Plan Amendment (DCA 10-1); and Agenda Item #3(f) North Port Gardens DRI - Request for Extension. The motion carried with Mr. Pass and Mr. Mulhere abstaining on Agenda Item #3(e).

AGENDA ITEM #5(a)

2010 Nominations Committee Report/Election of Officers - Commissioner Jim Coletta

Commissioner Coletta gave the Nominations Committee report which was held on Thursday, January 21st by conference call and the following committee members participated: Commissioner Ray Judah, Lee County BOCC and Commissioner Jon Thaxton, Sarasota County BOCC. He stated that it was the unanimous recommendations of the committee that the following members be presented to the membership of the SWFRPC for their consideration:

- Chair - Mayor Mick Denham
- Vice Chair - Councilman Chuck Kiester
- Secretary - Commissioner Karson Turner
- Treasurer - Councilwoman Teresa Heitmann

Commissioner Beck moved and Commissioner Hall seconded to accept the Nominations Committee report and recommendations for the 2010 slate of officers. The motion carried unanimously.

AGENDA ITEM #5(b)

Annual FY 08/09 Audit - Mr. Jeffrey Tuscan, Tuscan & Company

Mr. Tuscan reviewed the report as contained in the distributed handout and within the agenda packet.

Ms. Holquist asked what contracts are under deferred revenue? Mr. Tuscan explained that some of the grants are funded upfront, but that is being less and less the case state-wide and nationally.

Secondly, the RPC has collected a lot of fees through DRIs, etc. in advance and now those projects are working their way out and most of those projects are not renewable.

Ms. Donley explained that the CHNEP had funds that were not spent and two years ago the USEPA told the CHNEP that the money had to be spent because on their end it was looking bad that there was unspent grant funds out there and that they weren't able to show Congress that the money had been spent.

Commissioner Hall moved and Commissioner Beck seconded to approve the annual FY 08/09 Audit as presented. The motion carried unanimously.

AGENDA ITEM #5(c)

Lower West Coast Watersheds Implementation Committee - Mr. David Crawford

Chair Denham gave an overview of what the committee had been working with FDEP's three initiatives: Statewide Stormwater Rule, Numeric Nutrient Criteria, and Designated Uses. He then reviewed the distributed letter to FDEP Secretary Michael Sole regarding "Comments Concerning the Proposed Changes to the Designated Uses and Surface Water Classification System Rule, 62.302.400, F.A.C."

Commissioner Judah moved and Councilman Kiester seconded to approve the amended letter dated January 28, 2010 as presented.

Dr. Elkowitz stated that at the Council's December meeting it was discussed about addressing pharmaceuticals in the water along with the nutrients. Mr. Beever explained that the incorporation of pharmaceuticals and other chemicals shows up in the stormwater rule, not the designated uses rule. So the suggestions in relation to those issues were incorporated in the committee's comments relating to the stormwater issue. Dr. Elkowitz stated that he was also referring to cesspools and human consumption that is going into the rivers and estuaries and doesn't believe that it should be addressed under stormwater. Mr. Beever explained that those issues are not part of the Designated Uses Rule that is being considered by FDEP which is what the letter addresses. Dr. Elkowitz then said that then we need to suggest to FDEP that those issues need to be included their ruling.

Chair Denham explained that the committee reviewed five different resolutions which covered various categories and two of the categories covered wastewater treatment facilities and septic systems and he believes that both of those will be coming before the Council. He believes that the pharmaceuticals and other chemicals fit better into those categories as the committee moves forward.

Dr. Elkowitz asked who is responsible for the cost of the cleanup. Mr. Beever replied that it is addressed within the letter.

Mayor Sullivan stated that he would like to see two other classifications of chemicals added as defined by EPA: PCPs and CECs. Chair Denham stated that he believes those fall under the same category as pharmaceuticals and the committee will discuss those issues during their meeting on February 4th.

The motion carried unanimously.

Numeric Nutrient Criteria

Chair Denham gave a brief overview of the numeric nutrient criteria.

Commissioner Judah asked Mr. Beever for EPA's deadlines for receiving public comments and the dates and locations of their workshops. Mr. Beever stated that the workshops are:

- February 16th - Tallahassee
- February 17th - Orlando
- February 18th - West Palm Beach

Mr. Iglehart stated that you must register to attend.

AGENDA ITEM #6(a) Energy & Offshore Drilling Discussion

Dr. Frank Alcock, New College of Florida, Division of Social Sciences

Dr. Alcock gave a verbal presentation on offshore drilling.

Chair Denham reiterated that both the amount of oil and job generation would be modest. Dr. Alcock confirmed that at best both the amount of oil drilled from the gulf and jobs generated would be modest at best.

Dr. Elkowitz referred to the foreign countries interested in drilling off Florida's coastline. Dr. Alcock explained that it would be mainly Cuba and they intend to work with Russia and some other countries in Federal waters. But depending on where they were drilling the risk would be higher on the east coast of Florida and the Florida Keys.

Dr. Elkowitz asked about foreign countries tapping into Florida's resources. Dr. Alcock explained that they would be within the Cuban EEZ and it is his understanding that there are geologically areas closer to the Cuban shoreline that are more attractive, but he also noticed within the MMS Assessments that the Florida Straight number in terms of hydrocarbon resources are really low.

Commissioner Judah stated that to U.S. Senator Nelson's credit he has long stated his concerns about offshore drilling compromising military training and exercising, and just recently the Air Force just came out with a definitive concern statement about just that. He then asked what is the actual area from the shoreline that is being discussed with regard to potentially compromising military training and exercising. Dr. Alcock explained that there is a corridor that is approximately 75 miles long that extends southwest off of Elgin Air Force Base and there might be a couple of other areas.

Councilwoman Heitmann stated that in October or November the American Petroleum Institute led a conversation in a different way about revenues and that the leases would bring in monies first. She then asked Dr. Alcock if he had heard of those conversations within his committee. Dr. Alcock explained that it can be structured so that you receive high bonuses from the industry and then go light on the royalties and vice versa. He noted that in Alabama, they brought in millions through the initial leases on the bonuses and then put that into a trust fund and the trust fund has built up to over \$2 billion; but he is looking at the API's numbers and appendices and he sees lease bonuses.

Councilwoman Heitmann stated that her point was more political and if they are going to try and push this through based on the leases and the dollar revenues come from that and we wouldn't actually have to go and move forward with drilling that we would make money with leases. Dr. Alcock stated that it doesn't make a lot of sense from their standpoint. It would make potential sense if in fact they really weren't interested in anything in Florida; and they simply want to use this effort to lift the moratorium as a shoehorn to undermine the Federal moratorium.

Mr. Buck Martinez, Sr. Director of Development - FPL

Mr. Martinez gave a PowerPoint presentation on FPL's renewable energy projects.

Commissioner Judah stated that FGCU went ahead with state funding and built a solar panel generating facility and were able to contract with a third party to manage the system and they were only going to receive for managing that system 2.3 cents per kilowatt hour. It is to his understanding that FPL has an issue with that where this company is charging less than the retail rate of 11 cents per kilowatt hour. Now more recently the Lee County Port Authority was ready to proceed with a third party agreement to build a 1 megawatt facility where Lee County would end up charging far less than the 11 cents per kilowatt hour, but it seems like FPL is the "600 pound gorilla" preventing these third party agreements. He asked for help from FPL to work through these issues.

Mr. Martinez explained that even though FPL might be perceived as the "600 pound gorilla," it is state law and it may be something that the PSC and Legislature may have to address. FPL does not have the ability to overrule state legislative issues.

Ms. Holquist asked that when the Babcock Ranch project is complete can that electricity be sent to others areas throughout the region or is just for the community of Babcock Ranch. Mr. Martinez replied yes it will be built for transmission expansion for both north and south. He explained that the biggest concern that he has with transmission within the State of Florida is predominately SR70 because SR70 has a 69KV line and for these projects you need 230KV, so there is going to need to be some investment.

Ms. Holquist asked what the roadblocks to getting manufacturers into Florida are. Mr. Martinez replied the Legislature.

Ms. Davies asked with the Martin County site where did the water come from and is there a water quality issue with the technology? Mr. Martinez explained that there is no incremental water being used at the site, basically the same technology is being used as the steam turbine side and it all

depends on whether it would come from the solar panel, solar thermal, or gas. So he doesn't believe that FPL has encountered any of those issues.

Councilman Babcock stated that under the hydroelectric generation he didn't see anything about using tidal flow. Mr. Martinez explained that the research hasn't proven the tidal option to be the option for Florida. The option for Florida has been the Gulf Stream because of the natural flow of the Gulf Stream from the Florida Keys all the way to Stuart and St. Lucie County. The research has shown that there is a potential of up to 1,000 megawatts of power in the near future and up to 6,000 megawatts going forward. The difference between that and solar wind is that the ocean currents wouldn't be intermittent, so there would be a firm capacity. FAU will be placing a prototype in ocean this year and FPL is awaiting to see how it holds up in the elements and currents, because the last pilot was done in the James River and it basically destroyed the turbine.

Councilman McCormick asked Mr. Martinez to comment on the Renewable Energy Portfolio debate. Mr. Martinez explained that Governor Christ wanted a Renewable Energy Portfolio standard that called for 20 percent of all energy to be renewable by the Year 2020. It was introduced by Senator King, who unfortunately passed away last year, and the Senate approved it 39-1 but the House refused to entertain it in Committee. What is being seen is the bill is being reintroduced by Senator Detert and FPL has been made aware that the House does not like the bill at all and will probably not agree to the bill. Senator Bennett has introduced legislation that basically calls for large amounts of megawatts over a three year period and the rationale for that is it gets us on the map and it gets the manufacturers excited about being here, and most importantly their feel is that there is going to be a federal Renewable Energy Portfolio standard that is going to trumpet it anyways. So from a political point of view he doesn't feel that the legislature is going to want to spend a lot of time and capital on this issue knowing that the feds are going to come in with something probably with a 12 timeframe.

Commissioner Duffy asked Mr. Martinez what can be done to get the legislature attention and what kinds of incentives need to be offered. Mr. Martinez stated that he feels the issue is the budget cuts and everything else that is going on with the economy that the issue is getting the attention that it needs. The other concern is maybe a lot of the other projects are more in the construction sector, but the life blood of America is always the construction sector.

AGENDA ITEM #6(b)

**SWFRPC Resolution #2010-01 In Support of Feed-In Tariff and Renewable Portfolio Standards -
Mr. Ken Heatherington**

Commissioner Tom Jones moved and Ms. Holquist seconded to approve SWFRPC Resolution #2010-01 In Support of Feed-In Tariff and Renewable Portfolio Standards. The motion carried unanimously.

Commissioner Tom Jones thanked the Council for their support.

**AGENDA ITEM #6(c)
Other Regional Issues**

Chair Denham stated that due to time constraints he will defer Agenda Item #6(c) to the February meeting.

**AGENDA ITEM #7
PUBLIC COMMENTS**

Mr. Brad Cornell of the Collier Audubon Society - Audubon of Florida expressed the Society concerns regarding offshore drilling. He also stated that he would like to emphasize that regarding the renewable energy discussion one of the most important sources of alternative energy would be conservation and that we need to emphasize energy conservation in our communities.

Chair Denham stated that the Council is on record as a body opposing offshore drilling.

**AGENDA ITEM #8
DIRECTOR'S COMMENTS**

Mr. Heatherington stated that he had no Director's comments at this time.

**AGENDA ITEM #9
STATE AGENCIES COMMENTS/REPORTS**

There were no State agency comments/reports made at this time.

**AGENDA ITEM #10
COUNCIL ATTORNEY'S COMMENTS**

Ms. Donley stated that she had no comments at this time.

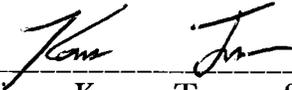
**AGENDA ITEM #11
COUNCILMEMBERS' COMMENTS**

Ms. Holquist announced that it is time for the quarterly budget meeting and asked for staff to contact her to assist in setting up a date and time for the meeting.

Commissioner Tom Jones announced that the City of North Port was about to have their groundbreaking for the Toledo Blade project and that the Sumter Boulevard project had received \$1.4 million in Stimulus funds.

**AGENDA ITEM #12
ADJOURN**

The meeting adjourned at 11:20 a.m.



Commissioner Karson Turner, Secretary

The meeting was duly advertised in the January 15, 2010 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 36, Number 02.