

## SOUTH FLORIDA REGIONAL PLANNING COUNCIL

### Minutes

December 2, 2013

The South Florida Regional Planning Council met on this date at the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021. Chair Wallace called the meeting to order at 10:40 a.m. and Councilmember Scutto led in the Pledge of Allegiance.

#### **I. Roll Call**

Councilmember Patricia Asseff  
Councilmember Mario J. Bailey  
Councilmember Margaret Bates (absent)  
Councilmember Frank Caplan (absent)  
Councilmember Heather Carruthers (absent)  
Councilmember Tim Daubert  
Councilmember Nelson Hernandez  
Councilmember Martin Kiar (via phone)  
Councilmember Jean Monestime (via phone)  
Councilmember George Neugent (via phone)  
Councilmember Stacy Ritter (absent)  
Councilmember Tim Ryan  
Councilmember Joseph Scutto  
Councilmember Xavier Suarez (via phone)  
Chair Paul Wallace  
Councilmember Sandra Walters (via phone)  
Councilmember Jimmy Weekley (via phone)  
Councilmember Juan A. Zapata (absent)

The following Ex-Officio member was present:

Mr. Ken Jeffries for Ms. Aileen Boucle, representing the Florida Department of Transportation, District VI

The following Ex-Officio member was not present:

Ms. Laura Corry representing the South Florida Water Management District

Mr. Sam Goren, Legal Counsel, welcomed the new Councilmembers and explained that today they will be a temporary part of the Executive Committee so the Board can take legal action as required by the Statute that governs this Organization. Mr. Goren explained the Statute and stated that for the record that the Councilmembers available by phone will be allowed to vote, however, they are not part of the physical quorum. Chair Wallace appointed all the voting members present to the Executive Committee.

Chair Wallace introduced the new Councilmembers: Governor Appointees, Mr. Mario Bailey and Mr. Nelson Hernandez, and Miami Lakes Commissioner Tim Daubert, appointed by the Miami-Dade League of Cities.

Councilmember Asseff announced that Councilmember Ryan is the new Vice-Mayor of the Broward County Commission.

Mr. James Murley, Executive Director, welcomed the new Councilmembers and explained the Council Agenda.

## II. Approval of Council Agenda

Councilmember Asseff moved to approve the Council Agenda. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

## III. Action Items

### A. Minutes of Previous Meeting

Councilmember Asseff moved to approve the Minutes of the Previous Meeting. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

### B. Financial Report

Mr. Murley introduced Mr. Ed McGann, Director of Finance and Budget. Mr. Murley stated that the counties' membership contributions were received and staff is pursuing leads on grant funding. Chair Wallace explained to the new Councilmembers the lack of State's contribution for the past three years.

Councilmember Scuotto moved to approve Agenda Item III.B, Financial Report. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

### C. Intergovernmental Coordination and Review Report

Councilmember Asseff moved to approve Agenda Item III.C, Intergovernmental Coordination and Review Report. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

### D. Consent: Comprehensive Plan Amendment Reviews

- Broward County (2)
- Town of Davie
- City of Fort Lauderdale
- Miami-Dade County (2)
- Monroe County
- Sweetwater
- City of North Miami Beach
- City of West Park

Mr. Murley explained the timeliness of receiving and the review process of the local government comprehensive plans. He introduced Mr. Bob Cambric, Director of Policy and Planning, and Mr. Cambric explained the background of the Consent Agenda, the process, and the rules that Council staff must follow. He stated amendments are reviewed to determine if there are any adverse impacts to regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida*. If there are none, the amendment is placed on the Consent Agenda. Mr. Cambric stated that there would be a more detailed Memorandum if there was a regional issue regarding an amendment and then that amendment would be brought before the Board for discussion. Chair Wallace explained that according to the State Statute the SFRPC has a legal responsibility to review local comprehensive plans.

Chair Wallace wanted clarity on the status of Councilmember Scuotto. Mr. Goren stated that Councilmember Scuotto sits on the Council until he is not able to sit; Councilmember Scuotto is here and therefore completes the quorum.

Councilmember Daubert thanked Mr. Murley for the debriefing when they met, especially on the Comprehensive Plan Agenda Item and the reasoning behind the addition/changes of this Item and the Agenda.

Mr. Goren explained that Councilmember Bailey is a non-lawyer member of the Becker & Poliakoff Law Firm. Mr. Goren stated that the Law Firm advocates on behalf of the Town of Davie, City of West Park and Miami-Dade County. He stated that this is a voting conflict issue and Councilmember Bailey will recuse himself when issues involving representation by his Law Firm. Mr. Goren stated that Councilmember Bailey can still debate and discuss the issues but cannot vote on them. Mr. Goren explained that Councilmember Bailey will have to file the voting conflict form.

Councilmember Asseff moved to approve Agenda Item III.D: Comprehensive Plan Amendment Reviews. Councilmember Daubert seconded the motion, which carried by majority vote. For the record, Councilmember Bailey recused himself due to a conflict of interest in regards to the Town of Davie, City of West Park and Miami-Dade County.

E. Regional Issues: Comprehensive Plan Amendment Reviews

None.

F. Proposed Meeting Locations – 2014

Mr. Murley stated that during the Strategic Planning Activities held in 2013, the Board was polled regarding the frequency and time of Council meetings. Mr. Murley stated that the consensus was to meet every other month at 10:30 a.m. Mr. Murley reminded the Councilmembers that they are welcome to participate in any of the Executive Committee Meetings and explained that the Council will alternate meeting locations within the three counties. Mr. Murley stated that the cost to staff for meeting in the other locations is travel expenditure. There was discussion regarding location convenience, Councilmember participation, local citizen participation, and the loss of a sense of identity by not meeting at the Council's office. Councilmember Suarez proposed that the Council meet at the City of Miami instead of the Beacon Council. Mr. Murley stated that this will be considered. It was suggested that the SFRPC Agenda be part of the three counties' websites.

Councilmember Scuotto reminded everyone that 10 years ago, there was construction, land use changes, and concurrency issues that needed to be discussed and the SFRPC was very involved. Councilmember Scuotto explained that the Council traveled to the specific county for these key issues to be discussed along with receiving citizens' opinions. Councilmember Scuotto stated that this is not the way it is now; it is more about Seven50, which is a more informative venue. Councilmember Scuotto supports the meetings alternating among the counties so that the Council will be noticed, and with Seven50 and rail transportation, this Council will become more involved.

Councilmember Asseff moved to approve Agenda Item III.F, Proposed Meeting Locations – 2014 with the possibility of a new Miami-Dade County location. Councilmember Ryan seconded the motion, which carried by a unanimous vote.

G. Nominating Committee Appointment for 2014 Election of Officers

Mr. Goren explained the reasoning and process for choosing the Nominating Committee and the Executive Committee. Chair Wallace selected Councilmembers Carruthers, Monroe County, Ritter, Broward County, and himself, Miami-Dade County, for the Nominating Committee.

H. Tri-Rail Coastal Link Resolution – FDOT 4 Presentation

Ms. Amy Goddeau, FDOT IV, presented a PowerPoint on the Tri-Rail Coastal Link: Project Update & Request to Enter Project Development Phase; hard copies were located at Councilmembers stations. She explained the background and the ongoing coordination with Florida East Coast Industries/All Aboard Florida (FECI/AAF) on the Tri-Rail Coastal Link–Commuter Rail Service and the All Aboard Florida – Intercity Passenger Rail Service. Ms. Goddeau explained the new development, economic benefits and growing transit services of the projects. Ms. Goddeau stated that she was present today to request approval of a Resolution of Support to move the Tri-Rail Coastal Link Project into the Project Development Phase. Ms. Goddeau explained the funding differences between the public and private rail projects, corridor access, the Federal TIGER Grant, and the Memorandum of Understanding. Ms. Goddeau explained the cost estimate that included the capital costs and the operations and maintenance (O & M) costs. Ms. Goddeau explained that this excludes the corridor access fee, which is under negotiations. Ms. Goddeau stated that the bigger problem is the annual finance source, which is the financial planning group's responsibility in the upcoming months. Ms. Goddeau explained the phases and the funding plans that will fall in place. She explained the National Environmental Policy Act requirements and actions that will follow.

Councilmember Suarez stated that in his letter dated November 18, 2013, he presented his concern regarding the corridor access fee to allow use of the FEC corridor by the commuter trains. Councilmember Suarez stated that he sent his letter to the Secretary of Transportation of Florida with copies to the Governor and other entities. Councilmember Suarez stated he concerned that the negotiations are not being carried out at the same time or if the same individuals that are carrying out the negotiations regarding the right-of-way needed for All Aboard Florida to connect between Cocoa Beach and Orlando. Councilmember Suarez is concerned that the public component might be left behind and the access fees might be so high that it will not be affordable to those using it. Councilmember Suarez stated that the principle being the importance of going into negotiations that reference the use of the FECI Line of the ROW from Cocoa Beach to Orlando and the corridor access fee for the commuter train. Councilmember Suarez stated if they are not linked now and if we give away the use of as much of 70 miles of state ROW to make All Aboard feasible, we will forever lose leverage on South Florida public transportation. Councilmember Suarez asked if we can get some indication that we are not going to leave the negotiations of the corridor access fee for so late in the process that we will have lost all leverage and the public component of this will be not affordable to the working class and other citizens that need to use it.

Ms. Goddeau stated that she would forward the information regarding the SR 528 Contract, the rates, payments, etc. She informed the Council that SR 528 is about 30-35 miles from Cocoa Beach to the Orlando Airport in FDOT District V. Councilmember Suarez stated that there was a Sunshine Meeting in Miami-Dade County and that the October negotiations are ongoing for both the corridor access fee and the use of the ROW on 528. Councilmember Suarez asked to be a participant in the negotiations. Ms. Goddeau explained that in the meeting with Councilmember Suarez the discussion was on the commuter project and the access agreements that are being discussed with the FECI.

Councilmember Daubert suggested that the SFRPC be kept informed about the rail project and when deals are pending and signed.

Councilmember Bailey inquired about the offset of the operation and maintenance cost; Ms. Goddeau explained there is approximately a 20% fare box return, so there will some revenues from advertising and other venues but there will still be a lot to be offset.

There was discussion on a future connector track coming out of the Port Everglades.

Mr. Bailey requested information on Tri-Rail's budget, and Ms. Lynda Westin stated that she would forward that report.

There were inquiries regarding the success of this project, and Ms. Goddeau stated that if these plans do not move forward they would go back to the old plans. The cost would be not be significantly higher.

Councilmember Suarez stated via the press release on June 25, 2013, they refer to a 50-year lease for the SR 528 ROW at \$275K/year and renewable for another 49 years. The \$275K is based on the appraised fair market value of the lease. Councilmember Suarez stated he would like to see the comparables use the appraisal and the fair market value matrix. Councilmember Suarez hoped that there will be more information at the January Meeting.

Councilmember Asseff moved to approve the Agenda Item III.H Tri-Rail Coastal Link Resolution. Councilmember Suarez seconded the motion, which carried by a unanimous vote.

#### **IV. Discussion Items**

##### **A. Executive Committee Report**

Mr. Murley stated there was nothing to report.

##### **B. Executive Director's Report**

Mr. Murley stated that there will be a report regarding the research on the Council's present location and other office locations, health insurance options, and insurance broker options at the January Meeting.

##### **C. Legal Counsel Report**

Mr. Goren explained the Revolving Loan Program and introduced Ms. Cheryl Cook, Director of Loan Programs. He informed the Council that Councilmember Asseff is on the Loan Committee. He then explained the Hurricane Wilma and Smart Watts Loan Programs and that there is no litigation to report. He commended Ms. Cook and staff for their hard work.

Mr. Goren stated that the Executive Committee and Council staff is reviewing an incentive program for the staff. He explained the requirements in the Florida Statutes regulations regarding incentive payments and how it can be adopted into the SFRPC's policy, rule or resolution.

Mr. Murley introduced the SFRPC staff attending the meeting and their responsibilities.

##### **D. Ex-Officio Reports**

None.

#### **V. Program Reports and Activities**

##### **A. Council Mission – Prioritize our Infrastructure Needs**

- 1) Seven50: Southeast Florida Prosperity Plan

B. Revolving Loan Fund Reports

- 1) SFRPC Revolving Loan Funds Status Report
- 2) Hurricane Wilma Bridge Loan Status Report
- 3) Smart Watts Home Energy Retrofit Loan Fund Status Report

C. DRI Status Report

D. Florida Regional Councils Association

- 1) FRCA Monthly Accomplishments
- 2) FRCA Legislative Highlights
- 3) FRCA Stakeholder Survey
- 4) FRCA Return on the Investment

**VI. Announcements and Attachments**

A. Correspondence and Attendance Form

B. Upcoming Meetings (Pending approval of Agenda Item III.F)

- 1) January 6th, 10:30 a.m. (Council Office, Hollywood)
- 2) February 3rd, 10:30 a.m. (Executive Committee Meeting, Council Office)
- 3) March 3rd, 10:30 a.m. (Beacon Council, Miami-Dade County)
- 4) April 7th, 10:30 a.m. (Executive Committee Meeting, Council Office)
- 5) May 5th, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)

**VII. Councilmember Comments**

Councilmember Walters announced that she was reappointed by the Governor.

**VIII. Adjournment**

The meeting was adjourned at 12:15 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the December 2, 2013 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 6<sup>th</sup> day of January 2014.

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Jean Monestime, Secretary

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Date