

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

March 5, 2012

The South Florida Regional Planning Council met this date at Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. Chair Carruthers called the meeting to order at 10:35 a.m. and asked Councilmember Ritter to lead in the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates
Councilmember Michael Blynn
Councilmember Esteban Bovo, Jr. (absent)
Chair Heather Carruthers
Councilmember Suzanne Gunzburger
Councilmember Ilene Lieberman (absent)
Councilmember Manuel Marono (absent)
Councilmember Jean Monestime
Councilmember George Neugent (absent)
Councilmember Jose A. Riesco (via phone)
Councilmember Stacy Ritter
Councilmember Joseph Scuotto (via phone)
Councilmember Rebeca Sosa (absent)
Councilmember Paul Wallace (via phone)
Councilmember Sandra Walters
Councilmember Jimmy Weekley

The following Ex-Officio members were present:

Ms. Aileen Boucle, representing the Florida Department of Transportation, District VI
Mr. Kevin Claridge, representing the Florida Department of Environmental Protection (via phone)
Ms. Carole Morris, representing the South Florida Water Management District
Mr. Norman Taylor, Broward County Office of Economic Development, representing the Florida Department of Economic Opportunity

II. Approval of Council Agenda

Executive Director, James Murley requested that the Cities of Doral and Sweetwater be removed from III.E, Consent Proposed Items, because there was additional information.

Approval of Council Agenda carried by unanimous consent.

III. Action Items

A. Minutes of Previous Meeting

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

B. Financial Report

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

1) Budget Amendment

Mr. Richard Ogburn of Council staff explained that the first Amendment is usually presented in July, along with a first draft of the budget for the next year, with a final budget amendment in September to round out the fiscal year. Significant changes in the funding for this Fiscal Year made it necessary to bring an earlier amendment for the Council's approval. He explained that notable changes in revenues include new funding through the U.S. Department of Energy for the Electric Vehicle Readiness Planning Grant, in which some funding will be contracted to Florida Power & Light for its part. Two other programs are funded by the Centers for Disease Control and Prevention (CDC), which are related to healthy food options in the Region: one is through the Miami-Dade County Health Department and the other is through the Broward Regional Health Planning Council.

Mr. Ogburn explained that increased expenditures are needed for the travel budget. In addition, the professional development category is increased to accommodate the funding from CitiBank, to join the Open Indicators Consortium. There were minor changes in two other categories.

Councilmember Asseff moved to approve the Budget Amendment. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

Councilmembers Walters and Asseff expressed their congratulations to staff for their accomplishments over the past years.

Mr. Murley explained that the budget for the Sustainable Communities Initiative is being reviewed and these changes will be reflected in a Budget Amendment that could be presented in May.

Mr. Sam Goren, Legal Counsel, stated for the record that Councilmembers Riesco, Wallace, Scuotto, and Ex-Officio member Claridge were on the phone.

C. Intergovernmental Coordination and Review Report

Information only

D. Developments of Regional Impact/Development Orders

None

E. Consent Items: Generally Consistent Comprehensive Plan Amendment Reviews – Adopted:

- City of Coconut Creek
- City of Sunrise
- City of Marathon
- City of Deerfield Beach
- Islamorada, Village of Islands

Councilmember Gunzburger moved to approve Agenda Item III.E, the Adopted Comprehensive Plan Amendment Reviews. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Rachel Kalin of Council staff stated that the Council was briefed on comments the Florida Department of Transportation (FDOT) District VI and Miami-Dade County Public Schools (MDPS) will be submitting for amendments proposed by the Cities of Doral and Sweetwater, respectively. FDOT will be formally recommending Doral provide up-to-date traffic analyses that project impacts for the proposed maximum allowable development, and identify Floor Area Ratios for the Downtown Mixed Use and Doral Design District Core land use designations within the Comprehensive Plan. MDPS will be notifying Sweetwater of the importance of complying with the Interlocal Agreement for public school concurrency, which requires amendments to be submitted to MDPS for a preliminary impact analysis. Ms. Kalin recommended Doral and Sweetwater coordinate and respond to the appropriate review agencies prior to adoption.

Ms. Aileen Boucle, Ex-Officio member representing the FDOT District VI, stated that they would be sending their comments on the proposed amendment for the City of Doral. She explained that comments are centered on the lack of transportation analyses regarding the impacts on transportation facilities and state road construction.

Mr. Ken Jeffries, FDOT District VI stated that they are not opposed to development and want to make a determination of future impacts to the transportation facilities and resources. He requested a traffic study be submitted.

Henry Iler, from Iler Planning, the Planning Consultant for the Cities of Doral and Sweetwater, stated that the City of Doral is aware of the comments from FDOT District VI, and the City of Doral will provide the studies requested, and the City of Sweetwater will be sending the amendment to the School Board.

Chair Carruthers reiterated the additional information needed and inquired if Council recommendations would change. Mr. Murley stated that staff's recommendations would not change.

- City of Doral

Councilmember Monestime moved to approve the Agenda Item III.E, City of Doral. Councilmember Bates seconded the motion, which carried by a unanimous vote.

- City of Sweetwater

Councilmember Weekley moved to approve the Agenda Item III.E, City of Sweetwater. Councilmember Walters seconded the motion, which carried by a unanimous vote.

F. Generally Inconsistent Comprehensive Plan Amendment Reviews

None

G. Regional Infrastructure Improvement Zones (HR 3780) Letter of Support

Councilmember Asseff stated that this was a great program for regional infrastructure for all the counties. Chair Carruthers stated she would sign the letter with some minor changes.

Councilmember Asseff moved to approve Agenda Item III.G. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

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H. Turkey Point Expansion – Draft Agency Report on the Power Plant and Non-Transmission Associated Facilities

Mr. Goren stated that there was a request from Council to alter the current schedule for an extension of the deadline for comments due from March 23, 2012 to August 15, 2012, the same date as the revised deadline for Miami-Dade County. Mr. Goren stated that this request was not inappropriate and stated that Florida Power & Light (FPL) and Miami-Dade County agree with the extended time.

Mr. Ogburn stated the Draft Report due on March 23, 2012, is one of two Agency Reports for the review of the Turkey Point Project. He stated that the review of the transmission lines was submitted in June 2011 and that this Draft Report pertains to any issues that would be of concern with regard to the plant and the non-transmission associated facilities of the proposed project. He explained that on February 10, 2012, the Department of Environmental Protection (DEP), Miami-Dade County and FPL filed a Stipulation and Joint Motion to Alter Schedule; this revised the schedule to allow Miami-Dade County's Report on the power plant and non-transmission associated facilities to be due on August 15, 2012. He stated that Council staff should be given the opportunity to obtain a full and current understanding of the regional issues prior to submittal of its Agency Report, and is requesting that the deadline for its agency report be revised to reflect the same date as Miami-Dade County's deadline. He explained that the issues pending relate to Natural Resources of Regional Significance, as identified in the SRPP; a second set of related issues is the potential impacts of sea level rise. Staff attempted to obtain additional input from FPL for a more current analysis than originally submitted, but FPL has not provided that information.

Mr. Ogburn stated that if the proposed order is granted, Council staff will bring the Draft Agency Report to the Council at a future meeting prior to the revised deadline; if the proposed order is not granted; Council staff will be required to submit the Agency Report on March 23. He stated that staff will base the report on the issues identified and will submit the draft report to the Executive Committee at an emergency meeting to be convened for that purpose, if necessary.

Councilmember Ritter moved to authorize preparation of the report prior to the March 23rd deadline regarding the issues for Agenda Item III.H. Councilmember Walters seconded the motion, which carried by a unanimous vote.

IV. Discussion Items

A. Executive Committee Report

Items were discussed throughout Council Meeting.

B. Executive Director's Report

Mr. Murley announced that a new Finance Director was hired with the assistance of Councilmember Riesco and Sean Davis, of S. Davis and Associates. He stated that they unanimously arrived at the recommendation of Mary Lou Johnston of Johnstown, PA and her resume will be emailed to Councilmembers. Councilmember Riesco was pleased with the process, and thanked Mr. Davis, Mr. Murley and Rhonda Noah. Mr. Murley stated that she will start on March 12, 2012.

Mr. Murley invited Councilmembers to a regional round table forum at the Miramar Cultural Center for the Department of Economic Opportunity on March 7, 2012. He stated that Enterprise Florida and the Greater Fort Lauderdale Alliance are partnering with the Council on this endeavor.

1) Legislative Update

Mr. Cambric presented an update on the Growth Management Bill, referencing House Bill 7081, and Senate Bill 842. He stated that the requirements changed in Miami-Dade and Monroe Counties comments received from military bases. He explained that the Military Base Commander has to provide comments, supported by data and analysis, and that local governments are to consider these comments the same as any other review agency at the adopting period. He stated that two other significant changes: (1) The Bill would require an analysis of the minimum amount of land needed to achieve the goals and requirements of the act versus the current standard which is the minimum amount as determined by the local government; (2) The change also would alter requirements for providing copies of amendments that repeal school or transportation concurrency to adjacent municipalities.

He stated that another Bill being tracked was HB 603 / SB 912; the concern was limiting the ability of a city or county to collect a proportionate share of impact fees.

He stated that a proposed bill amendment would take away Miami-Dade County's already imposed super majority requirements to move the Urban Development Boundary (UDB) to make it a simple majority. Chair Carruthers questioned if this item was an issue that the Council should be involved in and register the Council's concern. Mr. Murley stated that would be up to the Council.

Councilmember Monestime stated that when the item of the UDB is on an agenda, citizens from all over Florida are present before the Commission. Chair Carruthers stated that legislation like this, imposed in Tallahassee, impacts the ability of local governments to have control over their destiny, which is why the SFRPC exists. Mr. Murley stated that Mayor Gimenez took a position as Chief Executive of the County since this was revealed on March 2, 2012. Discussion followed regarding the concern about any amendment or bill that impacts Home Rule abilities to control our destiny and the concern of the Council. It was motioned that Council's concern should be emailed or strategic calls be made and was decided that Mr. Murley would talk to people in Tallahassee about the Council's Home Rule Stand. Councilmember Monestime then announced that information from his staff was that the amendment had been found to be non-germane.

The motion was withdrawn.

Mr. Murley stated there were other Bills being followed by Council staff. He stated that the House and Senate Appropriation Bills both include \$2.5 million to be appropriated for the Regional Planning Councils, and this should not be a conference issue. He explained that at the end of the Budget and Appropriations process this would be in the final Bill, and is subject to review by the Governor. He stated that Council will be advised.

Mr. Murley stated that changes to the composition and responsibility of the South Florida Regional Transportation Authority (SFRTA) Board affects Broward and Miami-Dade Counties. He introduced Joseph Giulietti, Executive Director of the SFRTA.

Mr. Giulietti explained the status of the various proposed changes to the SFRTA Board as they move through the House and Senate. He explained the funding for Tri-Rail and that they are working on a new dedicated funding source which would have a beneficial use for the corridor. He stated that Martin and St. Lucie Counties requested to become part of the SFRTA and that the Secretary opposed the two counties becoming part of the SFRTA. He stated that the only county that can automatically join the SFRTA is Monroe County. Chair Carruthers agreed to sign a letter of support.

Chair Carruthers requested information on the new Bill on transportation concurrency regarding the legislation that will remove the ability for adjacent municipalities to file when transportation concurrency

is removed unless the municipality already knew about it. She questioned if the Council needs to play a role in educating the municipalities about the new procedures and making them aware of future changes.

Mr. Cambric explained that, in the past, the Council has worked with local planners to keep them updated with the changes taking place and that there are different ways of proceeding. He stated that there is a Miami-Dade Planners Technical Committee; the Broward Planners Technical Committee and there is informal communication with Monroe County that update the Region. He suggested creating a contact list to send a summary of what has passed or what our local government partners should be aware of; municipalities can request to be on the contact list for information and changes in the amendments.

Chair Carruthers suggested local governments be updated regarding the changes and how this could impact them and if they had questions they could contact staff. Mr. Cambric stated that this could be done.

C. Legal Counsel Report

Mr. Goren reiterated, from the Executive Committee meeting, that he (and the other RPCs) received a letter in February, regarding the Council's rule-making ability or lack thereof, from the Joint Administrative Procedures Committee, which controls rule-making. He stated that there was a statute adopted about a year ago that seems to require the Regional Councils to file certain information to enable the organization to issue new rules. He stated that Council has a limited number of rules now. He stated that he asked our lobbyist and Florida Regional Councils Association (FRCA) representatives to assist with the inquiry. He stated that legal counsel has not formally responded to the State and is looking into the impacts this would have, as well as what needs to be legally responded to in Tallahassee. He stated that there are no rule-making requirements at the moment, and no potential for the Council to draft new rules on any particular topic.

Mr. Goren stated that he has consulted the Governor's Office regarding the May 2011 request for legal opinion on the vacancies occurring on this panel. He explained that some members have been through the process several times with the change in Tallahassee and that those Governor's Appointees should remain until there is notification of a change. He stated that there are some discrepancies between the constitutional requirement and the Governor's Office. He stated that there is no current issue; the Governor's Office has not responded. He informed Council that he has had conversations with the in-house Counsel. He reiterated that during the Executive Committee Meeting a request was made to authorize Mr. Goren to request an Attorney General's opinion.

Councilmember Wallace moved to authorize Mr. Goren to send a letter to the Attorney General's Office for its opinion on appointments. Councilmember Bates seconded the motion, which carried by a unanimous vote.

Mr. Goren stated there was no other litigation to report and thanked staff.

Mr. Norm Taylor requested that Mr. Goren explain the history of Ex-Officio Members voting privileges and if all the RPC's have the same rules. He questioned if the constitutional by-laws allow reconsidering the notion of non-voting Ex-Officio Members. He stated that there could be conditions, such as a problem of not having a quorum in which Ex-Officio votes are needed. Mr. Goren stated he would talk with Mr. Taylor and provide all the Ex-Officio Members the information. Mr. Goren stated that there should be two Governor Appointees from each County.

V. **Program Reports and Activities**

A. Council Mission – Prioritize our Infrastructure Needs

1. Florida East Coast Rail Corridor Study Update – FDOT District IV

Agenda Item V.A.1, a presentation, was moved to the end of the Item.

Councilmember Asseff commented on the new plan for Florida Power & Light (FPL) at Port Everglades in Broward County and believes that this item is important, and questioned if Council is following the progress. Mr. Murley explained that staff was involved.

Mr. Ogburn stated that the review of the proposed changes at the FPL Port Everglades facility entails taking down the current generators and replacing them with new generators that would be based mostly on natural gas and capable of using a mixture of fuels. He explained that the new technology will be replacing four high stacks with a much less imposing facility. He stated that the review of the application, received 60 days ago, is similar to the review of the Turkey Point Facility, except that there will be no new transmission lines. He stated that the review would be only on the actual plant. He stated that staff had submitted a letter in response to the initial deadline for sufficiency; there are a couple of issues that needed additional information. The rounds of sufficiency should be ending and move on to agency reports by October. Mr. Ogburn stated that the Board will be apprised as the process continues.

Chair Carruthers suggested that discussion on the Revolving Loan Reports be next since there will be a presentation.

B. Revolving Loan Fund Reports

1. SFRPC Revolving Loan Funds Status Report

Mr. Goren reminded Council of the updated purple sheet for Agenda Item V.B. and there was not a lot to litigate.

2. Hurricane Wilma Bridge Loan Status Report

Chair Carruthers questioned the two Wilma Loans regarding their agreements from 2010 and if the payments have just started or are these additional payments. Mr. Goren stated that he would verify this.

3. Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report

Information only

4. Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report

Information only

5. Smart Watts Home Energy Retrofit Loan Fund Status Report

Information only

C. DRI Status Report

Information only

D. Evaluation and Appraisal Report (EAR) Status Report

Information only

E. Budget Performance Report

Information only

F. Southeast Florida's Regional Vision and Blueprint for Economic Prosperity (Sustainable Communities Initiative)

Information only

G. Dept. of Economic Opportunity Regional Stakeholders Forum

Information only

A. Council Mission – Prioritize our Infrastructure Needs

1. Florida East Coast Rail Corridor Study Update – FDOT District IV

Amie K. Goddeau, P.E., Mobility Development Manager, for FDOT District IV, presented a Power Point regarding the South Florida East Coast Corridor (SFECC) Project Update. She provided a handout and explained the following: Project purpose and need; phasing and cost; access options; funding and future steps (meetings, public outreach etc.). She stated that the SFECC Project is within the three counties (Miami-Dade, Broward and Palm Beach) from the cities of Jupiter to Miami. The PowerPoint visuals showed the existing and planned SFECC, Tri-Rail and East-West Bus Routes. Ms. Goddeau explained the SFECC Goals; East-West Connections in Broward and Miami-Dade Counties; Future Mobility Needs; System Master Plan "Vision"; Economic Benefits of the SFECC Corridor; Phasing Strategies from Jupiter to Miami including connectors/stations along the route; Ridership; and Funding. Discussion ensued regarding capability of eminent domain to build the rail corridor and the east-west connectors, including connectors to Tri-Rail, Metromover, and Metrorail, and the effects on traffic and signal timing.

Mr. Murley thanked FDOT for including the Council on the Executive Steering Committee and he would be able to attend monthly to evaluate the suggestions given by various entities.

VI. Announcements and Attachments

Councilmember Asseff announced that there will be an Economic Development Workshop, for Broward County, with the Broward Alliance and FPL on March 27, 2012, from 9-12 at Nova Southeastern University. FPL will be offering incentives for businesses and employees.

A. Correspondence and Attendance Form

Information only

B. Upcoming Meetings

1. April 2nd, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
2. May 7th, 10:30 a.m. (Council Offices, Hollywood)
3. June 4th, 10:30 a.m. (Beacon Council, Miami-Dade)

4. July 2nd, 10:30 a.m. (Council Offices, Hollywood)

VII. Councilmember Comments

None

VIII. Adjournment

The meeting was adjourned at 12:05 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 March 5, 2012 meetings of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 2nd day of April, 2012.

Stacy Ritter, Secretary

Date