Council Minutes

June 8, 2009
10:00 a.m.

REPRESENTATIVES PRESENT
Chair, Commissioner Bill Dodson, City of Plant City
Vice Chair, Commissioner Jack Mariano, Pasco County
Secretary/Treasurer, Ms. Jill Collins, Hillsborough County Gubernatorial Appointee
Commissioner Ron Barnette, City of Dunedin
Commissioner Kevin Beckner, Hillsborough County
Commissioner Neil Brickfield, Pinellas County
Commissioner Woody Brown, City of Largo
Mayor Shirley Groover Bryant, City of Palmetto
Commissioner Larry Bustle, Manatee County
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
Mr. Harry Kinnan, Manatee County Gubernatorial Appointee
Vice Mayor Bob Matthews, City of Seminole
Mayor Bob Minning, City of Treasure Island
Councilwoman Mary Mulhern, City of Tampa
Councilman Karl Nurse, City of St. Petersburg
Commissioner 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
Ms. Laura Woodard, Hillsborough County Gubernatorial Appointee
Commissioner Robert Worthington, City of Gulfport
Mr. Earl Young, Pasco County Gubernatorial Appointee
Mr. Mike Downs, Alt., Ex-Officio, Department of Environmental Protection
Mr. Ming Gao, Ex-Officio, Florida Department of Transportation
Mr. Todd Pressman, Ex-Officio, South West Florida Water Management District

REPRESENTATIVES ABSENT
Commissioner Nina Bandoni, City of Safety Harbor
Mayor Scott Black, Past Chair, City of Dade City
Ms. Jane Bittner, Pinellas County Gubernatorial Appointee
Council Member Alison Fernandez, City of Temple Terrace
Mr. Julian Garcia, Jr., Hillsborough County Gubernatorial Appointee
Ms. Angeleah Kinsler, Hillsborough County Gubernatorial Appointee
Mr. Andy Núñez, Pinellas County Gubernatorial Appointee
Councilman Patrick Roff, City of Bradenton
Councilman Ed Taylor, City of Pinellas Park
Mr. Charles Waller, Pasco County Gubernatorial Appointee
Ms. Michelle Miller, Ex-Officio, Enterprise Florida
OTHERS PRESENT
Trisha Neasman, Planner, SWFWMD
Shawn College, Exec. Planner, Hillsborough Planning Commission
John Healey, Planner, Hillsborough County
Carol Grier, Attorney, Waste Mgmt. of FL
Brian Shuford, Dir. of Gov. Affairs, PRO
Bill Conerly, Engineer, CSI
Ray Chewing, Engineer, WMIF
Dana Brooke, Citizen
Rick Jensen, President, Fbeacorgy
Joe Smith, Joe Smith Enterprises, Principle

STAFF PRESENT
Mr. Manny Pumarienga, Executive Director
Mr. Donald Conn, Legal Counsel
Ms. Suzanne Cooper, Principal Planner
Ms. Lori Denman, Administrative Assistant/Recording Secretary
Mr. John Jacobsen, Accounting Manager
Mr. John Meyer, Principal Planner
Ms. Betti Johnson, Principal Planner
Ms. Wren Krahk, 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 Dodson
The June 8, 2009 regular meeting of the Tampa Bay Regional Planning Council was called to order by Chair Dodson at 10:03 a.m.

The Invocation was given by Vice Mayor Robin Saenger, followed by the pledge of allegiance.

Roll Call -- Recording Secretary
A quorum was present.

Voting Conflict Report -- Recording Secretary
No voting conflicts were filed.

1. **Approval of Minutes** -- Secretary/Treasurer Collins
   The minutes from the May 11, 2009 regular meeting were approved (Matthews/Mulhern).

2. **Budget Committee** -- Secretary/Treasurer Collins
   Council members were reminded to sign and return the distributed Financial Disclosure Affidavit by July 31st.
   A. The Financial Report for the period ending 2/29/09 was approved (Kersteen/Beckner).
   B. The 2009/2010 Initial Budget was presented. The Budget Committee met last month and was presented with the 2009/2010 Initial Budget. The overall budget decreased
$109,000 due to the following:

Federal Revenue increased $73K due to increased activity in Florida Catastrophic Planning and Economic Analysis & Disaster Resiliency projects. The increase was partially offset by the elimination of the Eckerd College Mitigation Plan which is scheduled to be completed in FY 09.

State Revenue will increase about $45K. DCA RPC funding will increase by $69K based on a projected increase in the state funding level. One Bay Regional Visioning will decrease $24K since additional funding has not been awarded at this time.

Fees & Contract revenue decreased slightly less than $153K. RDSTF Tabletop Exercises and Economic Impact Analysis Natural Disaster were completed in FY 2009. Several other projects will have less activity in FY 2010 than in FY 2009. These projects include Community Assistance/Special Projects, Disaster Recovery Guide, Statewide Regional Evacuation Study, Economic Impact Analysis and DRIs.

Appropriated Fund Balance in the amount of $102K was necessary to continue the core functions and programs of the Council and to provide matching funds for several federal contracts.

The proposed Initial FY 2010 Budget does not provide for salary increases.

The Executive Budget Committee unanimously approved the proposed Initial Budget included in your agenda packets.

Motion to approve the 2009/2010 Initial Budget. (Saenger/Petersen)

3. Consent Agenda – Chair Dodson

Consent Agenda Item #3.E., DRI #202 - Unnamed Exclusive Golf & Country Club NOPC Report was added to the Agenda and distributed. The developer has requested an additional one-year and one-day extension of the project build-out and Development Order expiration date in accordance with Subsection 380.06(19) of the Florida Statutes.

Budget and Contractual
1. Approve Department of Community Affairs (DCA) Tampa Bay Regional Planning Council (TBRPC) annual 2009/2010 contract which provides funding in the approximate amount of $275,350 to fulfill numerous statutory responsibilities under Florida Statute Chapters 163, 186, 252, 380, and 403.

2. Approval to accept FY 2009/2010 contract between the DCA and the TBRPC for operation of the Tampa Bay Local Emergency Planning Committee (LEPC), District VIII.

Since 1988 with the passage of the Emergency Planning and Community Right to Know Act (EPCRA), which created Local Emergency Planning Committees and State Emergency Response Commissions, the Tampa Bay LEPC has operated under the basic annual contract between the DCA and the TBRPC, with LEPC specifications detailed in Attachment A-2 of the old contract. Again this year, a separate contract between DCA
and the TBRPC for LEPC operations is offered. Funding for the LEPC remains unchanged at $40,909. The Scope of Work for the LEPC remains unchanged and Quarterly Reports for the LEPC will go directly to the Division of Emergency Management, rather than be included in the TBRPC Quarterly Report which is submitted to DCA.

3. Transportation Intergovernmental Coordination and Review Agreements

Each Metropolitan Planning Organization (MPO) jurisdiction is required to execute a Joint Participation agreement by and between the Florida Department of Transportation, the MPO, the Regional Planning Council, and the local Transit Authority. The General purpose of these agreements is to outline the roles and responsibilities of each agency, ensuring that the transportation planning process is coordinated among the various levels of government and that the plans of each agency are consistent and/or compatible with each other. This agreement was last updated with each MPO in 2004.

The actions and responsibilities required of the Council by the agreement are consistent with the duties that have been performed in the past.

Attached is the only draft agreement (Hillsborough County) submitted to date. We expect that all four Counties/MPOs in the region will submit agreements for Council’s acceptance.

Action Recommended: Motion to authorize the Chair to execute Joint Participation Agreements for Intergovernmental Coordination and Review for each of the four counties in the region.

Intergovernmental Coordination & Review (IC&R) Program

1. IC&R Reviews by Jurisdiction (report attached)
2. May 2009 IC&R Database (report attached)

Action Recommended: None. For Information Only.

3. IC&R # 038-09, Tampa Electric Company Ten-Year Site Plan, Hillsborough & Pasco Counties and the City of Oldsmar
4. IC&R # 039-09, Progress Energy Florida Ten-Year Site Plan, Pinellas & Pasco Counties
5. IC&R # 040-09, Florida Power and Light Company Ten-Year Site Plan, Manatee County

Action Recommended: Approve staff reports.

DRI Development Order Reports (DOR) - None

DRI Development Order Amendment Reports (DOAR) - None

Notice of Proposed Change (NPOC) Reports
DRI # 202-Unnamed Exclusive Golf & Country Club, Manatee County
Action Recommended: Approve staff report.

Annual Report Summaries (ARS)/Biennial Report Summaries (BRS) - None

DRI Status Report
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 # 09-1, Manatee County
2. DCA # 08-1ARA, City of Gulfport (adopted)

Action Recommended: For Information Only

The Consent Agenda was approved (Petersen/Mariano).

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. David F. Zierden, Climate Variability of Change in Florida

Mr. Zierden, State Climatologist with The Florida Climate Center and The Center for Ocean-Atmospheric Prediction Studies presented on Climate Variability of Change in Florida. Mr. Zierden is in charge of the day-to-day operations of the Florida Climate Center and oversees the provision of climate services to the people, businesses, and institutions of the State of Florida. He also directs research into climate variability in Florida and the development of climate information and forecast products.

The Southeast Climate Consortium is a partnership with seven universities in the southeast United States. (Florida State Center for Ocean-Atmospheric Prediction Studies, The University of Georgia, University of Florida, Auburn University, the University of Alabama in Huntsville, University of Miami, and NC State). These universities bring together expertise in climate sciences, social sciences, economics, agriculture, and water resources. Our mission statement is: Facilitating the effective use of climate information and forecast in agriculture and natural resource management.” We started out mainly working with agriculture so growers could take advantage of this new science of seasonal predictions and now we are expanding to water resources and other areas of natural resources. The University of Florida scientists have a joint project with Tampa Bay Water in using the year-to-year climate variability of forecasting in their planning operations. They are one of the leaders in the nation in using this climate information.

Much of the Southeast is classified as humid-subtropical, except extreme South Florida and the Keys, which have a true tropical climate. We are subject to freezing temperatures in the winter, and every 10-15 years we get catastrophic freezes that do damage to citrus groves and winter vegetables. We are the most hurricane prone state and we are subject to severe weather such as deadly tornadoes. There are local and regional variations due to terrain, land cover, coastal influences, etc.

Florida is unique in that we have a summer rainy season and the Tampa/Orlando area is the lightning capital of the United States. We also have an extended dry season from October through April where we only average 2-3 inches of rainfall per month. The
northern Gulf Coast gets plenty of winter rainfall because of cold fronts. The peninsula of Florida is quite dry in the winter, averaging 2-3 inches of rainfall per month. The June average rainfall for the Florida peninsula is 7-8 inches per month, nearly 60% of annual rainfall in west-central Florida comes in the months of June through September. Summer rainfall is critical for this area and we need to capture and allocate this rainfall.

The average annual rainfall for central Florida for the past 150 years shows the average at about 50 inches, but “average” hardly ever happens. It is either plenty of rainfall, or a deficit. Several dry years in a row causes problems. During this recent drought we had the May storm which did a lot to alleviate the dryness. There is year to year variability making managing our water resources a challenge.

We now know a little about predicting. The El Niño and La Niña cycle is the predominant mode of year to year climate variability. It has a huge impact on the state of Florida. El Niño occurs when there is a large area of warmer than normal water in the Pacific Ocean along the equator. The water temperatures are 5-10 degrees warmer than they normally are. The area affected is from the coast of South America across the international date line, extending 5 degrees north and south. It is a huge area. The heart of this area is actually due south of Florida. This phenomenon has major impacts on the climate.

The opposite phase of El Niño is La Niña. This is the same area as with El Niño but the water temperatures can turn several degrees colder than normal. La Niña has its own impacts on our atmosphere. El Niño / La Niña is not a new thing, it has been going on for centuries. It can be traced back to the Spanish Missionaries of the 1500s in Equador and Peru. The warm water along the coast affects nutrients from the Pacific Ocean causing fisheries to collapse.

How does El Niño and La Niña affect our climate? They affect the winter jet stream patterns which can bring storm development causing excessive winter rains to California. These storms will form in the northern Gulf of Mexico, track along the northern Gulf Coast and bring excessive winter rainfalls to Florida and the southeast. When there is an El Niño cold fronts occur about once every 3 or 4 days. During a normal winter this type of weather occurs every 9 days. When we have a La Niña the subtropical jet stream is weaker, or non existent. The dominant jet is the polar jet and it tends to take on an amplified configuration where you have high pressure and ridging over the western U.S. and lower pressure in the Mississippi Valley. In the southeast we get the tail end of these fronts which lack rainfall. When we have La Niña we have less frequent frontal passages, warmer weather, and dryer weather in the winter.

The last big El Niño was 1997-1998 which was followed immediately by a three year La Niña in 1999-2000 which was one of the main triggers of the drought. El Niño and La Niña do not occur regularly like the seasons of a year. Sometimes the La Niña can last several years and sometimes El Niño can come, fade away, and come back again. This makes it difficult to predict more than 6 months in advance. That’s where the challenge lays in predicting, however, once one of these events is occurring it provides us predictability for 3-9 months out. Historically, 25% of the years we are in El Niño and 25% we are in La Niña, and 50% we are in “neutral” where sea surface temperatures are close to normal and there are no major climate impacts.

El Niño brings us wet and cold winters with an average rainfall for the peninsula of
Florida of 40%-60% more than normal. That is something we could take advantage of if we have predictability. Unfortunately, once we get to summer, if the El Niño is still going, it turns the tables and brings dryer than normal weather. La Niña brings us dry and warm winters with 40%-60% less rainfall than normal in the winter months.

Observations taken from Tampa International show that when there is an El Niño in the Pacific during the winter months (Dec. through March) there is an average of 1 to 2 inches more rainfall than normal. The real threat to us comes from the cold phase, or La Niña, when December through March we accumulate deficits during the winter season.

No two El Niño or La Niña events are alike and subsequently the climate impacts from any two events are never the same. You can’t just look at changes in average conditions and bank on that. You have to look at the shifts in probabilities to be able to use this information appropriately.

The Atlantic Multidecadal Oscillation (AMO) describes variations in sea surface temperatures north of the equator. It is tied to changes in the thermohaline circulation or conveyor belt. A study was done by Dave Englel and Paul Trimbal at the South Florida Water Management District. They looked at central Florida rainfall and they showed it was highly correlated with sea surface temperatures in the north Atlantic Ocean known as the AMO. The Atlantic Ocean may have something to do with our summer rainfall patterns.

There are other things going on that affect our rainfall patterns. Man is responsible for some of them. A study was done by a climatologist from the University of Colorado, Roger Pielke, Sr. He looked at changes in land use. He took land use from pre-1990s and land use from 1993. He used a high resolution weather model and by changing nothing but land use he showed dramatic changes in summer precipitation. His hypophysis is due to the draining of wetlands and urban development and converting wetlands into agricultural areas it actually affected the amount of humidity that goes into the atmosphere in the summer months that is limiting summertime thunderstorm formation. His model shows that if you take a wet year, dry year, or normal year - in all three cases this area in west central Florida actually gets 10-15% less rainfall with the present day land cover than it did with the undisturbed land cover.

There is no discernable trend in rainfall or temperature over the last century in central Florida. Year-to-year variability in precipitation provides the biggest challenge for water resource managers. The El Niño/La Niña cycle gives us some seasonal predictability, especially in the dry season. Land use changes may be an important factor in local precipitation changes, and adequately preparing for known variations is the first step towards adapting to other climate changes.

Questions & Comments:

Commissioner Beckner: My greatest interest is what we need to be managing, and what we need to be looking for in our decision making in land use changes. Are you suggesting, or is your research showing that areas where wetlands have been impacted have shown we will get less rainfall?

Mr. Zierden: The study showed that draining of wetlands and cutting down forest for agricultural areas and paving affects the moisture due to evaporation which affects the summertime thunderstorm formation. Their study showed that just due to land change there are big changes in
precipitation, around the 10% range. This was done with a numerical
weather prediction model. There are probably limitations with the
model so you have to take those results with a grain of salt. Belle Glade
has had millions of acres of wetlands drained and turned into sugarcane
fields. This has affected temperature patterns there and it averages 1-3
degrees warmer simply because the Everglades aren’t there anymore and
you have the rich dark soil and sugarcane fields.

Commissioner Beckner: Is there any information that shows mitigated wetland impacts?
Mr. Zierden: No there is not. A part of that is because of the scale, there hasn’t been
eough mitigation or return to wetlands on a large scale to have these
kinds of impacts on our climate. I didn’t go much into climate change or
challenges into the next century because there is such a lack of
information. We know the climate is changing and is likely to change
further in the future, but by how much and what would be the actual
local variation on a state or county scale, our computer models are not
sufficient to give us that kind of information.

Councilman Nurse: Do we have any idea what impact planting trees in urban areas has in
terms of trying to mitigate the pavement affect?
Mr. Zierden: No. I haven’t read any studies on that. Again, we are talking about
scale. Planting trees is certainly beneficial but whether it’s enough to
offset the large scale processes I don’t know.

Mr. Kinnan: There seems to be more tornadoes. I’m wondering if we really are
seeing more tornadoes or are they being reported on more?
Mr. Zierden: A paper was authored by James O’Brien on tornadoes and the El
Niño/La Niña cycle. He showed big differences in the distributions of
tornadoes due to the cycle in the Pacific Ocean. Also, the weather
service in Melbourne has done an extensive study that shows when you
have a strong El Niño central Florida is much more susceptible to strong
wintertime tornadoes. These happened in 1958 and again a couple of
years ago. The last one that killed 36 people was during an El Niño
phase and they actually put out warnings at the beginning of the season
that it could happen. Yes, they are taking advantage of this information.
As far as long term trends go a lot of what we might see in the tornado
records is due to differences in reporting. As population grows you get
more people living out in the rural environments that actually witness
these tornadoes and report on them. Also, Doppler Radar detects them a
lot better now.

Mayor Minning: Where are we in the cycle of El Niño and La Niña? Is there a correlation
between those cycles and hurricanes?
Mr. Zierden: There is very strong correlation between the El Niño and La Niña cycle
and hurricanes. When you have the El Niño and warm waters in the
Pacific Ocean it tends to subdue the hurricanes. The theory is the
presence of warmth and humidity in the Pacific Ocean changes the upper
level winds and makes more wind shear over the Atlantic development
area. The storms get sheared before they really get formed. Studies
show almost half as many hurricanes during El Niño than during the
other phases. Right now we are in neutral, we had a weak La Niña this
past winter that brought some of the winter dryness but that faded away
in March. Some of the leading prediction centers for the Pacific Ocean
have been implying that an El Niño might be forming. If that does come
to fruition it should impact our hurricane season and actually bring us
Councilwoman Mulhern: You said you didn't see an overall trend. Are you saying you aren't seeing a rise in temperature based on the statistics that you are analyzing?

Mr. Zierden: There have been more El Niños in the last 10-20 years but going back to 1950 it's hard to come to any kind of conclusions. There have been studies looking at coral rings and other proxies for this El Niño/La Niña cycle and they do show periods of more frequent El Niños and periods of less frequent.

Councilwoman Mulhern: When did you start keeping records?

Mr. Zierden: In the 1950s, when the good records of sea surface temperatures started.

Vice Mayor Saenger: How does our Gulf temperature correlate with the Pacific temperatures? If the Gulf is somewhat of a basin it seems that it would hold warm temperatures rather than circulate it.

Mr. Zierden: There is very little correlation between the temperatures in the Pacific Ocean and those in the Gulf and the Atlantic. In fact, scientists have tried for a number of years to look for a similar El Niño/La Niña in the Atlantic Ocean. The shape and the size of the Pacific Ocean allows this to take place in the Pacific. There is no connection between the two ocean currents.

Power Point presentation(s) can be found at [www.tbrpc.org/councilagendas/ccouncilpresentations.htm](http://www.tbrpc.org/councilagendas/ccouncilpresentations.htm)

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**B. Lee Killinger, The Wren Group**

Mr. Killinger provided an overview of the 2009 Legislative Session.

This year was a very interesting legislative session. Things started off quickly with discussions on economic development, the economic downturn, and how to address these issues. There was discussion of sunset regarding the Department of Community Affairs. The Governor's proposal to acquire the assets of U.S. Sugar raised a lot of questions in areas such as environmental issues, and land use issues, and executive versus legislative branch authority, as well as the discussion of Sun Rail and the proposed deal with CSX to deal with some of the commuter rail in central Florida. Then Tri-Rail got dragged into the Sun Rail discussion.

A lot of the session was consumed by the budget, budget shortfalls, and whether to generate more revenue or resolve the problem by cutting back programs and governmental expenditures, or a combination. A lot of the discussion was whether to tap into existing, new, or controversial sources of revenue. They talked about cigarette taxes, taxing bottled water, a gaming compact with the Seminole Tribe, increase tipping fees on solid waste, eliminating sales tax exemptions, and off shore oil and natural gas exploration. There were a lot of folks talking about whether they could get a budget done at all because the House and Senate were far apart on whether they were going to raise new revenue or cut programs.

Bills that had passed between 1998 and 2008 were an average of 422 bills. This year, out of almost 2,400 bills filed, they only passed 271. A lot of things just died. Anything that had a fiscal impact this year didn’t get very far in the process.

The Governor vetoed a few things in the budget. One of the things he vetoed was a budget cut for state employees. There was a lot of controversy about whether that
budget veto by the Governor was and is constitutional because of the way it was structured. If the Governor vetoed something that supplied cash for the rest of the budget, and the budget is required to be balanced, the question is whether or not he can do that. I think his proposal was to go ahead and veto that budget proposal to cut the salaries, but require the agencies to accomplish the same goal in another way by cutting their own budgets, eliminating unfilled positions, and to find other ways to economize. Given the current electoral politics I don’t expect a constitutional challenge to that.

Florida Forever did not get funded this year. They funded some Everglades restoration money, but nothing for Florida Forever. A lot of the environmental community is very concerned about the program not being funded and are worried about whether that could be precedent setting since it is the first time since the program got started back under Governor Martinez.

Senate Bill 360 - Growth Management. There were a lot of growth management bills filed this year. We had bills filed this year that would have dissolved DCA and shifted their functions out to the Department of State and other places and those died. Senate Bill 360 became the vehicle for growth management. It started out on the Senate side with strong support from DCA through its first 3-4 committees. The House was focusing on shifting DCA’s duties and responsibilities and proposing they be sunsetted. Eventually the House picked up some of the same concepts. It was a difficult bill to follow. In the end the bill was having trouble because there were too many amendments. The House wanted to go a particular direction on certain issues and the Senate didn’t want to go there and the Secretary of DCA did not support it. In the end there was a deal made between the House and the Senate. The Senate took out a couple of things DCA objected to and the House accepted it. The bill changes the landscape. There were many calls to veto the legislation by the Associations of Counties, League of Cities, individual regional planning councils, 1000 Friends of Florida, and Audubon. On the other hand, a lot of the business and development groups were urging the Governor to sign it. In the end the Governor signed it quietly, the day before it would have lapsed into law. Now the interpretation begins. The Secretary of DCA is going to have an on-line live-chat broadcast to discuss on Friday, June 12, at 11:30 a.m. They recognize in order to get this bill implemented they are going to have to start interpreting it and this will be the opening salvo.

The bill is somewhat lengthy. It sets up definitions for Urban Service Area and Dense Urban Land Area and then uses those definitions to deal with aspects of the development process about transportation concurrency and DRIs. It basically says if you are in a dense urban land area, defined as density of 1,000 per square mile, you no longer have to worry about traffic concurrency. The DRI process is also suspended in those areas. The theory behind this is that the traffic concurrency requirements put in place a few years ago in the previous Senate Bill 360 were hard-edged and there were a lot of folks in the planning world and the environmental world, as well as in the development world, that argued those hard-edged planning concurrency transportation requirements were leading to urban sprawl. You couldn’t develop in an urbanized area because you had no roadway capacity and you had no way to get it. The only solution was to go into an area where you didn’t have an overburdened road. You can change some of those things by the local government adopting a different LOS on their roadway but that didn’t seem to be happening very much. People were arguing that can lead to sprawl, especially in urban areas. The concept was to try to eliminate a disincentive in an impediment to
development in urban areas to have compact continuous growth. The controversy was the 1000 people per square mile being a dense urban land area. This is clearly one of those things where it is a matter of perspective and how you look at it, and about the individual application of the statewide rule to circumstances you are familiar with.

The DRI process going away in those areas is also a big issue. The DRI process was originally put in place as a stop-gap and was a point of entry for folks to challenge. I think one of the biggest potential difficulties of the DRI process going away at the RPC level is dealing with the inter-jurisdictional impacts of large scale development. The question is, without the DRI process how are you going to get the result? Is the elimination of that going to result in increased litigation, either: between governments or third party challengers who don’t want it in their backyard? One of the solutions they tried to infuse into the bill to resolve that issue was to require the use of a regional dispute resolution process that the RPCs have established. That’s something that the RPCs are going to have to look at pretty closely and see how best to get through these cross-jurisdictional impacts of large developments. It also allows the adoption of voluntary transportation concurrency exception areas in areas that are not automatically set that way by the bill. There are some provisions in the law right now which allows those to be expanded a little. DCA’s view is that local governments have the authority and the power to tell someone yes or no when they ask for a development. The elimination of transportation concurrency in exemption areas, and the elimination of the DRI process, don’t change that. You still have the ability to say no. Transportation concurrency was put in place as a top-down state mandate. It was a constraint on local discretion and local home rule authority about what to decide what was going to go where and how you wanted to grow. The entire growth management pact is that way. All the concurrency requirements for solid waste and for sewer, and everything else. The fact that one of those mandates goes away does not limit your ability to say no. A lot of the concerns by local governments seem to be with regard to fees and the ability to get impact fees and assess for the value of needed roadway improvements necessitated as a result of development. That’s not a new argument and it’s not a new debate. It’s something that has been going on for at least 20 years and it centers around who is responsible for the backlog on existing roadways and what actually complicates the backlog. Developers have argued for a long time that they are being required to pay for backlogs they didn’t cause. One of the purposes of growth management when it first came around was to get state source funding to help pay for some of that backlog. That was the services tax. So you had the services tax that was going to pay for some of the growth management, then it went away and some of the mandates stayed. There is some language in the bill that proposes to preserve the ability of local governments to continue to assess fees and charges even though it eliminates transportation concurrency. I’m not sure how that is going to be interpreted.

DCA’s bill analysis expressed concerns about the bill before it was signed related to the potential workload for local governments and state government, and their ability to process the number of applications that might come in under the new law. Everyone is cognizant that the hometown democracy petition is still out there and this might trigger a surge in applications because of the release from the DRI process and transportation concurrency. If there is a flood of applications there isn’t any revenue provided to deal with how to get those applications processed as folks come in and try to get grandfathered in anticipation of hometown democracy potentially appearing on the ballot. The bill analysis also expressed concerns over the deferral of the financial feasibility requirement, which has been put off until 2011 or 2012. The bill also lets
charter schools and portables be considered in the context of school concurrency. There is an interesting clause requiring local governments preserve the density of existing residential properties. It was originally intended for RV parks, but it seems to have gotten broader towards the end. It says they have to adopt a land development regulation that maintains existing density on residential properties and RV parks.

There are some Florida based preferences for affordable housing and an out of state developer claims that may be unconstitutional and they may challenge it. I haven’t done any research and I don’t have an opinion about whether it is constitutional or not. I know that in other contexts state-based set asides or preferences have been challenged under certain federal law provisions and have been set aside. I don’t know if this rises to that level because I haven’t looked at that case law in 15 or 20 years.

There is a provision in the bill that provides an automatic extension on permits and development orders. The development community wanted that provision because it doesn’t make any sense for them to go out and spend money on a project and bankrupt themselves and not be able to finish the project because of the time limits. Something similar passed last year but then got vetoed in the context of another bill. This year it is a little broader than it was last year.

The affordable housing bill is included. There is some language that prohibits local governments from adopting or requiring additional security measures such as cameras in parking lots at businesses. It also talks about moving towards a mobility fee statewide as DCA and DOT finish their mobility fee studies and the results come out. It doesn’t require the adoption of a mobility fee, it requires a report and it is trying to push the state towards a mobility fee as opposed to impact fees. The legislature would have to be the one to adopt that mobility fee.

**Questions & Comments:**

**Commissioner Beckner:**

You were talking about dense urban land area and how that will impact urban service areas versus rural service areas. Hillsborough County would qualify as a dense urban land area. Would that mean that our urban service area and rural service areas that have been established, would that change the boundaries? Would that eliminate the rural service area?

**Mr. Killinger:**

I don’t think the state law would eliminate your definitions that you adopted of urban or rural service areas. There was some discussion during the session about a particular kind of limited urban service area based on some Palm Beach County property. I think it would eliminate the transportation concurrency in what constitutes your urban service area. It is possible it would eliminate based on the density in all or a portion of the rural service area but it’s going to be based on the density. Traffic concurrency exception areas, as established by the legislation, can be considered an overlay on top of that and that may lead to local governments wanting to adjust their urban or rural service boundaries accordingly. That will depend on whether or not you want to set the urban and rural service areas based on transportation as opposed to something else. If your urban service boundary is where you are putting your water and sewer and you aren’t going to do that in a rural area, then
you may not want to change that boundary even for transportation
purposes.

Relating to the Florida Forever fund, when they push for the offshore
drilling I'm wondering if they would use the royalties from that to fund
Florida Forever to fight off the environmental community. My first
question is - what's happened to the Doc Stamp revenue and is there an
opportunity for that to come back to the Florida Forever fund? My
second question is dealing with the growth management overall. It talks
primarily about transportation but I can recall a time during one DRI that
impacted Pinellas, Pasco, and Hillsborough Counties when there was a
development proposed in one of our neighboring counties that would
have impacted the head waters and some of the recharge areas for water.
I personally went to Tallahassee and met with the DEP to see if there
wasn't something that could be done to avert it and was told they had no
authority. The way we were able to get cooperation and get the
development to change and regard that concern for the natural resources
was through the DRI. How is it visualized that we would impact those
kinds of questions? Not just transportation, although transportation in
one county can affect another county and the development of natural
resources that could impede the natural resources and wildlife and water
in another county when they are all connected. How was the legislature
visualizing these would be resolved?

I don't know that I can answer that. The first question about the Doc
Stamps - the Doc Stamps are still out there. They did not change the
distribution formula at all. The formula is set out in Chapter 201.15 F.S.
about where the money goes. What the legislature does every year is
allocate and appropriate a certain amount of money (about $10 million)
to issue bonds and those are the bond issuance costs and those are the
first payments of interest on the bonds, after which the Doc Stamps pick
up under Chapter 201.15 and goes in to pay the debt service. The Doc
Stamps are used for exactly the same things, they didn't change that.
Money from Doc Stamps is way down because of real estate transactions
being low. It's still going to pay off the existing debt and the prior bond
series they issued. Will they try to link the conservation with the oil and
gas natural resources exploration next year? I don't know. It is possible.
Documentary stamps tax based upon real estate transfer fees are
generated by land sales and by development. I think the theory was you
are affecting the environment and the ecology and use a fee or tax based
upon that to help preserve it. They tried to link oil and gas last year. It
was pushed on the House side and it will be back on a more deliberative
discussion. As we edge closer to local and statewide elections the
politics of that may change, but there is a group that may try and do a
petition to try and put it on the ballot independently from a legislative
proposal.

When I was the Legislative Director for the Nature Conservancy in the
Florida Chapter one of the things I followed was the most recent federal
discussion about whether or not the OCS should be opened up to
offshore drilling. One of the issues is that once you get out beyond our
state's borders the federal folks can allocate who gets to say where you
can drill. If they decide to draw a jurisdictional line down from
Louisiana, over to Florida, and down as they were proposing to do at the
time that is not only out of Florida’s hands, Florida would get no revenue from it. It is a dicey, political, ecological, environmental issue that is going to have to be sorted out.

On the other issue about how to deal with environmental ecological issues of large developments, we will still have the permitting process. You will still have DCA who still plans to send copies of proposed permits for development orders to sister agencies for review and comment. I don’t know how that’s going to turn out. I know for the past few years I have seen state agencies working more closely together than they have in the past. That would be an interesting question for someone to ask on the upcoming DCA forum.

Ms. Collins: You mentioned possible challenges to SB 360. Would that prevent all the issues from moving forward? Would it stall the entire bill or would it stall the portion that is being challenged?

Mr. Killinger: I don’t know the answer to that. I think it probably would not stall everything else. Whenever you get into a constitutional challenge like that there is a question about whether or not the unconstitutional portion can be severed from the constitutional portion. I don’t recall if there is a severability clause in that bill.

Ms. Collins: But in the meantime would it tie up the entire bill if there was a challenge?

Mr. Killinger: I don’t know.

Commissioner Mariano: How do you expect this to effect the existing DRIs?

Mr. Killinger: I believe the bill says the existing DRIs stay DRIs unless they pull themselves back.

Commissioner Mariano: They could actually pull themselves back?

Mr. Killinger: I think they could bail out.

Commissioner Mariano: Could you describe the situation with Tri-Rail and Sun Rail?

Mr. Killinger: The Sun Rail is obviously about the costs of acquisition of CSX tracks to run commuter rail in central Florida. One of the big issues about that was the liability of indemnification provisions that Senator Dockery thought were inappropriate. The Tri-Rail folks have been having budget shortfalls and what they proposed to do was put a $2.00 local rental car surcharge. They could not get that to move on their own individually because it was not a politically acceptable thing. People didn’t like the concept of it. Sun Rail was bogged down and they tried to enlist some political help from allies in South Florida. They said if you come with us on the Sun Rail we will put the $2.00 rental car surcharge in there and it went back and forth, dying in the end. They didn’t have the votes in the Senate to push it through. Tri-Rail is now trying to decide what to do. It’s a big issue for them because there is a lot of federal money involved and they don’t know if they can find it locally because of their tax base. Now there is a debate about the prospect of High Speed Rail money and the federal stimulus money and whether Florida can compete for that. Members of the federal delegation were saying the commuter rail needs to get done or it will put us behind on the eligibility and prospect of our being able to get federal High Speed Rail money. Senator Dockery said in an editorial opinion in the Palm Beach Coast that the Sun Rail killed the Tri-Rail.
Vice Mayor Matthews: Since the Wren Group also represents developers, what will be your approach without the DRI being involved in the process? What will be your recommendation to your client?

Mr. Killinger: The recommendation will be that if you are exempt from the DRI process you’re out. If you have an existing DRI every developer is going to have to look individually at their own situation and decide whether they want to continue with it. It provides you a way to navigate interjurisdictional conflicts or discussions about impacts and you don’t wind up with potential lawsuits from third parties or local governments. We had some folks from the South Florida RPC who said their developers like the DRI process. We approached the legislature with developers being able to opt in and do the DRI process but they didn’t want to go that way. I think that may have been as much a workload processing issue from DCA based upon their staffing and funding levels as anything else. If you are a developer in a DRI exempt section of the state you won’t have any chance to opt into the DRI. If you are a developer who wants to do a big project in a rural area you will still be subject to a DRI. I don’t think those checkpoints in the rural areas are going away yet.

Senate Bill 2080, Relating to Water Resources. This is the water management district reauthorization bill. The Governor has not received the bill yet. The concern in this bill is the requirement that local governing boards of the water management district delegate to the executive director the authority to issue permits. This is something which is already in the law as a voluntary permissive thing. They can do it now and most do. I read that 90% of the decisions are made that way already and nobody has been bothered by it. If a permit is denied then it would go before the governing board. Environmental groups complained it takes it out of sunshine. I don’t agree with that. I think I have heard of more instances of political pressure being brought to bear by governing board members on individual permits. We will have to see how this one comes out. Some of the water management districts are fine with this bill and some are not. This also re-authorizes the water management districts which were up for sunset.

Another bill of interest is House Bill 227, which changed the burden of proof for impact fees. It puts the burden on the government to prove that it is an appropriate impact fee as opposed to having the challenger have to overcome a presumption.

The Governor is going to have to decide whether he signs or vetoes legislation that would preempt local governments from assessing crash impact fees, which is if you wreck your car and have to call the fire department and ambulance. Leon County and the City of Tallahassee were starting to do that. This is a bill that would prohibit that.

House Bill 7151, Real Property Used for Conservation Purposes. This is the conservation lands ad valorem exemption legislation which provides an exemption under certain specified circumstances for land use for conservation purposes to implement the constitutional amendment that we just adopted. I don’t know how this will affect the tax base, based on how they structured it.

7. Council Members’ Comments
Chair Dodson recognized Mr. Joe Smith, Principle of Joe Smith Enterprises and thanked Vice Mayor Bob Matthews for providing refreshments.
8. Program Reports
A. Agency on Bay Management (ABM) – Chair, Mr. Robert Kersteen
The Agency last met on May 14th. A summary of that meeting was provided by Mr. Kersteen.

TAMPA BAY NATIONAL WILDLIFE REFUGES DRAFT COMPREHENSIVE CONSERVATION PLAN AND ENVIRONMENTAL ASSESSMENT

Mr. Richard Meyers, Assistant Refuge Manager, presented the plan for future management activities on the refuges within the Tampa Bay area - Egmont Key, Passage Key, and the Pinellas NWR (including Tarpon, Jackass, Mule, Little Bird and Indian keys and Whale Island). He encouraged all to provide comments on the plan. The 280-acre Egmont Key receives hundreds of thousands of visitors each year and is being reduced by erosion. Passage Key, originally 61 acres and prime shorebird nesting habitat, is now submerged. The other islands do not allow visitors - are reserved for wading bird nesting. An increase in partnerships and a small increase in Refuge resources are proposed, along with 28 new projects.

The Agency members voted to send a letter in support of Alternative Management Plan B, emphasizing the need for funding to accomplish the appropriate projects, and recommending that the accomplishments of the Egmont Key Alliance and the Friends of the Pinellas Wildlife Refuges be included in the plan.

TERRA CEIA AQUATIC PRESERVE DRAFT MANAGEMENT PLAN

Dr. Randy Runnels, Manager of the Tampa Bay Aquatic Preserves, present the place-and science-based plan for addressing the needs of the preserve in northwestern Manatee County. He identified marine debris, direct impact to habitats, shoreline alteration, illegal fishing, and invasive species as some of the challenges to resource management. A number of research studies, educational efforts, and monitoring programs are planned.

PROPOSED UZITA HERITAGE PARK

Captain Gus Muench described the proposal to designate the shallow waters and the adjacent public uplands of western Hillsborough County from the Manatee County line to the Little Manatee River as a reserve. He suggested possible creation of a management overlay as a means of protecting the uplands, and re-instituting the Cockroach Bay Aquatic Preserve Management Advisory Team (MAT) as the Uzita Heritage Park MAT. He emphasized the need to control prop scarring in the shallow waters of the area.

MOORING FIELDS IN PINELLAS COUNTY

Mr. Ronn Ginn, Architect; Vice Mayor Bob Worthington, City of Gulfport; and Denis Frain, Harbormaster for Gulfport, presented the plan for siting a recreational boat mooring field in the waters adjacent to the Gulfport marina. They requested that the Agency send a resolution to the Tampa Bay Regional Planning Council to support the application for the Gulfport mooring field. The motion passed unanimously.

They also asked for Agency permission to prepare a report on siting mooring fields in Pinellas County. The Agency’s Natural Resources/Environmental Impact Review Committee will consider establishing a subcommittee to identify suitable sites at its next meeting.

Motion to support the City of Gulfport’s Mooring Field Project. (Kersteen/Collins)
B. Clearinghouse Review Committee (CRC) - No Report

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

D. Emergency Management
Ms. Betti Johnson, TBRPC Principal Planner, provided a presentation on the update of Florida Business Disaster Kit (www.fldisasterkit.org) and upcoming projects. The Disaster Kit CD was distributed.

Last year the Florida Business Disaster Kit web site was updated. The steering committee asked that we focus on the web site and make it an interactive and comprehensive tool for local businesses. We ran into a problem in that we needed a way to promote the web site and to drive businesses to that web site and encourage them to use it. When there were seminars, expos, and events our partners (economic development agencies and Chambers) needed something to handout to folks. We aren’t there yet where we can tell people to go to a web site so we made the CD with the mailer. We developed the mailer, which is bi-lingual just as the web site is. The CD contains a PDF of the guidebooks for employers and employees and an emergency checklist in English and Spanish. You can download and print out the guidebooks or they can develop their emergency plans on the web site. Once we get our businesses to take this first step and develop their Continuity of Operations Plan our next focus is to try and develop the network between government and business and business to business that will encourage disaster recovery in our community.

We will be distributing the CD through our board members and our other partners such as the Chambers of Commerce, the Economic Development Agencies, and the Small Business Administration. If you need a large quantity you can order from the web site.

Vice Mayor Matthews asked if they would be available at the normal pick up sites. Ms. Johnson said they were thinking about using events and their partners for distribution. It isn’t really for the general public, but for the business community. We may include libraries and the Cooperative Extension Office.

E. Legislative Committee – Chair, Mr. Julian Garcia, Jr. - No Report

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

G. Economic Development – No Report

H. Regional Domestic Security Task Force (RDSTF)
Ms. Erika Wiker, RSDTF Planner, provided a presentation on RDSTF functions and activities.

The Regional Domestic Security Task Force was established as a direct result of the attacks of September 11 and the October anthrax attacks in Boca Raton. Tampa Bay is known as RDSTF IV, made up of eight counties and we partner with Manatee since they share our footprint in our methodology. Our eight counties go up to Citrus County over to Polk and down to Hardee. It is a large footprint for coordination and intel. The RDSTF is a multi-disciplinary group made up of public and private sector partners.
We look at plans and procedures, how we need to do things, what the security measures are, how we need to get that information out to the general public as well as our private sector partners. We shifted from terrorism to an all-hazards approach because we realized that how you would respond to one is how you would respond to the other. The only thing that changes is the intel part of it.

We look at regional priorities, identify critical infrastructure and key resources, and look at common operating procedures. We have a lot of emergency managements between cities and counties and we look at how we all would share information in the case of an event. We also look at establishing re-entry points. We realize that once an emergency happens we shut down roads. How do we get “need to know” people in, how do we get general citizens in? We are looking at establishing protocols regarding that.

Past project include the Super Bowl, county continuity of operations planning exercises, and vulnerability workshops. We look at what is true to Tampa Bay and surrounding areas. We know what our vulnerabilities are - a large port, chemicals. We have an All Hazards Incident Management Team (AHIMIT) and staff established a point of contact within the National Workshop and are looking at how to build that out. We put out the AHIMIT Standard Operating Guide that was approved by the U.S. Fire Administration as well as the Department of Homeland Security. We specialize in regional specialty team response.

Current Projects:
- All Hazards Incident Management Team
- Regional Response
- Catastrophic Planning. Ms. Wiker is partnering with Ms. Johnson for a year-long challenge.
- Regional Credentialing Workshop
- Partner with the Coast Guard-Area Maritime Security Exercise
- Critical Infrastructure Protection Subcommittee is how we identify vulnerabilities and move forward in safeguarding them
- Staff is a part of the State-wide Exercise and Training Subcommittee. We are looking at county government and any agency underneath them to figure out how to better plan and exercise in response to all-hazards
- National Bio-Defense Workshop is one of our key findings. We have some challenges to deal with.
- Identification of resources that we can use within our region to a national response incident.

Vice Mayor Worthington: Do you consider the American Red Cross, Salvation Army and citizen programs as resources?
Ms. Wiker: We do. They are actually a part of not only our Critical Infrastructure Protection Subcommittee but they are also part of the larger RDSTF.

9. Other Council Reports - None

10. Executive/Budget Committee Report – Chair Dodson - None
11. **Executive Director’s Report** - None

12. **Chair’s Report**
   This past week Secretary/Treasurer Collins, Chair Dodson, and Mr. Pumariega attended the National Association of Regional Councils (NARC) conference. It was a well attended meeting. Secretary/Treasurer Collins, who serves on the board of NARC, will provide a brief report at the August Council meeting.

   The Director of NARC suggested we consider hosting the 2012 conference. We have previously hosted a conference, in 2000. This will come before our Executive/Budget Committee for discussion.

   There is No Meeting in July.

   Next meeting, August 10, 2009 at 10:00 a.m.

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**Adjournment:** 11:55 a.m.

[Signature]

William Dodson, Chair

[Signature]

Lori Denman, Recording Secretary