MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Board of County Commissioners Zoning Board

Board of County Commissioners
Stephen P. Clark Government Center
Commission Chamber
111 NW 1st Street
Miami, Florida 33128

December 20, 2007
As Advertised

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Board of County Commissioners

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CLERK'S SUMMARY AND OFFICIAL MINUTES
BOARD OF COUNTY COMMISSIONERS ZONING HEARING
DECEMBER 20, 2007

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 NW First Street, Miami, Florida at 9:30 a.m., December 20, 2007, there being present upon roll call, Chairman Bruno Barreiro, Vice-Chair Barbara J. Jordan, Jose "Pepe" Diaz, Carlos Gimenez, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson, Rebeca Sosa, Javier Souto, Dennis Moss and Joe A. Martinez; (Commissioners Audrey Edmonson and Sally Heyman were absent); Assistant County Attorneys Joni Armstrong-Coffey, Craig Coller and John McInnis; Department of Planning and Zoning Interim Director Subrata Basu; Acting Assistant Director for Zoning Maria Theresa Fojo and Deputy Clerks Kay Sullivan, Diane Collins, and Jill Thornton.

Chairman Barreiro opened the meeting with a moment of silent prayer, followed by the pledge of allegiance.

ALL WITNESSES WERE SWORN IN BY THE CLERK PRIOR TO MAKING THEIR PRESENTATIONS BEFORE THE BOARD.

The official interpreters were sworn in by the Clerk.

Department of Planning and Zoning Interim Director Subrata Basu announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised, all notices were mailed and all properties were posted within prescribed time frames. He stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

Mr. Basu presented the following application:

1. FLORIDA POWER & LIGHT COMPANY (07-12-CC-2/07-207)

Mr. Subrata Basu, Interim Director, Department of Planning and Zoning (DP&Z), noted this applicant was seeking an Unusual Use permit for a nuclear power plant and ancillary structures with two modifications to previously approved plans. He noted two protests and no waivers were filed in connection with the foregoing application; and the Development Impact Committee (DIC) recommended approval with conditions, by a 6-1 vote.

Commissioner Moss noted, for the record, he was solicited by a journalist for his opinion on an expansion of the nuclear power plant, and at that time, he expressed concerns without knowledge that the expansion of the Turkey Point nuclear power plant would be the subject of a zoning application. He stated that no discussions were held regarding the specifics of this application, and he could be fair and impartial when considering the application. He asked Assistant County Attorney Joni Armstrong-Coffey to provide legal advice concerning this matter.

Assistant County Attorney Armstrong-Coffey explained the purpose of prohibiting ex-parte communication was to prevent the Commission from receiving prejudicial information prior to a public hearing. She advised that barring any objection, Commissioner Moss could participate as an impartial voting party in this hearing since he did not receive or elicit any information pertaining to this application.

Commissioner Sosa noted for the record, she was also approached by a journalist regarding her opinion of an expansion of the nuclear power plant, for which she responded that she had no knowledge of it, and she made no further comments and received no additional information.

Chairman Barreiro opened the public hearing on the foregoing application and the following persons appeared in support:

Mr. Al Dotson, Bilzen Sumberg Law Firm, 200 S. Biscayne Boulevard, attorney representing the applicant, appeared before the Board in support of the foregoing application. He requested the Board approve the foregoing application for an Unusual Use to permit expansion of the Turkey Point nuclear power plant and ancillary structures in South Dade. He noted staff recommended approval of this application with conditions limiting the project's development, and the applicant accepted the conditions imposed by staff.

1. Mr. Steve Scroggs, Florida Power & Light's (FPL) Senior Director for Nuclear Project Development, 9250 W. Flagler Street, Miami, Florida, provided an overview of nuclear power generation and noted the following benefits:

- would allow for continued reliable & affordable energy for Miami-Dade County;
- would decrease energy dependency for this region;
- would reduce Green Gas emissions;
- would provide an abundant low-cost fuel;
- was a known, reliable technology with a strong safety record;
- was available 24 hours, 7 days a week; and
- would bring highly-skilled jobs to the area and provide economic benefits

Mr. Scroggs noted FPL approached this project in an unprecedented and collaborative manner by forming a workgroup of representatives from key agencies at the local, state and federal levels. He also noted FPL reached out to members of the environmental community in order to incorporate priorities in the design process. He invited the County Commission to exercise their authority to enter into this partnership with FPL.

Mr. Scroggs noted FPL projected the proposed nuclear plant to be in operation by 2020 in order to meet the customer's growing demands. He illustrated by diagram, the key components of the process as follows: 1) the Need Determination 2) the Environmental Review to determine consistency, and 3) the Land Use Element. Mr. Scroggs noted these processes would include significant public participation, a federal process for obtaining a License from the Federal Nuclear Regulatory Commission (NRC) by 2012; a two-year preparation period of the development site prior to beginning construction in 2015, and two additional State processes to receive a State site order prior to construction. He noted the purpose of today's hearing was to

begin these processes with the County setting its priorities for approval to begin the design development, and to establish the framework for completing the project.

2. Mr. Jeff Bercow, 200 S. Biscayne Blvd, Miami, Florida, Co-Council for the applicant, advised that FPL disclosed all of its expert witnesses and provided their resumes for the record. He discussed the current zoning, location and boundaries of the proposed project site, and noted this site was fairly isolated and surrounded by 24,000 acres of FPL-owned property. He further noted the proposed project site would occupy 9,200 acres of the total property, and the nuclear power plant development would occupy only 365 acres. Mr. Bercow described the zoning history and past activities on this site since 1964.

Mr. Bercow provided a PowerPoint presentation describing the operating and supporting facilities of the existing nuclear power plant. In Addition, he discussed Request #1 of the application pertaining to the Unusual Use request for a nuclear power plant, and discussed Requests #2 and #3 pertaining to proposed modifications of Resolution 4-ZAB-559-71 previously adopted by the Zoning Appeals Board.

3. Mr. Al Dotson re-appeared and described the Non-Use Variance Requests #4 through #10.

4. Mr. Rob Curtis, Principle and Certified Planner, Curtis Group Planning Firm, 7520 Red Road, Miami, Florida, explained the consistency of the foregoing Unusual Land Use application and proposed project with the County's Comprehensive Development Master Plan (CDMP).

5. Mr. Steven Carney, President, Carney Environmental Consulting Services, 6435 SW 85th Street, Miami, Florida, provided his expert opinion regarding the conditions of approval imposed by staff to protect the County's natural resources and ecosystems. He noted FPL's commitment to develop sound compensatory, mitigation plans for minimizing the impacts to wetlands; to provide species-specific protection measures for protecting endangered species; to continue its Land Management Program for eradicating exotic vegetation in natural areas; and to allow draft flowage easements to cross existing Biscayne Bay transmission corridors in the Comprehensive Everglades Restoration Plan (CERP) Project Study Boundaries. He noted FPL assured protection of the County's natural forest communities as well, even though no natural forest communities existed on the proposed project site.

Mr. Rob Curtis re-appeared and provided his professional opinion that the Unusual Use application and proposed development was consistent with the environmental priorities element in the CDMP, based on the conditions described by Mr. Carney.

Mr. Jeff Bercow re-appeared and proffered the testimonies of Mr. Rob Curtis and Mr. Manny Echezarreta regarding the County's priorities and requirements for water use, re-use, waste water, surface water and ground water. He proffered that Mr. Curtis would conclude the proposed conditions of approval in the application were consistent with the CDMP and would protect the County's interest in water resources.

6. Mr. Guillermo Olmedillo, Planning expert witness on behalf of the applicant, 330 Greco Avenue, Suite #107, Coral Gables, provided expert opinion regarding the consistency and compatibility of the foregoing application with the CDMP.

7. Ms. Barbara Linkiewicz, FPL's Florida Regional Environmental Services Director- 9250 W. Flagler Street, Miami, Florida, addressed water sources for the proposed project. She noted water was a critical component in the production of electricity and would be the focus of many agency reviews in the lengthy approval process. Ms. Linkiewicz noted FPL's commitment to meet the conditions of approval imposed by staff; to protect the County's priorities and resources; to use reclaimed or treated wastewater in lieu of the Biscayne Aquifer; to avoid impact to any future County water projects; and to provide the County with a full report on alternative water resources, water quality at Turkey Point and impact on other resources at Biscayne National Park.

8. Mr. Bill Jefferson, Vice-President and Nuclear Engineer, Turkey Point Nuclear Power Plant, 9670 SW 344 Street, appeared before the Board and noted his work qualifications in the Nuclear Industry. He provided an overview of the existing Turkey Point site, including details about its vast wildlife and large American Crocodile population. Additionally, Mr. Jefferson discussed FPL's internship program with Miami-Dade College (MDC) that provided the local community with employment opportunities at the Turkey Point Nuclear Power Plant facility.

9. Mr. Jeff Bartell, Vice-President of External Affairs, FPL, 9250 W. Flagler Street, noted every department that reviewed this application was satisfied with the conditions imposed by staff and recommended approval. He pointed out that FPL was first established in Miami-Dade County and had served this community for almost 100 years. Mr. Bartell also pointed out that County residents import almost 40% of their electricity. He noted FPL was the only power company in Florida that provided its customers with a reduction in their fuel consumption bills this year. He noted time was of the essence, and requested the Board not defer moving forward with this application.

Mr. Al Dotson re-appeared on behalf of the Florida City Mayor, Otis Wallace, who was unable to attend today's hearing, and noted Mr. Wallace would have spoken in support of this application. Mr. Dotson requested additional time to present rebuttal argument.

10. Mr. Osvaldo Vento, President of Latin Builders Association, 480 NW LeJeune Road, appeared in support of the application.

11. Mayor Horace Feliu, City of South Miami, appeared in support of the application.

Mr. Ken Harrison Robbins, Attorney, 224 Washington Avenue, Miami Beach, Florida, appeared before the Board and requested he be allowed to cross-examine some of the supporting witnesses.

Assistant County Attorney Joni Armstrong-Coffey advised the Board had the discretion to allow the supporting witnesses to speak first; however, the Board should allow an opportunity for non-competitive cross-examination.

Chairman Barreiro announced the possibility of cross examination and requested that all witnesses remain in the chambers.

The Board continued to hear public input in support of the foregoing application:

12. Mr. Barry Johnson, President/CEO, Greater Miami Chambers of Commerce, 1601 Biscayne Blvd.
13. Mr. Bill Diggs, President/CEO, Miami-Dade Chambers of Commerce, 11380 NW 27th Avenue.
14. Ms. Jeanne Jacobs, President, Miami-Dade College, Homestead Campus, Homestead, Florida.
15. Mr. Nick Theodore, Council Representative, Florida Carpenters Regional Council, 295 W. 79th Place, Hialeah, Florida.
16. Mr. William Enright, 24280 SW 182nd Avenue, Redland, Florida
17. Mr. Miguel Fuentes, Director of Political & Legislative Affairs, Florida Carpenters Regional Council, 295 W. 79th Place, Hialeah, Florida.
18. Mr. Jose Ramos, 6840 Casa Place, Hialeah, Florida.
19. Mr. Wayne Davis, 1515 NW 167th Street, Miami, Florida.
20. Mr. Carlos Trueba, 12905 SW 107th Court, Miami, Florida.
21. Mr. William Alexander, Latin Chamber of Commerce, (address not provided)
22. Ms. Phillip Lyons, immediate past Chairman, Chamber South, 6410 SW 80th Street, South Miami, Florida
23. Mr. Kenneth Forbes, 25121 SW 120th Place, Princeton, Florida
24. Mr. Bill Riley, Business Manager, International Brotherhood of Electrical Workers
25. Mr. Daniel Hernandez, Hialeah Chamber of Commerce Representative, 240 E. 1st Avenue, Hialeah, Florida.

In response to Mr. Hernandez' request to leave chambers, Attorney Harrison Robbins waived cross-examination of this witness.

26. Mr. Ted Greer, 21336 SW 89th Pl, Goulds, Florida, Pastor, Goulds Community Church and Representative, Goulds Coalition of Ministers and Laypeople.
27. Ms. Linda Bell, Mayor of City of Homestead, 890 N. Homestead Blvd.
28. Mr. Roce Simpson, 12311 SW 35th Street, Representative, International Brotherhood of Electrical Workers (IBEW)
29. Ms. Mary Finlan, Homestead/Florida City Chamber of Commerce, 43 N. Krome Avenue
30. Mr. Gary Waters, 1425 NW 36th Street, Representative, Florida Building and Construction Trade Council
31. Ms. Ruth Campbell, 24 NE 12th Street, Homestead, Florida, former member of Homestead City Council
32. Ms. Victoria Kami, (phonetic), Pembroke Pines, Florida, asked the Board to consider alternative energy choices.
33. Mr. Michael Richardson, President, Vision Council (a not for-profit economic development corporation)
34. Mr. Frank Delforte, Representative, Allied Minority Contractors.

Upon Chairman Barreiro's call for opposing witnesses, Assistant County Attorney Armstrong-Coffey advised that the Board could allow for cross-examination of supporting witnesses at this juncture in the hearing.

Mr. Mark Lewis, Biscayne National Park Superintendent, 9700 SW 328 Avenue, appeared as a neutral party on behalf of Biscayne National Park, and expressed concerns regarding water sources to cool the nuclear plant; the impact on wetland restoration; and the rock mining and fill to develop this project.

Commissioner Heyman noted she supported due process for cross-examination, however, she asked that the examination be limited to the content of a speakers' testimony and not re-address the qualifications of an expert witness whose resume was already on file.

Mr. Ken Harrison Robbins responded to Commissioner Sosa's request for the names of witnesses he wished to cross-examine. He noted he wished to call those expert witnesses whose testimony was previously proffered by Mr. Bercow regarding consistency of the proposed variance with the CDMP in relation to water, water reuse, wastewater and surface ground water requirements. Mr. Harrison Robbins noted he also wished to cross-examine supporting witnesses Ted Greer, William Alexander, Wayne Davis, Miguel Fuentes and William Enright.

Mr. Enright, Mr. Miguel Fuentes and Mr. Wayne Davis re-appeared and were cross-examined by Attorney Harrison Robbins regarding conversations they may have had with FPL representatives prior to today's hearing. Mr. William Alexander and Mr. Ted Greer failed to respond to a call for cross-examination.

Following Assistant County Attorney Armstrong-Coffey's recommendation that the Board strike from the record, the testimony of any witnesses no longer available for cross-examination, Commissioner Diaz asked that the testimonies of Mr. William Alexander and Mr. Ted Greer be stricken from the record.

Mr. Bercow clarified for the record, his proffer of Mr. Curtis' testimony. He noted Mr. Curtis was not an engineer, but a planner who would have identified the CDMP goals, objectives and policies that ensured the protection of the County's resources and facilities in the infrastructure area, and he would have concluded the Unusual Use and proposed project with conditions was consistent with the CDMP based on Mr. Echezarreta's testimony. Mr. Berkow noted Mr. Echezarreta would have testified how each proposed condition in the application would protect the County's interest.

Mr. Curtis reappeared and was cross-examined by Attorney Harrison Robbins.

Mr. Harrison Robbins asked that his right to cross-examine rebuttal witnesses be reserved.

Chairman Barreiro called for those persons in opposition to the foregoing application, and the following persons appeared:

1. Ms. Nancy Lee, 945 Pennsylvania Avenue, Miami Beach, appeared as a neutral party

representing the Urban Environment League and asked that this application be deferred to allow for more information to be gathered regarding water sources for this project.

2. Mr. Robert Oncavage, Conservation Chair, Miami Sierra Club, 12200 SW 110th Ave, noted he testified at many hearings before the Nuclear Regulatory Commission on safety issues of the aging Turkey Point nuclear plant.
3. Mr. Frank Dujuan (phonetic), 2633 SW 28th Terrace, Cape Coral, Florida, and owner of property in Homestead, Florida
4. Ms. Dawn Sheriffson (phonetic), representing Clean Water Action
5. Mr. Robert Hertzell, Attorney, Everglades Law Center, representing the National Parks Conservation Association, requested the zoning variance application be denied or deferred based on discrepancies in the reports presented by the DP&Z and DERM. He expressed concerns with damage to the critical habitat of the American Crocodile, the water sources for this project not defined, and inconsistency of the Unusual Use zoning with the CERP and the CDMP.
6. Mr. Tucker Gibbs, 2980 MacFarland Road, Attorney representing Manuel Diaz Farms.
7. Mr. George Burns, 14901 SW 396th Street, Florida City, Fla.
8. Mr. Bob Krosowsky (phonetic), 1086 Michigan Ave, Naples, Fla, asked that action be deferred on this application until the conclusion of the State of Florida Public Service Division's open forum, to be held in January 2008.
9. Mr. Jonathan Ullman, South Florida Everglades Field Representative, National Sierra Club, asked that action be deferred on this application to receive more information on water sources for this project. He expressed concern that taxpayers would bear the major cost of this project.
10. Mr. Alan Farago, 534 Mendez Ave, Coral Gables, Florida.
11. Mr. Harrison Robbins, Attorney on behalf of himself, 224 Washington Avenue, Miami Beach, Florida, asked that this application be deferred based on today's record (12/20) not containing a factual basis to support the consistency of this application with the CDMP concerning water issues and mitigation requirements for mangrove degradation.

Commissioner Martinez directed questions to Mr. Harrison Robbins as to whether he represented any of the witnesses present today or their organizations in the past; and whether he had spoken with any witness or discussed their testimony prior to today's hearing.

Mr. Harrison Robbins responded to Commissioner Martinez' questions, and clarified he was present today on behalf of himself and was not representing the Sierra Club.

Mr. Jeff Bercow noted some due-process questions were raised in cross-examination by Mr. Harrison Robbins that FPL would like to cure for the record. He asked that Mr. Curtis and Mr. Echezarreta be permitted to rebut the questions raised by Mr. Harrison Robbins concerning their testimony.

Mr. Harrison Robbins objected to the re-opening of direct testimony.

Assistant County Attorney Armstrong-Coffey clarified this would afford Mr. Harrison Robbins an opportunity to cross-examine those witnesses whose testimonies were previously proffered by Mr. Bercow.

Mr. Curtis re-appeared and testified of his efforts with staff to establish priorities and develop acceptable conditions of approval regarding water use and reuse. He noted Mr. Echezarreta's testimony would discuss the aspects of the conditions from an engineering perspective.

Mr. Manny Echezarreta, Civil Engineer, President of Ford Engineers, 1950 NW 94th Avenue, appeared and testified to conditions #4, 5, 6, 7, 14, 15 and 16 of the foregoing application regarding the County's priorities that assured proper protection of county resources. He provided his professional opinion that these conditions furthered the County's priorities with respect to water, water reuse, waste water, surface water, ground water and earth work.

Mr. Curtis re-appeared and provided his expert opinion on the consistency of the Unusual Use application and proposed development with the engineering priorities in the CDMP, based on the testimony of Mr. Echezarreta.

Mr. Echezarreta re-appeared and was cross-examined by Mr. Harrison Robbins on conditions in the foregoing application, and whether any proposed solutions had been submitted to address the issues raised concerning water use, reuse, wastewater and ground water.

There being no other persons to appear before the Board in connection with the foregoing application, the public hearing was closed.

Mr. Bercow directed questions to Mr. Echezarreta regarding issues raised during his testimony under cross-examination concerning the conditions in the forgoing application. Mr. Bercow requested he be allowed to call staff members from WASD and DERM as re-direct witnesses, and one rebuttal witness.

Chairman Barreiro noted the Board members would address County staff, but permitted the call of one rebuttal witness.

Mr. Steve Scroggs re-appeared in rebuttal to issues raised in cross-examination concerning his testimony of the conditions in the application pertaining to water issues. He identified the processes for the conditions of approval and expressed that all parties would be fully satisfied with FPL's efforts in developing this project.

Commissioner Moss asked a series of questions pertaining to the safety and security track record of the Turkey Point Nuclear Power Plant over the past thirty years.

Mr. Jefferson, Turkey Point Nuclear Plant Superintendent, provided an overview of Turkey Point nuclear power plant's safety record. He noted Turkey Point's power plant was one of the safest nuclear generating plants in the world; was in compliance with all of NRC regulations on safety; never failed an extensive drill conducted at this site and had no issues with the NRC concerning its security program. Mr. Jefferson pointed out that safety performance indicators were set by the NRC for all parameters at this site, with green as the best indicator, and all safety indicators at Turkey Point were green.

Mr. Scroggs responded to questions by Commissioner Moss regarding the premium paid by the County for importing 40% of its electricity and the benefit of adding capacity to the plant. He noted the County paid for a 2% to 5% average in loss of power unable to be delivered on transmission lines from other states that serve the County. He noted the availability of low cost, stable-priced generation, and the ability to purchase competitively priced power on the market was a premium. He noted the County would have to pay for gas or other fossil fuels generated outside the State if it did not generate its own nuclear power. Mr. Scroggs advised it was in the best interest of the County to increase capacity at the Turkey Point Nuclear Plant in terms of reliability, affordability, supply and security.

Commissioner Moss questioned whether FPL provided adequate presentations and public input opportunity throughout the community, and if FPL ever refused a presentation.

Mr. Jeff Bartell, Vice-President of External Affairs, FPL, noted his team held hundreds of meetings with thousands of County residents. He noted the County's formal Code required that notice be sent within a ½ mile radius of the proposed site, but FPL agreed with staff to expand the outreach to a 2 mile radius since the site was in an isolated location. Mr. Bartell noted FPL went beyond that requirement and sent notices to 100,000 additional residents within a 10-mile radius to ensure every opportunity for public engagement was afforded. He also noted that not a single presentation was refused by FPL and FPL commits to continue this process going forward.

Regarding Commissioner Moss' request for explanation on how FPL would ensure inclusion in the expansion and operation of the nuclear plant, Mr. Jefferson noted FPL focused on using local talent and would include local entities at the new facility, including the current workforce. He noted more organizations would be brought on site year round as the plant was expanded.

Commissioner Moss requested an explanation of the Power Plant Site Act (PPSA) process and the consequences if FPL did not comply.

Assistant County Attorney John McInnis noted the PPSA process would formally be invoked by the filing of a site certification application that FPL indicated they would file in 2009. Once filed, he noted the County would have 45 days to make a determination as to whether the application was consistent with the CDMP and the Local Land Development regulations. If the County determined the application was not in compliance with the CDMP and the Local Land Development regulations, the applicant would have an opportunity at that time to seek local approvals necessary to make the application consistent. Mr. McInnis noted the applicant would have to come back before this Board if the application was found to be inconsistent.

Commissioner Moss requested the Directors of Department of Environmental Resource Management (DERM) and Water and Sewer Department (WASD) come forward and respond to the issues raised concerning water sources for this project.

Mr. Carlos Espinosa, Director, DERM, noted his department worked closely with WASD to structure the conditions of approval that ensured protection of water. He noted a number of provisions were proffered in the conditions that dealt with various possible scenarios in which water could be used. He noted DERM's staff felt comfortable with the conditions as structured.

Mr. John Renfrow, Director, WASD, assured that the 90 million gallons of water per day needed for the FPL project would not come from the Biscayne Aquifer. He noted the Water Consumptive Use Permit (CUP), recently issued by the South Dade Water Management District, stated that the cooling water could not come from the Biscayne Aquifer, and could not negatively impact the Florida Aquifer. He noted language within the CUP required discussion be held with FPL to achieve a water reuse goal with the Virginia Key (Central) Treatment Plant, which could possibly achieve the amount of water needed for this project, but would be based on feasibility and economics. Mr. Renfrow noted he was comfortable with the conditions of approval stated in the foregoing application.

Regarding Commissioner Moss' concern should the applicant fail to comply with the proffered conditions and not provide a water source plan to address their needs, Assistant County Attorney Armstrong-Coffey advised that if the Board approved this application today, subject to the conditions proffered, the zoning decision would be enforceable. She explained that the zoning conditions limited the scope of the Unusual Use, and the Board would have legal standing to enforce those conditions.

Mr. Espinosa addressed questions by Commissioner Moss regarding degradation of the mangrove wetlands, and the possibility of offsite landscaping. He noted much of the mangroves at the proposed site were eliminated years ago and the area was considered a wetland in an effective or degraded state. He further noted that several conditions in the application required FPL develop a mitigation plan for wetland impact; and several opportunities existed for relocating landscape to other areas away from the plant or offsite.

In response to Commissioner Moss' question concerning issues raised by speakers regarding consistency with the CDMP, Mr. Basu, P&ZD Interim Director, noted the conditions of approval would make the project consistent with the CDMP.

Mr. Jefferson addressed Commissioner Moss' concern regarding the disposal of nuclear waste. He noted FPL was in the process of developing dry cast, concrete storages outside of its fuel pools, which should be in place by the time the proposed plant was built. He also noted the Federal Government had a contractual agreement to provide a depository for long-term storage.

Assistant County Attorney McInnis added that under Federal law, issues regarding nuclear waste disposal were preemptive to the NRC.

Regarding inclusion, Mr. Jefferson noted, in anticipation of this project's approval, FPL was in the process of developing long-term plans to increase staffing at the existing nuclear plant in order to move staff to the new plant. He noted Miami Dade College (MDC) offered a program to prepare local students to work at the nuclear plant, and FPL had an agreement with the International Brotherhood of Electrical Workers (IBEW) union to hire thirty (30) students from MDC's program every summer and twenty (20) students, permanently, every year for the next ten years. In addition, FPL would hire Engineering students from various universities/colleges statewide.

Commissioner Sosa questioned if DP&Z recommended approval of this application with conditions. She also asked when the Land Use Management Plan for mitigating impact to wetlands and preserving critical habitat of endangered species would be provided, and which entity would determine compliance of these conditions.

Mr. Basu affirmed that DP&Z recommended approval of this application with conditions, along with the DIC conditions. He noted the mitigation plan would need to be in place in cooperation with the National Wildlife Services before the applicant could proceed with anything on this site.

Assistant County Attorney McInnis added that DERM would determine the satisfaction and compliance of the conditions in the Land Use Management Plan.

In response to Commissioner Sosa's question regarding which entity would oversee the relocation of nesting areas at the construction site, Mr. Basu noted DERM would oversee this plan and the institutions with expertise in nesting areas would be responsible for seeing that the plan was complied with. He further noted the applicant would need to obtain a permit from the National Wildlife Services in order to proceed.

In response to Commissioner Sosa's question whether WASD would determine sufficient water supply for this project or an alternative solution, Mr. Renfrow noted the recently obtained Water Consumption Use Permit did not include industrial permits for cooling water, so water reuse would have to be considered. Commissioner Sosa questioned how an increase in energy independence would be defined in terms of cheaper electricity.

Mr. Jeff Bartell noted FPL's nuclear power plant had saved customers over $10 billion dollars in fuel costs over the past thirty-five years and FPL had left no stone unturned regarding the availability of alternative energy sources to serve the needs of this community. He noted the nuclear plant provided zero emissions and helped reduce the dependency on oil from the Middle East and other South American countries.

Mr. Scroggs added that FPL considered several alternatives and fuel markets with a range of conditions; and demonstrated that nuclear power was the most cost effective in almost every scenario and more cost effective than any other alternative available.

Mr. Jefferson addressed questions from Commissioner Diaz regarding the quality control of water in the cooling canals.

Mr. Scroggs addressed water sources for this project and the size of the proposed facilities. He noted a number of opportunities existed for water supply, but the applicant was seeking the County's input and expectations at this stage in the process before beginning the design. He noted the conditions of approval determined the preference for reclaimed water, and parameters if reclaimed water could not be used. Mr. Scroggs stated that two designs were being considered for a selection of one in 2008, and involved two reactors producing megawatts that roughly equaled the total capacity of all reactors existing at Turkey Point now.

Mr. Bercow added the existing facilities and cooling canals occupied 6,500 acres of land, but the proposed facility would occupy only 365 acres, including cooling tower systems in lieu of cooling canals.

Mr. Scroggs addressed questions by Commissioner Diaz regarding environmental issues, capacity, design and cost recovery of new nuclear plants, and when they would be implemented. He noted, with the existing power plants, the County was a net importer and had less capacity for generation of power than what it needed. He also noted the design and capacity of the new cooling tower systems used less water. He further noted the first reactor would be in operation in year 2018, and the second unit would be operation in year 2020.

Regarding recovery costs, Mr. Scroggs noted the State Legislator made changes to the Florida Energy Act in 2006 on how cost recovery would apply to new nuclear power facilities. Based on those changes, he noted FPL would go before the Public Services Commission (PSC) in January 2008 for a need determination, and if approved, FPL would obtain a need order. He noted FPL would go back before the PSC at a later date with the need order to identify the projected costs that would be incurred in the development process. Mr. Scroggs noted the PSC would determine, on an annual basis, which costs were prudent to be assessed in consumer bills throughout the FPL grid. He noted those costs could be assessed as early as 2009, and could be as little as .50 cents per month.

In response to Commissioner Diaz' question whether any State funding was provided from tax surcharges for this project, Mr. Scroggs noted he was not aware of any State funding provided for this project.

Commissioner Diaz questioned whether consumer costs would be reduced as a result of more efficient energy, once the new plant was developed, and whether FPL considered alternative power sources or desalination plants to supplement future energy demands.

Mr. Scroggs noted an analysis was done on alternatives that indicated nuclear generation would reduce the cost of power in comparison to alternatives in almost every scenario analyzed. He noted FPL received offers of approximately 300 megawatts of renewable sources through an open Request for Proposal solicitation held this summer, and FPL was pursuing negotiations with these entities to see if any of the projects could be implemented. He noted FPL also began its own efforts to pursue solar thermal and wind energy throughout the FPL system, and approximately four projects were in process. Regarding desalination, Mr. Scroggs noted condition #5 in the application required that the applicant review all alternative sources of energy, and FPL would consider whether desalination would fit in with the plant design.

Commissioner Diaz stated he would like to see desalination as a major proposal for an energy alternative source in the future.

In response to Commissioner Sorenson's question whether the CUP included this proposal, Mr. Renfrow noted the CUP did not include the projected water use for this project, but included a clause for staff to work with FPL, specifically concerning the use of reuse water from the

Virginia Key Sewage Treatment Plant. He noted the ability to implement engineering methods to access reuse water from Virginia Key for this project may be limited due to the costs involved.

Commissioner Sorenson questioned whether the PSC's approval was contingent upon the applicant having the wastewater reuse system in place. She also questioned when customers would be charged for implementation of the plant, and how much territory FPL's grid covered.

Mr. Scroggs noted the PSC approval was contingent upon demonstrating a need for the facility and whether the recovery costs were prudent and necessary to provide this facility. He explained that FPL would be finishing the project design and going through the licensing and review process in 2009, and would be asking for the smaller recovery costs of the preconstruction processes in that same year. He noted the recovery of construction costs would begin in 2012, when FPL would have gone through all the review and licensing processes before adding any significant amount to recovery costs. Mr. Scroggs further explained that the PSC rules for cost recovery separated the preconstruction recovery costs (design, licensing, permitting and site preparation) from the construction costs, and the smaller preconstruction costs would be reviewed and approved by the PSC and recovered as they occurred. He noted the construction costs would be accrued in a construction fund when construction began and once the plant was implemented, a major portion of that balance would be paid through FPL's rate base. He noted FPL's grid territory covered over 50% of Florida (thirty-seven counties).

Mr. Scroggs responded to Commissioner Sorenson's question why FPL had not worked out the water source issue prior to today's hearing and what was FPL's plan for waste storage in relation to storm surge and a rise in sea level in the next fifty (50) years. He noted, as part of the design process, FPL needed to understand the County's priorities in order to design the project consistently with the County's Zoning Code and the CDMP. He concurred that global warming was a real issue that FPL was addressing, and was a primary reason for providing nuclear energy to reduce greenhouse gas emissions. He noted the plant's civil design must take into account all potential natural events and sea level rise.

Mr. Jefferson added that the NLC would ensure that storm surge was studied in great detail before FPL moved forward with this project.

Responding to Commissioner Sorenson's question whether the Emergency Management Office (EMO) had addressed security and emergency preparedness for this project, Mr. Jefferson noted the current Emergency Management Plan was very comprehensive and more than adequate to cover the projected plant expansion. He pointed out that the NRC conducted extensive drills at Turkey Point with various security entities, and Turkey Point coordinated very closely with the EMO.

Mr. David Perez, Coordinator, Emergency Management Office, addressed questions regarding evacuation capability if the existing plant was expanded. He noted the current 10-mile radius evacuation plan for an unusual event would not be affected by the proposed expansion.

In response to Commissioner Sorenson's question whether any differences existed between the conditions approved by DP&Z and those approved by DERM, or whether anything was left out,

Mr. Espinosa noted the comments by both departments were combined in the one application, and he felt comfortable that the conditions of approval proposed by staff addressed the concerns of DERM.

Commissioner Sorenson expressed concern with questions unanswered pertaining to water sources prior to approval of this application. She questioned how the conditions of approval would be enforced, including the condition for rock mining and fill.

Mr. Espinosa noted the proposal for rock mining and fill was determined to be problematic, and was removed from this application.

In response to Commissioner Martinez' question regarding impact and mitigation of 296 acres of coastal mangroves, Mr. Espinosa noted two of the conditions in the application defined impacts and mitigation for mangroves, and FPL provided a mitigation plan as well. Commissioner Martinez stated he would like to see that mitigation plan.

Vice Chairwoman Jordan referred to a past incident at Turkey Point regarding breach of security. She expressed concern with security measures and screening of independent contractors hired for maintenance of the reactors.

Mr. Jefferson noted all employees at this facility were subject to a background screening and a psychological exam. He also noted the supplemental workforce was grouped in crews of a prescribed size that were supervised by the Contract supervisors, the departmental supervisors, and FPL's administration and senior supervision team.

Vice Chairwoman Jordan asked that FPL representatives consider maximizing security efforts using video surveillance of workers at the Turkey Point nuclear plant, if this application was approved. She also asked Mr. Jefferson to provide her with a report on security improvements at Turkey Point.

Assistant County Attorney McInnis advised that it might be inappropriate for the Board to request a report on security improvements.

Mr. Jefferson noted FPL would take into consideration the request for video surveillance but explained that FPL could only share generalities on security improvements because that information was classified. Regarding the incident at Turkey Point referred to by Vice Chairwoman Jordan; Mr. Jefferson noted the system worked as designed in that instance, to detect the security breach.

Mr. Renfrow addressed Commissioner Gimenez' questions regarding the number of gallons of water needed per day for this project; the alternative sources including water reuse and desalination; and the Consumption Use Permit.

Mr. Scroggs noted, during the next fifteen months, while going through the site certification and license application process to determine the design specifications, FPL would identify a proposed water source plan.

Responding to Commissioner Gimenez' question regarding the life span of the existing nuclear plants, Mr. Jefferson noted plants #3 and #4 were implemented in 1972 and 1974; were later expanded, and should expire in 2032 and 2034. He noted the new designs involved newer technology and a passive style design with a life span beyond 40 years.

Mr. Scroggs advised that FPL was applying for a 40 year license, and any extension of the operation life beyond 40 years would need to be considered at a future licensing process. The new technologies, he noted, included a passive style safety design, using natural circulation and gravity fed systems that did not rely on external power sources to run the pumps and would increase the safety margins above the current safe measures.

Responding to Commissioner Gimenez' questions regarding extra expenditures for the design and break even points for fossil fuel consumption, Mr. Scroggs noted nuclear energy would reduce fossil fuel usage when integrated into the system, and FPL would operate the nuclear plants in preference to the existing fossil fuel plants.

Commissioner Gimenez expressed some concern with water source for this project, but noted his confidence in Mr. Renfrow's expertise and decisions concerning this issue.

Commissioner Rolle questioned future employment opportunities at this facility, other than independent contractors and existing vendors, and how those positions would be advertised countywide.

Mr. Jefferson assured that FPL would advertise the available positions at the new nuclear plant in local newspapers and technical publications; and FPL would reach out to all local and state colleges, as well as Small Business Affairs. In addition, he noted FPL was developing outreach programs to encourage high school students to participate in the MDC program that prepared them to work at the Nuclear Power Plant facility.

Vice Chairwoman Jordan commended FPL for its community involvement and working with County schools and colleges to provide technical programs.

Commissioner Moss noted although the proposed site and project to expand Turkey Point's Nuclear Plant was in District #9, he felt this was a regional issue, and that it would be better for the County to increase capacity at this location than to import 40% of its energy. He stated he found FPL to be a good, reliable neighbor, but emphasized the need to generate new energy for a community that was growing by leaps and bounds. Commissioner Moss commended staff for their efforts in reviewing this application and the issues, and for providing tremendous outreach to the public for input.

It was moved by Commissioner Moss that the application of Florida Power and Light be approved with conditions as recommended by the Department of Planning and Zoning staff. This motion was seconded by Commissioner Martinez for further discussion.

Commissioner Martinez asked that FPL designate a representative to respond to requests from county departments regarding power and utility pole relocations.

Mr. Bartell advised Commissioner Martinez that FPL's Regional Manager for Miami-Dade County, Mr. Manny Rodriguez, and FPL's area managers would meet directly with Mr. Pino and respond back to the Commission within 30 days with a process to address this issue.

Commissioner Sosa requested that FPL reinstate the service of trimming trees interfering with electrical lines before the next hurricane season.

Mr. Bartell assured Commissioner Sosa that a response regarding tree trimming would also be provided to the Commission within 30 days.

Commissioner Sorenson commended FPL on its progress in conservation, wind/solar power initiatives and its work with endangered species. She acknowledged FPL as a model corporate citizen and agreed that nuclear energy was cleaner, but expressed concern with enhanced nuclear power as the right source of power if alternative power sources existed. She also expressed concern with whether nuclear power was really compatible with the community at the expense of water. Commissioner Sorenson noted her primary concern was that too many questions were unanswered regarding water sources for this project that should have been answered prior to this application coming before this Board.

Chairman Barreiro requested FPL seriously consider implementing underground utilities during this process.

Hearing no further comments or discussion, the Board proceeded to vote on the foregoing motion, and upon being put to a vote, passed by a vote of 11-1. (Commissioner Sorenson voted No), (Commissioner Edmonson was absent)

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-56-07.

All deferral dates on applications considered during the day's meeting were publicly announced.

All exhibits submitted for the record at the day's meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, upon motion duly made, seconded and carried, the zoning meeting was adjourned at 1:02 p.m.

_____
Chairman

ATTEST: HARVEY RUVIN, Clerk

By:_____
Kay Sullivan
Deputy Clerk