

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
DECEMBER 13, 2012 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on December 13, 2012 at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Karson Turner** called the meeting to order at 9:03 a.m. **Commissioner Frank Mann** led an invocation and the Pledge of Allegiance. Administrative Specialist II Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Vice Mayor Rachel Keesling

Collier County: Commissioner Tom Henning, Councilwoman Teresa Heitmann, Mr. Alan Reynolds, Mr. Bob Mulhere

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner

Lee County: Commissioner Frank Mann, Councilwoman Martha Simons, Councilman Forrest Banks, Councilman Chris Chulakes-Leetz, Ms. Laura Holquist

Sarasota County: Commissioner Carolyn Mason, Commissioner Christine Robinson, Commissioner Tom Jones, Councilman Kit McKeon, Commissioner Shannon Snyder alternate for Commissioner Willie Shaw

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Ms. Maya Burke - SWFWMD

MEMBERS ABSENT

Charlotte County: None

Collier County: None

Glades County: Councilwoman Pat Lucas

Hendry County: Commissioner Al Perry, Commissioner Daniel Akin, Mr. Melvin Karau

Lee County: Vice Mayor Mick Denham, Councilman Joe Kosinski

Sarasota County: Mr. Felipe Colón

Ex-Officio Membership: Mr. Phil Flood - SFWMD, Mr. Jon Iglehart - FDEP

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5
AGENDA**

Commissioner Mann made a motion to approve the agenda as presented and Councilman Banks seconded the motion. The motion carried unanimously.

**AGENDA ITEM #6
Minutes of the October 18, 2012 Meeting**

Commissioner Jones made a motion to approve the minutes of the October 18, 2012 Meeting and Mr. Mulhere seconded the motion. The motion carried unanimously.

**AGENDA ITEM #7
DIRECTOR'S COMMENTS**

Ms. Wuerstle presented the item. She announced that the Florida Department of Economic Opportunity (DEO) awarded the SWFRPC \$50,000 to conduct a study on the use of regulatory barriers. She noted that DEO was particularly interested in the Rural Area of Critical Economic Concern (RACEC) areas (Hendry County, Glades County and Immokalee).

Mr. Mulhere noted that there was a group of county and cities governments within the central part of the State who were working on a common regulatory structure to reduce barriers. Ms. Wuerstle stated that she was aware of that effort and she will make contact with the group so there won't be any duplication of efforts.

Mr. Mulhere announced that he had worked on new LDRs with the Immokalee community. However, they are not approved at this point in time, but most of them are still valid.

Ms. Wuerstle explained that one of the first deliverables is a list of the committee members who are going to help review the information. DEO wanted the information to be as broad and encompassing as possible. She then asked the members if any of them or if they knew of anyone who would be interested in participating on the committee to contact staff.

Councilwoman Simons asked for clarification on what is considered a barrier. Ms. Wuerstle stated that it would be up to the Committee to give their input on what could be done to streamline the operations.

Ms. Wuerstle announced that the SWFRPC received another \$25,000 grant for Energy Assurance.

AGENDA ITEM #11(a)
2013 Nominating Committee

Chair Turner asked for volunteers to serve on the Nominating Committee.

The following members were selected to serve on the Nominating Committee:

1. Mr. Bob Mulhere, Collier County Governor Appointee
2. Mr. Alan Reynolds, Collier County Governor Appointee
3. Mr. Phil Flood, South Florida Water Management District

AGENDA ITEM #11(b)
FRCA Policy Board Appointments

Ms. Wuerstle noted that due to recent elections and Ms. Holquist stepping down, there are two Policy Board vacancies which needed to be filled. Councilwoman Teresa Heitmann had agreed to continue as a Policy Board member.

After a brief discussion the Council decided to appoint the following members and alternates to the FRCA Policy Board.

1. Vice Mayor Mick Denham, City of Sanibel (Member)
2. Mr. Alan Reynolds, Collier County Governor Appointee (Member)
3. Councilwoman Martha Simons, City of Bonita Springs (Alternate)
4. Mr. Bob Mulhere, Collier County Governor Appointee (Alternate)

Ms. Donley suggested that Councilwoman Simons serve as the alternate member for either elected member.

Vice Mayor Keesling expressed concern that Charlotte County currently doesn't have any governor appointees on the Council. She asked how that issue would be addressed. Councilwoman Simons explained that the Governor's Appointments Office needs to be contacted.

Ms. Wuerstle gave a brief overview of the Broadband grant which staff is currently working on.

Mr. Beever stated that the Council needs to appoint a new representative to the ABM. He then suggested that the Council uses it's newly appointed Nominating Committee to appoint that representative.

AGENDA ITEM #8(a)
September 20, 2012 SWFRPC Meeting Executive Summary

The meeting executive summary is presented in the packet as an information item.

AGENDA ITEM #8(b)
Grant Activity Sheets

The grant activity sheets are presented in the packet as an information item.

AGENDA ITEM #9
CONSENT AGENDA

Mr. Reynolds noted that he would be abstaining from Consent Agenda Item #9(g) Hendry County Rodina Sector Plan Comprehensive Plan Amendments (DEO 12-2SP); Agenda Item #9(j) Palmer Ranch Increment XX - Development Order Review and Agenda Item #9(k) Ave Maria DRI - Development Order Review.

Mr. Mulhere moved and Commissioner Mann seconded to recommend approval of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for October 31, 2012; Agenda Item #9(c) Sarasota County Comprehensive Plan Amendments DEO 12-5ESR (2011-01-B); Agenda Item #9(d) Sarasota County Comprehensive Plan Amendments DEO 12-6ESR (2012-F); Agenda Item #9(e) City of Cape Coral Comprehensive Plan Amendments (DEO 12-3ESR); Agenda Item #9(f) City of Cape Coral Comprehensive Plan Amendments (DEO 12-4ESR); Agenda Item #9(g) Hendry County Rodina Sector Plan Comprehensive Plan Amendments (DEO 12-2SP); Agenda Item #9(h) Gateway DRI - NOPC; Agenda Item #9(i) The Brooks DRI - NOPC; Agenda Item #9(j) Palmer Ranch Increment XX - Development Order Review; and Agenda Item #9(k) Ave Maria DRI - Development Order Review. The motion carried with Mr. Reynolds abstaining from voting on Agenda Items #9(g), 9(j) and 9(k).

Commissioner Constance asked Ms. Wuerstle if the Council was \$5,000 in the black for the month of October and was there \$400,000 in the Council's reserves. Ms. Wuerstle replied that was correct.

AGENDA ITEM #10
Palmer Ranch Increment XXI DRI - Staff Assessment

Mr. Crawford gave a PowerPoint presentation.

Mr. Mulhere made a motion to recommend conditional approval for the Palmer Ranch Increment XXI DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the Sarasota County Board of County Commissioners. Councilman McKeon seconded the motion. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #11(c)1
Budget & Finance Committee

Councilwoman Heitmann presented the item.

Ms. Wuerstle announced that the month of October was closed with a \$5,000 surplus. The budget is on schedule and the Council currently has a formal reserve account. She explained that approximately \$473,000 had been moved into a restricted fund and is considered a “true” reserve.

Ms. Wuerstle noted that another issue which was discussed at the last meeting dealt with FRCA. At FRCA’s October meeting they distributed a set of Code of Ethics and Protocol for Regional Planning Councils in Florida. They were pretty severe and there were consequences if the protocols were not followed. There was a very heated discussion regarding the issue and she seemed to be the only one who didn’t support the document. After a lengthy discussion they tabled the issue until the next meeting. Additionally, she had indicated that if she had taken the document to her board that the SWFRPC would not be part of FRCA. They then said to her that the document does not go before her board. They would not email the document to the directors because they didn’t want the document to become a public record.

Ms. Wuerstle stated that there were numerous issues which concerned her. One was that they had the potential to withhold grant funding from the SWFRPC. They also indicated that if the State was to restore funding to the RPCs that they would lobby that the funding goes to only the remaining ten RPCs and not the SWFRPC. She said that she was very concerned with the document, so she had asked Mr. Reynolds, Vice Mayor Denham and Ms. Donley to review the document. She said the issue is that at some point they are going to adopt these policies and that is why the January FRCA meetings are very important.

Councilwoman Heitmann stated that she spoke to FRCA Policy Board Chair Scott Black and asked if he was aware of the issue and she asked that he contact Ms. Wuerstle. Ms. Wuerstle stated that she had not spoken to him as of this date in time.

Councilwoman Simons stated that the regional planning councils were created by the legislature, but how was FRCA created. Ms. Donley explained that FRCA was created by a mutual agreement. FRCA is not incorporated, but they do have by-laws.

Mr. Mulhere stated that FRCA has no authority to implement such a document because they work on behalf of their member organizations. He then asked what the driving force behind this effort was. Ms. Wuerstle stated that when she asked that question it was indicated that at one time there was an executive director, who is no longer representing an RPC, made inappropriate remarks to a state agency/state representative and FRCA is still trying to repair the damage that was done. They felt that there was no recourse to control that executive director. Mr. Mulhere said that he felt it was the responsibility of the board of that RPC to control its executive director.

Chair Turner said that guidelines and “shall not” with enforcement are not one in the same.

Mr. Mulhere stated that he felt that what had been placed within the document was in direct response to the SWFRPC’s near determination to walk away from FRCA and the basis was the

increase in membership fees during the economic downturn and a strong feeling that we weren't getting enough out of FRCA for the money.

Commissioner Constance thanked Ms. Wuerstle for bringing the issue before the Council for discussion because he felt that it was the appropriate thing to do. He then reviewed the documents which were distributed:

- FRCA Bylaws
- Codes of Ethics for the RPCs
- Code of Ethics for the Executive Directors
- Best Practices for Communications
- Financial Management Best Practices
- RPC Executive Director Best Practices

Commissioner Constance said if the second version is the version which is being proposed to be adopted, he doesn't see anything binding and or opposed to.

Commissioner Constance made a motion to give the executive director the authority to approve the second document from December 3. Councilwoman Simons seconded the motion.

Discussion ensued.

Councilwoman Heitmann requested that guidelines be given for questions to be taken to FRCA.

Councilman Banks called to question and Mr. Mulhere seconded. The motion passed unanimously.

The motion failed.

Chair Turner asked Ms. Donley to review her comments to the document for clarification purposes.

Ms. Donley reviewed her comments.

Mr. Mulhere made a motion to indicate to FRCA that the SWFRPC will not support the documents as proposed, but will support guidelines (not mandatory); however, the SWFRPC will not support such a document until FRCA has reviewed the SWFRPC's comments and other comments from the January meeting and have brought those documents back for the SWFRPC's final consideration. Commissioner Mann seconded the motion.

Councilman McKeon asked Ms. Wuerstle why none of the other executive directors were not in opposition of the document. Ms. Wuerstle explained that she did speak with another executive director about her concerns and she was told not to worry because it wouldn't get adopted without total consensus. She then said that she didn't get that feeling at the last meeting because she

explained that she had the Council's attorney review the document and that she had some changes. They told her that they didn't need her suggested changes because changes had already been made and the vote was going to take place in January.

Commissioner Jones said that Ms. Wuerstle did the correct thing in bringing the issue before the Council. He stated that he felt that the best action which the Council could take is sending its representatives to the next FRCA meeting and see where this issue goes.

Discussion ensued.

Commissioner Constance suggested that once Ms. Wuerstle attends the FRCA Advisory Board meeting in January that she then advises the members of the outcome and if the Chair wishes he could call an ad hoc meeting of the Council to take action on an issue before the January 11 meeting.

Mr. Mulhere withdrew his motion. Commissioner Mann withdrew his second.

**AGENDA ITEM #11(c)2
Executive Committee**

Chair Turner suggested scheduling an Executive Committee meeting to discuss the FRCA Code of Conduct issue. He then appointed Laura Holquist, Alan Reynolds, Councilwoman Simons and Commissioner Constance to the Executive Committee.

**AGENDA ITEM #12(a)
RESTORE Act**

Commissioner Constance presented the item.

**AGENDA ITEM #12(b)
Lower West Coast Water Supply Plan**

Mr. Mark Elsner, SFWMD Section Administrator gave a PowerPoint presentation.

Commissioner Constance asked if it was more cost effective to treat groundwater that has a higher salt content versus using brackish water or gulf water. Mr. Elsner explained that there are many variables that go into it, but generally salinity is the driving factor. If groundwater has a lower salinity level than surface water it would be cheaper and if surface water has lower salinity levels than groundwater it could be cheaper. There are intake structures that need to be addressed if you are doing surface water and how do dispose of the concentrate.

Councilwoman Heitmann asked if there has been any success rate for storage and recovery in the area. Mr. Elsner explained that there are several successful operating systems, but there are some challenges.

Commissioner Henning asked Mr. Elsner why the seasonal population wasn't included in the data inputs. Mr. Elsner explained that there are statutory guidelines in water supply planning which requires the use of permanent population, but we are not ignoring seasonal population because our per capita takes into account water usage by the seasonal population. Commissioner Henning asked what gallon usage for population was used. Mr. Elsner explained that it is utility specific and SFWMD work with the utilities using historic data (population, pump age, etc.)

Commissioner Henning asked how it is projected for agriculture. Mr. Elsner stated that agriculture projections are more of an art than a science. He explained that SFWMD works closely with the Florida Department of Agriculture and Consumer Services, use statistical surveys and economic drivers. They meet with industry officials in order to try to understand the "lay of the land" and where they are heading in order to make those projections.

Mr. Mulhere stated that Mr. Elsner noted that there was a projection of growth in agriculture land to approximately 300,000 acres. Mr. Elsner stated that it is projected to increase from 300,000 to 362,000 acres. Mr. Mulhere said that it was a surprise to him because it was his understanding that the region was losing its agriculture land. Mr. Elsner explained that there isn't typically range for the future because of the uncertainty, mainly due to the challenges that the citrus industry is facing.

Commissioner Mann referred to the funding for C-43 project. Mr. Elsner explained that the C-43 is part of SERP and SFWMD will continue to look for other funding alternatives.

Commissioner Mann stated that he was surprised at the projection of a 9-18% increase in consumption on an industry which focuses on using less water. Mr. Elsner explained that SFWMD just projected out using efficiencies today, but he agreed with Commissioner Mann's comment and the industry is planning more dense and getting more production out of a smaller piece of land. It is recognized, but trying to estimate its implementation over time is difficult.

Ms. Holquist asked what the total cost of the C-43 project was. Mr. Elsner said that he believes that it was \$7-8 million. Ms. Holquist asked if there were other water authorities, such as the Peace River Water Supply Authority, within the region which the SFWMD works with. Mr. Elsner explained that there are 298 Districts and individual utilities within the region, but they are not like the Peace River Water Supply Authority.

AGENDA ITEM #13 NEW BUSINESS

No new business items were presented at this time.

AGENDA ITEM #14 STATE AGENCIES COMMENTS/REPORTS

No comments were made at this time.

**AGENDA ITEM #15
COUNCIL ATTORNEY'S COMMENTS**

No comments were made at this time.

**AGENDA ITEM #16
COUNCIL MEMBERS' COMMENTS**

Ms. Holquist asked Commissioner Henning if there have been any administrative changes made within Collier County. Commissioner Henning explained that there has been reconsideration on previous issues and he feels that there is going to be more fiscal policies coming up and a lot more time will be spent on issues in general. He also does see a lot of great things happening in Immokalee. He then said that he doesn't see any administration changes.

Commissioner Henning stated that he will place an item on the next Collier County BOCC agenda for a replacement for former Commissioner Coletta on the Council.

Chair Turner announced that both Hendry County and the City of Clewiston are looking for new administrators. He then introduced the following guests: Ms. Lynda Fino from Senator Benaquisto's office, new SWFRPC Planner, Mr. Adam Tully and Mr. Cody Vildostegui from the Governor's Office.

**AGENDA ITEM #17
ADJOURN**

The meeting adjourned at 10:53 a.m.

  Chair

Commissioner Tom Jones, Secretary

The meeting was duly advertised in the December 3, 2012 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 38, Number 82.

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

LAST NAME—FIRST NAME—MIDDLE NAME BYNOLOS - ALAN - DAVID.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL	
MAILING ADDRESS 1390 OSPREY AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
CITY NAPLES	COUNTY COLLIER	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED DEC 13, 2012		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.

The form must be read publicly at the next meeting after the form is filed.

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ALAN REYNOLDS, hereby disclose that on DEC 13, 2012:

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

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

PLEASE SEE ATTACHMENTS FOR
AGENDA ITEMS 9 J.) 9 K.) and 10

DEC 11, 2012
Date Filed


Signature

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

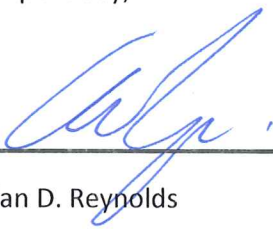
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on December 13, 2012, a DRI Development Order Review and a DRI Increment Staff Assessment for Palmer Ranch DRI will come before the Southwest Florida Regional Planning Council, as Agenda Items 9 j) and 10.

The developer of Palmer Ranch and applicants are clients of Stantec Consulting Services, Inc., my employer.

I will be abstaining from voting on and participating in any discussions relative to these matters.

Respectfully,

A handwritten signature in blue ink, appearing to read "A. Reynolds", is written over a horizontal line.

Alan D. Reynolds

12/11/12.

Date

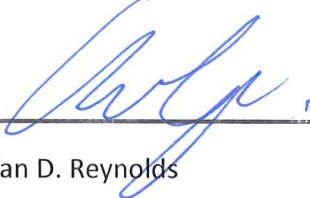
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on December 13, 2012, a DRI Development Order Review for Ave Maria DRI will come before the Southwest Florida Regional Planning Council, as Agenda Item 9 k).

The developer of Ave Maria and applicant are clients of Stantec Consulting Services, Inc., my employer.

I will be abstaining from voting on and participating in any discussions relative to these matters.

Respectfully,



Alan D. Reynolds

12/11/12

Date

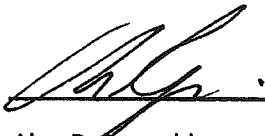
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on December 13, 2012, a Comprehensive Plan Amendment for Hendry County will come before the Southwest Florida Regional Planning Council, as Agenda Item 9 g).

The owner of the subject property is a client of Stantec Consulting Services, Inc., my employer.

I will be abstaining from voting on and participating in any discussions relative to these matters.

Respectfully,



Alan D. Reynolds

12/13/12.

Date