



Council Minutes

February 8, 2010
10:00 a.m.

REPRESENTATIVES PRESENT

Chair, Commissioner Jack Mariano, Pasco County
Vice Chair, Ms. Jill Collins, Hillsborough County Gubernatorial Appointee
Past Chair, Commissioner Bill Dodson, City of Plant City
Commissioner Nina Bandoni, City of Safety Harbor
Commissioner Ron Barnette, City of Dunedin
Commissioner Kevin Beckner, Hillsborough County
Mayor Scott Black, City of Dade City
Commissioner Neil Brickfield, Pinellas County
Vice Mayor Woody Brown, City of Largo
Deputy Mayor Bob Consalvo, City of New Port Richey
Vice Mayor Al Halpern, City of St. Pete Beach
Mr. Robert Kersteen, Pinellas County Gubernatorial Appointee
Vice Mayor Bob Matthews, City of Seminole
Councilwoman Mary Mulhern, City of Tampa
Council Member Wengay Newton, City of St. Petersburg
Mayor Kathleen Peters, City of South Pasadena
Council Member Carlen Petersen, City of Clearwater
Vice Mayor Robin Saenger, City of Tarpon Springs
Ms. Barbara Sheen Todd, Pinellas County Gubernatorial Appointee
Council Member Suzanne Vale, City of Oldsmar
Ms. Kim Vance, Hillsborough County Gubernatorial Appointee
Mr. Charles Waller, Pasco County Gubernatorial Appointee
Vice Mayor Robert Worthington, City of Gulfport
Mr. Earl Young, Pasco County Gubernatorial Appointee
Mr. Waddah Farah, Alt., Ex-Officio, Florida Department of Transportation
Ms. Pamala Vazquez, Alt., Ex-Officio, Department of Environmental Protection
Ms. Michelle Miller, Ex-Officio, Enterprise Florida
Mr. Todd Pressman, Ex-Officio, Southwest Florida Water Management District

REPRESENTATIVES ABSENT

Secretary/Treasurer, Commissioner Larry Bustle, Manatee County
Mayor Shirley Groover Bryant, City of Palmetto
Council Member Alison Fernandez, City of Temple Terrace
Mr. Julian Garcia, Jr., Hillsborough County Gubernatorial Appointee
Mr. Harry Kinnan, Manatee County Gubernatorial Appointee
Ms. Angeleah Kinsler, Hillsborough County Gubernatorial Appointee
Mayor Bob Minning, City of Treasure Island
Mr. Andy Núñez, Pinellas County Gubernatorial Appointee
Councilman Patrick Roff, City of Bradenton
Councilman Ed Taylor, City of Pinellas Park

OTHERS PRESENT

John Healey, Planner, Hillsborough County
Trisha Neasman, Planner, SWFWMD
James Ratliff, Planner, Wilson Miller Inc.
Sandra Herman, Planner III, Clearwater
Tim Butts, Principal Planner, ELFA
Amanda Montgomery, Program Planner, Largo
Shawn College, Exec. Planner, Hillsborough Planning Commission

STAFF PRESENT

Mr. Manny Pumariega, Executive Director
Mr. Donald Conn, Legal Counsel
Ms. Suzanne Cooper, Principal Planner
Ms. Lori Denman, Recording Secretary
Mr. John Jacobsen, Accounting Manager
Ms. Betti Johnson, Principal Planner
Mr. John Meyer, Principal Planner
Ms. Wren Krahl, Director of Administration/Public Information
Ms. Jessica Lunsford, Senior Planner
Mr. Greg Miller, Senior Planner
Mr. Patrick O'Neil, Senior Planner
Mr. Brady Smith, Senior Planner
Ms. Erika Wiker, Planner
Mr. Avera Wynne, Planning Director

Call to Order -- Chair Mariano

The February 8, 2010 regular meeting of the Tampa Bay Regional Planning Council was called to order at 10:04 a.m.

The Invocation was given by Mr. Earl Young, followed by the pledge of allegiance.

Roll Call -- Recording Secretary

A quorum was present.

Voting Conflict Report -- Recording Secretary

There were no voting conflicts.

Announcements - Chair Mariano

Council Member Wengay Newton, City of St. Petersburg was introduced and welcomed by the Council.

The One Bay Implementation Event has changed from February 26th to April 16th. The event is called A Congress of Regional Leaders: Implementing a Shared Vision. It will take place at the Tampa Convention Center from 8:00 a.m. until Noon. There is no charge for the event but registration is required. Space is limited. To register: www.myonebay.com. Council members were encouraged to attend and be a part of this milestone event of the visioning process.

The 18th Annual Future of the Region Awards luncheon takes place on Friday, March 19th at the Quorum Hotel. The event is complimentary for Council members and they were requested to RSVP to Sue Young.

Secretary/Treasurer, Commission Larry Bustle was unable to attend the meeting as he is the Chair of the Manatee County Port Authority and today they are hosting a special visit from the Panamanian Ambassador to the United States.

1. **Approval of Minutes** – Vice Chair Collins
The minutes from the December 14, 2009 annual meeting were approved (Kersteen/Beckner).
2. **Budget Committee** – Vice Chair Collins
The Financial Reports for the periods ending 11/30/09 and 12/31/09 were approved (Black/Vance).

3. **Consent Agenda** – Chair Mariano

A. **Budget and Contractual** - None

B. **Intergovernmental Coordination & Review (IC&R) Program**

1. IC&R Reviews by Jurisdiction
 - a. December 2009
 - b. January 2010
2. IC&R Database
 - a. December 2009
 - b. January 2010

Action Recommended: None. Information Only.

Staff contact: John Meyer, ext. 29

C. **DRI Development Order Reports (DOR)** - None

D. **DRI Development Order Amendment Reports (DOAR)**

Due to statutory and contractual requirements, the following reports have been transmitted to the Florida Department of Community Affairs (FDCA) and all relevant review agencies in accordance with Rule 29H-1.003(3), F.A.C.

1. DRI # 252 - Cypress Creek Town Center, Pasco County

Action Recommended: None. For Information only

Staff contact: John Meyer, ext. 29

The following Reports are presented for Council action:

2. DRI # 92 - Park Place, City of Clearwater
3. DRI # 242 - Phosphogypsum Stack System Expansion, Hillsborough County

Action Recommended: Approve staff reports

Staff contact: John Meyer, ext. 29

E. **Notice of Proposed Change (NOPC) Reports**

Due to statutory and contractual requirements, the following report has been transmitted to the Florida Department of Community Affairs (FDCA) and all relevant review agencies in accordance with Rule 29H-1.003(3), F.A.C.

- DRI # 242 - Phosphogypsum Stack System Expansion, Hillsborough County

Action Recommended: None. For Information only

Staff contact: John Meyer, ext. 29

F. Annual Report Summaries (ARS)/Biennial Report Summaries (BRS)

1. DRI # 92 - Park Place, RY 2008-09, City of Clearwater
2. DRI # 108 - Hidden River Corporate Park, RY 2008-09, City of Tampa
3. DRI # 141 - Westshore Areawide, RY 2008-09, City of Tampa
4. DRI # 148 - The Pavilion, RY 2008-09, Hillsborough County
5. DRI # 158 - Tampa Bay Park of Commerce, RY 2008-09, City of Oldsmar/Pinellas County
6. DRI # 203 - Beacon Woods East, RY 2008-09, Pasco County
7. DRI # 250 - Independence Park, RY 2008-09, City of Tampa
8. DRI # 254 - Sarasota-Bradenton International Airport, RY 2008-09, Manatee/Sarasota Counties & City of Sarasota

Action Recommended: Approve staff reports

Staff contact: John Meyer, ext. 29

G. DRI Status Report

Action Recommended: None. Information Only.

Staff contact: John Meyer, ext. 29

H. Local Government Comprehensive Plan Amendments (LGCP)

Due to statutory and contractual requirements, the following reports have been transmitted to the Florida Department of Community Affairs (FDCA) and the appropriate local government in accordance with Rule 29H-1.003(3), F.A.C.

1. DCA # 09-CIE, City of Plant City (adopted)
2. DCA # 09-1CIE, City of Clearwater (adopted)
3. DCA # 10-1AR, Pinellas County (proposed)
4. DCA # 10-1CIE, City of Tampa
5. DCA # 10-1CIE, City of North Redington Beach
6. DCA # 09-1CIE, Town of Redington Shores
7. DCA # 10-1CIE, City of Belleair Bluffs
8. DCA # 09-2, Manatee County (adopted)
9. DCA # 10-1RWSP, City of Dade City (proposed)
10. DCA # 10-1AR, City of Largo (proposed)
11. DCA # 09-1, Pasco County (adopted)
12. DCA # 09-SM1, Pasco County (proposed)
13. DCA # 10-1 CIE/AR, City of Belleair Beach (adopted)
14. DCA # 09-1 CIE/AR, City of Tarpon Springs (adopted)
15. DCA # 09-1 CIE/AR, Hillsborough County (adopted)

Action Recommended: For Information

Staff contact: Jessica Lunsford, ext. 38

I. Local Government Comprehensive Plan Amendments (LGCP)

The following report(s) are presented for Council action:

1. DCA # 09-1 CIE/AR, City of Temple Terrace (adopted)
2. DCA # 10-1AR, City of Tampa (proposed)

Action Recommended: Approve staff reports

Staff contact: Jessica Lunsford, ext. 38

The Consent Agenda was approved. (Beckner/Kersteeen)

4. **Item(s) Removed from Consent Agenda and Addendum Item(s) - None**

5. **Review Item(s) or Any Other Item(s) for Discussion - None**

6. **A. The Florida Strawberry Festival**

Ms. Barbara Caccamisi and two ladies from St. Clement's Catholic Church set up a table for Council members to make their own strawberry shortcake. The Church has been involved with the Florida Strawberry Festival for 37 years. All the St. Clement's proceeds go to worthwhile projects and charities. The Florida Strawberry Festival is also charitable. They give scholarships for young people to go to school who would not otherwise have that opportunity.

The Florida Strawberry Festival will run from March 4-14 and has been an annual event since 1930. Advance St. Clement's shortcake tickets are available before the festival starts. This year the tickets are associated with Sweet Bay Supermarkets with a 25 cents off discount. The ticket prevents you from having to stand in line, however, if you don't have a ticket you will not have to wait any longer than 7-8 minutes.

B. Green Building and Green Washing

Ms. Nicole Kibert, Esq. presented information on "green washing" and green building. Ms. Kibert is an Associate with Carlton Fields law and represents developers in the creation of planned communities, condominiums and subdivisions with a special emphasis on projects involving sustainable development, downtown and brownfields redevelopment, and historic preservation. To encourage smart growth, she assists development clients with incorporating sustainable development elements into their projects and also serves as legal counsel to a group working to promote green building practices. Ms. Kibert is a certified mediator and a LEED® Accredited Professional.

Green is omnipresent-in the news, radio, newspapers, journals, magazines, movies and more. The pervasiveness of the green message is generally construed as positive and related to the emphasis on climate change as a serious issue. Heightened public awareness with any luck foreshadows a paradigm shift toward conservation with earth friendly behaviors being adopted in our personal and professional lives. Businesses have responded strongly and accordingly the use of "green" marketing claims has expanded rapidly in recent years. However, it is crucial that businesses examine their "green" attributes and determine which attributes can be substantiated and which are not business as usual. Often, the environmental attributes or impact of a product or service cannot be easily identified or substantiated. The absence of a specific chemical may make a product less harmful, but it doesn't necessarily make it green either.

While the word "Greenwash" is relatively new, the concept it describes is not. "Greenwash" is the "act of misleading consumers regarding the environmental practices of a company or the environmental benefits of a product or service." The main problem with greenwashing is that it misleads consumers into buying products based on the erroneous belief that the products have some environmental benefit. The U.S. Green Building Council (USGBC) does not certify products, it certifies projects. Just because a product is used in a building that is certified does not mean that product has been certified.

The Federal Trade Commission (FTC) has undertaken a “green” initiative, including a formal review of the FTC’s Guides for the Use of Environmental Marketing Claims (“Green Guides”).

Many consumer products have packaging and advertisements that evoke an environmentally friendly image even though there has been no attempt made at lowering the environmental impact of its production. For example, a bottle of wine displays on its label a seal that is recognized as a certification of renewable energy. The paper on which the label is printed was milled in a facility using renewable energy; however, both the wine and the bottle were manufactured using non-renewable energy. The display of the certification seal on the label of the wine may mislead consumers who may interpret the seal as a claim that the product itself was manufactured with renewable energy. Many companies continue to use vague language such as “sustainable,” “recyclable,” or “safer.” These terms can mislead consumers. It may be unclear whether the product is made from recycled goods or is recyclable or both. Suggestions have been made that the FTC should consider alternative terms to distinguish and clarify when the product is recyclable and/or when it is made of recycled goods. For example, if a package is made from recycled material, the claim might state “Made from 50% recycled paper fiber.” “Safer” must be supported by scientific evidence and qualified on a case by case basis. Increasingly, marketers are turning to third-party seals and logos as a means of communicating to consumers that their products and services do not cause harm to the environment. Third-party certification takes the guesswork out of consumer purchases, providing an independent and expert assessment of technical product claims that may be difficult for consumers to interpret or verify on their own. Opponents of Third Party Verification argue that the FTC should not require independent verification and such issues should be left for either Congress to address in legislation or agencies dealing with the creation or management of offsets to address in regulations. Instead, the FTC should use the same standard that it employs for other types of advertising, namely, reasonable substantiation. If an affected marketer or advertiser thinks that it has reasonable verification, it need not seek third-party verification and it should be up to the affected marketer or advertiser.

High Efficiency (Green) Building is defined as facilities designed, built, operated, renovated, and disposed of using ecological principles for the purpose of promoting occupant health and resource efficiency and minimizing the impacts on the natural environment.

Green Building is both a noun and a verb. Use “green building” as a noun when demonstrating that a building has been built green. Use “green building” as a verb when construction industry professionals build in a green manner. Green buildings are resource efficient and consume far less energy and water than their predecessors. They are respectful of the site where they are placed, minimizing impacts on land and to the ecosystems in which they reside. There is an emphasis on promoting alternative means of transportation such as bicycling, high efficiency automobiles, rapid transit by addressing where the buildings are built. Renewable energy, recyclable materials, restoration of existing buildings, and the impact of the building on the health of its occupants are themes common to green buildings.

We have a lot of experience now in Tampa Bay and I’m sure a lot of the Council members

are responsible for this. We have a lot of provisions in our codes that are now taking place. Tampa Bay local governments with green building provisions are:

- Hillsborough County (Land Development Code & Development Procedures)
- Sarasota County (Code of Ordinances)
- St. Petersburg (Code of Ordinances)
- Tampa (Code of Ordinances)
- St. Pete Beach (Land Development Code)

According to the Florida Green Building Coalition, as of September 17, 2009, there are 2,101 Homes; Ten (10) Developments; Eleven (11) Local Governments; Three (3) Commercial buildings; and there are no hi-rise residential units as of now. The USGBC has 27+ Certified Projects, with more registered.

One of the things that we look at a lot in green buildings and textiles are the misleading "Does Not Contain" claims. Just because something doesn't contain something doesn't necessarily make it a healthy product. For example, if a juice box says it doesn't contain cyanide - well most juice boxes do not contain cyanide. This causes confusion to the consumer who may ask, do other juice boxes contain cyanide? Claims regarding organically grown and natural textile products. We use a lot of textiles in our buildings such as carpet, window dressings. What does organic mean? What does pesticide free mean? Does it mean that you didn't put pesticides on your product this year? Does it mean pesticides were never used? It can be confusing. Another one is toxic vs. non-toxic. Adherence to a standard without certification review. This is a popular thing and it is expensive to get certification. People will say they will build to a standard but aren't going to get certification because it is too expensive. The problem with that is, if no one checks that you actually built to the certification then we don't know that you really did. A lot of times there can be problems with someone forgetting to do something. An example is forgetting to install aerators on faucets. They were receiving a credit for the aerators, yet they had forgotten to install them.

Renewable Energy. This is something that is becoming more and more important in Florida and especially with the building projects because what we are doing now is integrating renewable energy generation. The EPA Green Power Program is a program where companies are signing up to purchase renewable energy credits to offset their energy usage.

In 2009 the FPSC adopted a Renewable Portfolio Standard rule and presented it to the legislature, but the legislature did not adopt because renewable energy and clean energy need to be redefined. The reason for this is important because people who are getting ready to invest in these projects need some framework and rules that are understood. Once we have something adopted the investor and the utilities are not going to be able to meet their percentage of renewable energy that will be required by them. They will start looking to purchase renewable credits from property owners who generate power. Property owners who generate power will have two benefits: reduced power bill by generated power, and separately saleable renewable energy credits.

Florida Incentives:

- Renewable Energy Production Tax Credit
- Renewable Energy Technologies Investment Tax Credit

- Solar Energy Systems Equipment Sales Tax Exemption
- Renewable Energy Equipment Sales Tax Exemption
- Renewable Energy Technologies Grants Program

There is a Smart Grid in St. Petersburg, A “smart grid” describes a modernized electric transmission and distribution system, enabled by digital technology, that delivers detailed, real-time information about energy use to customers. “Smart” meters in homes allow two-way communication between the household and the utility. A top goal is to find ways to reduce peak demand, during times of heaviest use, when electricity is most expensive to produce and deliver.

There is also the Energy Finance District which is a voluntary special taxing district to finance voluntary opt-in-assessment that goes with the parcel until paid. This is something that we are trying to enable in the legislature.

Carbon Offsets and Renewable Energy Certificates:

A carbon offset represents a property interest in the right to claim responsibility for a quantity of greenhouse gas either removed from the atmosphere or the emission that has been avoided. This is something which is driving the market for the renewable energy credits because in addition to selling renewable energy credit, you can also sell a carbon offset. There is a lot of guidance from the FTC on this subject because you want to be sure people don’t resell these credits over and over again.

Questions & Comments:

Commissioner Beckner: Do you see the FTC establishing guidelines as far as defining what sustainable is, what green is, and how soon do you foresee that coming?

Ms. Kibert: They were supposed to be out in 2009 and we will probably see something this year.

Commissioner Beckner: What do you think the prospects are of approving the energy financial districts in the legislature?

Ms. Kibert: I think there is a very good chance. That would be huge because it would function like a CRA district so it would provide leveraging money to be able to get energy improvements done, and you could layer that with the federal incentives that are available.

Commissioner Beckner: An individual county cannot establish those districts as of yet? When I went to the website there was nothing preventing them but then I read what they were doing in Miami and they are waiting for the legislature.

Ms. Kibert: The feeling is that we need to have statutory authority in order to do that. I think some of the home-rule counties might have some additional powers, but I think it will be a go in session.

Council Member Newton: We have established gifts, what is the difference? Why can’t we use funding like that?

Ms. Kibert: I think you could, but the problem is that this is a very narrow type of financing that would be used for individual property owners for property improvements on their property and the financing would work over a certain period of time. It is very specific about what it is for and how it works so there wouldn’t be any questions.

Council Member Newton: We are already established and won’t need permission.

Ms. Kibert: The problem is the pre-pledging and the individual property owner, it's a slightly different financing method.

Council Member Vale: We just voted on a LEED® certified building last week and I think the cost was an extra \$75,000 for the certification on about a \$2 million project. I really don't think that was that bad. We did have a lot of discussion on it however. Could you please explain how the credits would stimulate the real estate industry?

Ms. Kibert: When you generate renewable energy on your property, like putting panels on this building, you would get power which would reduce your operating costs and you would have an attribute that would be created, the renewable energy credit. This attribute is separately available. We can sell that onto the market. Generally what would happen in Florida is you would sell that back to the utility if you are in an investor utility area. Then they could count that as meeting their percentage of required renewables. You get two benefits off of any energy you generate on your product.

Council Member Vale: My husband and I talked to a company that was trying to do that on the residential side but they could never get the financing together to do it.

Councilwoman Mulhern: What can be done on the local level or in Tallahassee to encourage putting solar or alternative energy on your own home, and to make that affordable and profitable for our utilities? I feel like that is where we are stuck and I feel like we're hearing about FP&L and TECO building solar farms which doesn't seem like the efficient way to go if we are going to use solar. That's not what's happening in other countries and here we are in the sunshine state.

Ms. Kibert: I think that the energy finance districts are a key to that and your question is two fold. How can local governments help and how can the state help? The state programs run out of money early on. If you get in early and are on the list as soon as the money is pledged you can realize a huge savings if you use that with federal money. The energy finance districts would come in to play for the folks that don't have the money or the financing to pay. You can get all of the other incentives but you still have to pay for a portion and that's how the local governments can help. They can provide that bridge gap financing which is a low interest loan program.

Councilwoman Mulhern: Are there bills in Tallahassee right now?

Ms. Kibert: Yes. I do not have the number of the bill(s) or who is sponsoring them, but I will be happy to provide that information to you.

Vice Mayor Saenger: Are any municipalities or counties forming their own energy district?

Ms. Kibert: Miami/Dade is ready to go and are the ones who are proponents for getting bills into the legislature this year on this topic. The theory is the legislature will take action to enact this year and then the local governments will have the power to enact.

Vice Mayor Saenger: Is there any opposition?

Ms. Kibert: I don't think so. It isn't controversial.

Vice Mayor Saenger: It's not competing with power companies?

Ms. Kibert: No, because if you reduce the power that's used, that will balance out what the power companies have to produce. And they are the ones that generally get the contracts for installing. Energy Finance Districts could be used for efficiency (windows, insulation, etc.) as well as enacting renewable energy

- Chair Mariano: generation. Most utilities have efficiency programs already and they would have to get those approved by the PFC as part of their total package. You told me to get myself educated. After attending one of the meetings Pasco County put in their Land Development Code and I think we are the first ones in the state. We've actually followed up and have a written Land Development Code and we have been working with the City of Tampa and Sarasota to try to put together a collaborative group. If you would, talk about the renewable energy portfolio that New Jersey has done and how that has worked.
- Ms. Kibert: If you look at the profiles of where in the country you have the most solar utilization it is not the cheapest in New Jersey. Massachusetts and New Jersey are not the states with the highest solar profiles because those states have active renewable portfolio standards and also regulatory incentives on the backside for financing. If you look at the numbers and high utilization it is clear that the argument that Florida doesn't have the best solar profile is about regulations.
- Chair Mariano: I don't know if anyone has seen the movie "Who Killed the Electric Car?" which was mentioned by Mike Waters from Progress Energy but it talks about the standards they had in California. There were a lot of politics involved on why that went down. It also educates as to why this should work and why we should move forward. Had California focused on peak demand they would be a lot better off now.
- Ms. Todd: This is a part of the concept of One Bay.
- Council Member Newton: The energy credit that you mentioned, most utility companies provide that. We also do some of these things through the City of St. Petersburg and we piggyback on what the energy companies are doing. We are doing a lot of non-profit home buildings now. I can see where it would be necessary for individual residents to help them. The power company will only go so far and go green to a point.
- Vice Mayor Saenger: Tarpon Springs recently had a project for Sweet Bay and it's the first green supermarket in the region. In talking to the supermarket manager he said that this store, compared with other stores of the same size, the electric bill is \$10,000 less a month.
- Ms. Kibert: And probably if they use day lighting they have better sales too. Retail sales looked at their profiles and have learned people buy more in day lighting than they do in fluorescent lighting.

Power Point presentation(s) can be found at www.tbrpc.org/councilagendas/councilpresentations.htm

7. Council Members' Comments - None

8. Program Reports

- A. Agency on Bay Management (ABM) – Chair, Mr. Robert Kersteen**
A summary of the January 14th full Agency meeting was included in the agenda packet.

Thursday, February 11th, the Agency's Natural Resources/Environmental Impact Review Committee will meet at 9:00 a.m. here in this room.

On the agenda are:

- A presentation by staff of the Southwest Florida Water Management District's SWIM program on the Clam Bayou Habitat Restoration & Stormwater Treatment Project.
- A presentation by staff of the Environmental Protection Commission of Hillsborough County on Sediment Sampling in Clam Bayou and Throughout Tampa Bay - focusing on contaminated sediments and sediment-dwelling creatures.

And

- The Proposed Aquatic Resource Fund In-lieu-fee Program for Seagrass and Other Submerged Aquatic Resource Impacts - a permit application from the Ocean Foundation which is under review by the U.S. Army Corps of Engineers.

The next full agency meeting will be Thursday, March 11th at 9:00 a.m.

B. Clearinghouse Review Committee (CRC) - No Report

C. Local Emergency Planning Committee (LEPC) – No Report

D. Emergency Management

The Council is working with the nine (9) counties in the Tampa Bay area (the footprint of the Regional Domestic Security Task Force (RDSTF) plus Manatee County) to develop a Catastrophic Planning Strategy. A summit was held January 5-6, 2010 in Tampa to kick off the project. The Summit brought together more than 300 representatives of state, federal and local public, private and non-profit volunteer agencies together to discuss the major issues the region would face. The Tampa Bay Catastrophic Plan Scenario Information and Consequence Report was distributed.

Ms. Betti Johnson provided a brief report and showed a video which was produced for the Summit. The video can be viewed at: www.tampabaycatplan.org

Questions & Comments:

- Commissioner Dodson: What was the outcome of the circumstances that you presented in the video? How did you respond to it?
- Ms. Johnson: We were able to identify the key issues and what different entities have been planning in the past. We were able to see where we are, and the major issues to give us a strategy for the next 6-9 months. We will be getting the different workgroup folks back together and enhancing those committees where needed. Catastrophic planning is not always your run of the mill disaster. The Summit provided an opportunity to bring all these groups together from the nine counties.
- Council Member Vale: Did you have anyone from the major hospital chains like Bay Care at your meeting?
- Ms. Johnson: Yes. Bay Care was represented. They are on our

committee as well.

Vice Mayor Worthington: I attended the Summit. I work with the Community Emergency Response Team in Gulfport and I worked 27 years as a volunteer firefighter with Gulfport. I have attended a lot of seminars. I thought it was really great bringing all those groups together. I knew what the public entities were as far as the fire, police, and all the other agencies and I was amazed at the private agencies and organizations that attended, such as church organizations.

Ms. Collins: Great job on the video. It's hard to imagine that kind of a scenario and it is believable.

Ms. Johnson: URS Corporation did the video and we had help from our friends at the Weather Channel, Channel 8 and 10.

Chair Mariano: It was a great event.

Council Member Newton: Did you discuss anything on mitigation or known hazards that we currently have? The City of St. Petersburg has low lying areas that flood during a heavy rainfall. In New Orleans it was the infrastructure and the levees that broke. Are they doing anything here where they know they have weaknesses?

Ms. Johnson: The Catastrophic Plan is looking primarily at response and short-term recovery, but what is really key in that is the longer term mitigation where our local mitigation strategy lists the kinds of projects that we need to implement and our post-disaster redevelopment plans really need to duck-tail so that when something does happen we take that opportunity to make that neighborhood safer and better. We can't go back to what it was, we would need to build it stronger and safer.

Council Member Newton: A lot of the buildings we do now we build with airport standards. If they know they have problems, they should limit the damage. We can recover and we can react but if you know you have a problem now with a little rain, you know what is going to happen.

Ms. Johnson: For example, Bay Care works with us on our local mitigation strategy and with our evacuation study update. They are looking specifically at each of their hospital and critical care campuses to see if there is a chance for flooding even in a most severe event so that they can mitigate that. That's the kind of thing that all of our local governments, our businesses and our citizens need to be looking at.

Council Member Newton: Even during an evacuation, if you are coming over the Howard Franklin bridge and you come to a bottleneck, that will definitely be a problem when you are trying to evacuate a massive amount of people in a category five event. We know this. Is anything being done ahead of time to mitigate?

Chair Mariano: When do you expect to be completing the study?
 Ms. Johnson: We are hoping that we will have a good final draft in June and then we will have an exercise between June and September so we will be able to test a lot of the concepts.
 Council Member Vale: I went to New Orleans during Christmas and we drove back through Slidell, Louisiana which is right by Lake Ponchartraine and it's been a few years since Katrina and there is a lot of new development but there are still huge areas of wasteland. Do we have any communication with them to learn from their mistakes?
 Ms. Johnson: The President has asked for a report in March on long term recovery. What works, what doesn't work, what needs to be shared with the rest of the country, and what the federal government can do to assist.

E. Legislative Committee – Chair, Mayor Scott Black
 Commissioner Mariano, Commissioner Dodson, Jill Collins and I attended the Florida Regional Councils Association Policy Board meeting January 15th in Tallahassee. We heard presentations from a number of individuals:

DCA Secretary Tom Pelham reported that:

- DCA is in the process of adopting rules under 9J-5 regarding HB697. This was the Energy Greenhouse Gas Emissions Bill that passed in 2008. We have included a recap in your folder.
- The 2010 Legislature will be considering the recent adopted mobility fee study.
- Secretary Pelham was concerned about SB360 and how it may provide ammunition to Amendment 4 and made it a point to say that the existing growth management laws did not slow down growth. He proceeded to share a DCA table of approved large number of plan amendments from 2007 through 2009 that greatly increased development potential. Copy of the table is in your folder.
- He reminded everyone that DCA will be going through a sunset review.
- The Department of Community Affairs is holding a rule development workshop on Rule 9J-5.006 (Future Land Use Element). Since there is no draft rule at present, the purpose of the workshop will be to seek input on amending the rule to provide greater detail and explanation related to the statutory requirements that the future land use element be based on the amount of land required to accommodate anticipated growth and the projected population of the area. In other words, a needs assessment is required to determine whether a comprehensive plan amendment submitted by a local government provides more land in a specific land use than is needed to accommodate anticipated population growth.

The workshop will be held on Monday, February 22nd at 1:00 p.m. at the Wyndam Orlando Resort (Jasmine Room), 800 International Drive, Orlando. There is no reservation fee or RSVP required.

We provided a copy of Florida Senate Interim Report 2010-107.

Also we heard from:

FDOT who informed the group that they are beginning the 5 year update on the 2060 Florida Transportation Plan;

Enterprise Florida provided a recap of their 2008-2009 annual report;

Florida Office of Economic & Demographic Research - pointed out that Florida has lost 750,000 jobs since the recession started. Since 2005, the median prices of homes have dropped from \$258,000 to \$139,000 and that Florida has the 2nd highest foreclosure filing in the U.S. With all that said, she predicts a slow return growth in the economy in the summer of 2010.

Florida Department of Environmental Protection Secretary Mike Sole indicated that the current stormwater rules are inadequate to improve water quality and is looking to change this in the legislature. He also mentioned the newly released proposed federal rules imposing numeric nutrient quality standard for Florida's water. EPA is holding a Public Hearing on February 17th, 1-5 p.m. and 7-10 p.m. at the Crowne Plaza Universal in Orlando. He also mentioned that on January 6, 2010, EPA proposed to strengthen the air quality standards for ground-level ozone, which is the main component of smog. EPA will issue Final Standards by August 31, 2010.

We also received updates from the Florida League of Cities, Florida Association of Counties, and the National Association of Regional Councils.

The Governor's Proposed Budget includes \$500,000 from general revenue to fund all eleven Regional Councils as compared to the current amount of \$2.5 million. We will be collaborating with our Tallahassee team as we work to increase the RPCs appropriation.

Now I would ask our Legal Counsel to provide us a status report regarding the SB360 lawsuit.

TBRPC Legal Counsel, Mr. Don Conn, provided a status report regarding the SB360 lawsuit.

The lawsuit that was filed several months ago by the City of Westin and joined by about 16 or 17 local cities and counties remains pending in the Circuit Court, Leon County. The defendants in the lawsuit include the Governor, the Secretary of State, various legislative officers and they filed a Motion to Dismiss the lawsuit several months ago but that was ruled on in November, denying the Motion to Dismiss. The basis for the lawsuit challenges the constitutionality of SB360 for two basic reasons: 1) it includes a number of unfunded mandates; 2) it violates the single subject rule. The lawsuit remains pending. The plaintiffs in the lawsuit (the cities, counties) have filed a Motion for Summary Judgment. If they prevail that could be the end of the lawsuit in that they might prevail in their basis for challenging the constitutionality of the statute. That Motion for Summary Judgment is going to be heard by the Judge in Leon County on the 22nd of February. Now it's not often that

a Summary Judgment is granted, but nevertheless the plaintiffs are pressing their case and will present that motion on the 22nd. We will monitor and keep you informed on the outcome. I think in any event it is likely that the legislature, in 2010, will be looking again at SB360 either to address some of the issues that have come up in this lawsuit or to deal with the glitches that we previously discussed and which this Council has gone on record as presenting its interest in being at the table when those glitches are dealt with. It's a matter of seeing what happens with the legislature and with the lawsuit. We will keep you informed at the next meeting.

Questions & Comments:

- Commissioner Brickfield: Has the Regional Planning Council passed a resolution or done anything about Amendment 4 and whether or not we support or oppose?
- Mr. Pumariega: We will have several speakers at the March meeting, both supporting and opposing the amendment. There are some issues about whether we can pass a resolution based on the statute and we will discuss that issue next month. We will provide materials ahead of time in your agenda packet.
- Chair Mariano: Pasco County put it on the agenda for discussion and had protesters who questioned us on the constitutionality. We tabled it and decided not to do anything.
- Mr. Pumariega: We had discussed at the Legislative Committee meeting about providing the pros and cons of Amendment 4 and leave it at that. There are differences of opinions between attorneys from the other RPCs, some RPCs have passed resolutions already. We will leave it up to the opinion of our counsel and the prerogative of the Council.
- Commissioner Brickfield: I for one would like us to look at passing a resolution. Maybe we can have our attorney look into it and bring us an opinion and tell us if we can pass one.
- Mr. Conn: We are definitely looking in to it. The issue is whether or not going on record through a resolution would be a matter of advocacy for or against the resolution prohibited lobbying for or against a constitutional amendment that's on the ballot. There are some cautions that we have to be aware of in that regard. Having said that, there certainly is no prohibition on an information session where everyone is more educated and is exposed to the pros and cons, and you as individuals can express your views as you see fit on the issue. There is no prohibition whatsoever on that. It's a matter of a public agency going on record for or against a ballot issue that may present the problem. We will look at this further.
- Mayor Black: Senator Bennett is now interested in going in and repealing that gag rule against government being able to take a stand on different things. Because if the amendment passes we'll never be able to go out and campaign or inform the public about things that are good for the community.
- Commissioner Brickfield: We take positions all the time as local governments on what the

state legislature is doing. Are you trying to tell me that we can take a position on a bill but not on a constitutional amendment?

Mr. Conn: There is a distinction in the law. The anti-lobbying bill that was passed addresses ballot initiatives, it does not address positions on pending legislation. We will be looking at that to see if there is a way this Council can express its view, if it chooses to.

Ms. Collins: Maybe I missed this, has FRCA and Ron Book's office taken a position or given us any kind of guidance?

Mr. Pumariega: When we exchanged emails four or five months ago I believe his initial response was that we could not do it. That was his initial opinion. We really haven't discussed it more thoroughly with him.

Ms. Collins: I would be curious to know if other Councils have done it and what their basis was.

Mr. Pumariega: I believe it was North Central RPC in Gainesville, and East Central RPC, West Florida RPC. There is a mix among the RPCs.

Council Member Newton: That's what I was wondering - what the other RPCs have done and if we can mimic that.

Vice Mayor Worthington: The Suncoast League of Cities is taking a position against it. We will be going to Tallahassee next week to push that issue.

Chair Mariano: We talked about the clean water standards at 3.0 and the City of Tallahassee, Leon County, is known for its best tasting drinking water. Federal standards are at 1.2. That would be something we all are going to be taking a look at down the road and trying to find some new technology. The State of Florida is being impacted the most because we've done the most research and the most homework. We will be looking at that issue.

Ms. Collins: Aren't we the only state?

Chair Mariano: Yes, the first state.

F. Regional Planning Advisory Committee (RPAC) – No Report

G. Economic Development – No Report

H. Regional Domestic Security Task Force (RDSTF) - No Report

9. Other Council Reports

10. Executive/Budget Committee Report – Chair Mariano

The Executive Budget Committee met prior to the Council meeting to go over the FY 2009 Annual Audit Draft. It will be presented to Council at the March meeting for your consideration.

11. Executive Director's Report

We would like to have everyone attend the Future of the Region Awards Luncheon on March 19th at the Quorum Hotel in Tampa.

The One Bay Congress of Regional Leaders Implementation Summit will be held on April 16th at

the Tampa Convention Center. We would like to see all of the elected officials and gubernatorial appointees attend.

12. Chair's Report - None

Next meeting, March 8, 2010 at 10:00 a.m.

Adjournment: 11:34 a.m.



Jack Mariano, Chair



Lori Denman, Recording Secretary