

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

May 7, 2012

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. Vice-Chair Wallace called the meeting to order at 10:35 a.m. and asked Councilmember Weekley to lead the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

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

The following Ex-Officio members were present:

Mr. Kevin Claridge, representing the Florida Department of Environmental Protection via phone
Ms. Carole Morris, representing the South Florida Water Management District

II. Approval of Council Agenda

The Agenda was amended so the Florida East Coast Railway Industries (FECI) would present its PowerPoint first.

Approval of the modification of the Council Agenda carried by unanimous consent.

V. Program Reports and Activities

A. Council Mission - Prioritize our Infrastructure Needs

1) FECI Presentation on "All Aboard Florida"-Husein Cumber, Executive Vice President

Executive Director, James F. Murley, introduced Mr. Husein Cumber, Executive Vice President, of the Florida East Coast Railway (FEC), who proceeded with a PowerPoint; handouts were given to Councilmembers. Mr. Cumber informed the Council about the future of the passenger service with the FECI and the economic opportunities available to the areas surrounding the stations. He explained that the Florida East Coast Railway Industries (FECI) is planning to build a privately

owned, operated and maintained intercity passenger rail system from South Florida to Orlando with stations located in Miami, Fort Lauderdale, West Palm Beach and Orlando with the potential of extending the rail to Jacksonville and Tampa. Mr. Cumber detailed the information regarding engineering; ridership; station locations; transit oriented development opportunities; stock options; marketing opportunities; travel comparisons; high quality of services on the rail; etc. He also gave details about the timeline and costs of the Project, the participation of Tri-Rail and various agencies, and job creation. He stated that the Project should be operational in 2014. Councilmembers thanked Mr. Cumber for the informative presentation and requested he keep the SFRPC informed.

III. Action Items

A. Minutes of Previous Meeting

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

B. Financial Report

Councilmember Walters moved to approve the Financial Report. Councilmember Bates seconded the motion, which carried by a unanimous vote.

Mary Lou Johnston, SFRPC Financial Director, was introduced by Mr. Murley.

C. Intergovernmental Coordination and Review Report

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

D. Consent: Comprehensive Plan Amendment Reviews

Proposed

- Broward County
- City of Key West
- City of Parkland
- City of Tamarac

Adopted:

- Broward County
- City of Doral
- City of Key Biscayne
- City of Miami Springs
- City of Sweetwater

Councilmember Gunzburger moved to approve Agenda Item III.D, Comprehensive Plan Amendment Reviews, proposed and adopted. Councilmember Scutto seconded the motion, which carried by a unanimous vote.

E. Regional Issues: Comprehensive Plan Amendment Reviews

1.) Islamorada, Village of Islands

Councilmember Walters questioned the original designation of the sub-parcel and noted the designation change from Conservation to Mixed Use was leading her to think the proposed amendment was correcting the error. She asked for clarification of the project.

Mr. Richard Ogburn, of Council staff, stated that this is a proposed amendment. He explained that the Right-of-Way was cleared recently in connection with the resurfacing and shoulder work by the Florida Department of Transportation, and it is not known how this Conservation parcel became scarified. He stated that the proposed amendment would increase the development potential of the subject property, without mitigation, which is inconsistent with the Village Plan. He stated that staff will communicate with Village staff between transmittal and adoption to determine whether mitigating circumstances apply.

Councilmember Ritter moved to approve Agenda Item III.E.1, Regional Issues: Comprehensive Plan Amendment Reviews. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

F. Sustainable Communities Initiative Project Director - Agreement for Professional Services

Mr. Murley stated that this agenda item is very important in moving forward with the Sustainable Communities Initiative (SCI). He explained that the SFRPC is the fiscal agent for the Southeast Florida Regional Partnership, which includes the area from Vero Beach to Key West. He stated that as the Executive Director, he recommends this Agreement with full knowledge and consideration of the projected impacts on the SFRPC budget deficit and that he assumes responsibility for addressing the issue as it moves forward. He gave details of the history of the transitions within the SFRPC and SCI directorships and at the recommendation of the Executive Committee of the SCI that there be a consolidation of the SCI Project Director and Program Manager's responsibilities to one position, Project Director. He explained that this Memorandum of Understanding (MOU) would modify the contract between the two RPCs to reflect the consolidated position. He stated that there would be more accountability to the Executive Committee of the SCI and the Council. He stated that this would be effective April 1, 2012, to February 2014. He explained the contract and relationship with the Treasure Coast Regional Planning Council (TCRPC) and its commitment of 50% of the funds. He stated that Legal Counsel, Sam Goren, and he would amend the existing contract with the TCRPC, have it reviewed by the U.S. Department of Housing and Urban Development (HUD), and execute the contracts once approved. He stated that this is very important for the Grant and the Council as the Council relates its relevancy to the future in the three-and seven-county regions. He stated that he is very cognitive considering the State's budget decision and the impacts it has on our counties, who are our primary funders. He stated that this issue is a concern to the SFRPC staff and that they understand that additional revenues will have to be raised and the reduction of expenses to stay in a positive financial framework. He stated that this was his recommendation based on the best way to move forward.

Vice Chair Wallace questioned the limit of funds from the Grant for compensation for this position and would like to know the reason this position should be paid more from our pocket. Mr. Murley stated that the overall compensation would be less than the two original positions and the balance would come from the SCI funds for the maximum amount and charge other

activities on the Federal Grant. He reiterated that HUD stated to move forward and that the contract would be sent to HUD for their approval.

Discussion continued regarding the budget and the funding from HUD. Mr. Murley explained that this would be the best approach and will update the Council in moving forward. He stated that he has a recommendation from the Executive Committee of the SCI and realizes that he has consequences and responsibilities along with this decision. He stated that the short fall from now until the end of September will be \$62,000; this is the cumulative effect to the projected budget. Councilmember Wallace questioned if this was realistic. Mr. Murley stated that yes it could be done; there are a few contract possibilities, such as the FEC Project and other contract possibilities. Councilmember Scuotto asked Mr. Goren if he was comfortable with the contract and budget shortfall. Mr. Goren replied that the short answer is yes as long as HUD is given the information that was described by Mr. Murley. Mr. Murley stated that all the contracts, since the start of the grant, have been reviewed and approved by Mr. Goren and HUD. Mr. Goren stated that the information in the backup on the Agenda Item is regarding the Joint Agreement, between the RPCs, not the actual employment agreement. Mr. Murley stated that there has been a verbal acknowledgement from HUD.

Councilmember Asseff moved to approve Agenda Item III.F, Sustainable Communities Initiative Project Director - Agreement for Professional Services. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

Marcela Cambor-Cutsaimanis was introduced as the new Project Director for the SCI Grant.

G. Agency Report for the Power Plant and Non-Transmission Associated Facilities for the Turkey Point Expansion

Councilmember Walters moved to approve Agenda Item III.G, Agency Report for the Power Plant and Non-Transmission Associated Facilities for the Turkey Point Expansion. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

H. Enhanced Biennial Rule Review Report

Mr. Bob Cambric, of Council staff, explained that the Governor's Office requires each agency to conduct a Biennial Review of its administrative rules. He stated that the four rules listed in this Agenda Item are obsolete and unnecessary and that the Council retains two rules: Chapter 29J-2.009, *Strategic Regional Policy Plan for South Florida, (SRPP)* and 29J-3, *Regional Dispute Resolution Process*. He stated that Council staff recommends the SRPP be amended in 2013 to reflect the Evaluation and Appraisal Report conducted last year. Mr. Cambric informed Council that Legal was also involved. Mr. Murley stated that an updated report will be brought back to Council with any comments.

Councilmember Walters requested that a copy of the Rules be attached.

Councilmember Gunzburger moved to approve III.H, Enhanced Biennial Rule Review Report. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

I. Time Extensions for DRI Review

Councilmember Lieberman moved to direct staff to take the actions recommended in the staff analysis for Agenda Item III.I, Time Extensions for DRI Review. Councilmember Weekley seconded the motion.

Mr. Cambric of Council Staff stated that at the April Council Meeting, Council directed staff to provide information regarding DRIs that have received extensions from Council staff. He stated that there are seven (7) proposed DRIs that have not been presented to the host local government for consideration of a Development Order at a public hearing. He explained that the attached DRI Status Report provides the name of the development, its general location, types and amounts of development, and where the project is in the review process. Mr. Cambric clarified the information regarding the three Categories: (1) Pre application conference held but application for Development Approval (ADA) not submitted, (2) ADA submitted but not determined sufficient, and (3), and Regional Report issued but Public Hearing not yet scheduled.

A major concern from the Councilmembers was the time frame of the DRIs, the data being outdated, and the responsibilities of the local governments. Councilmembers stated that maybe a letter should be sent to the local governments that states this application has not been reviewed and it is requested that the local government to take action.

Mr. Cambric stated that according to the new legislation, other than the City of Sunrise, there will not be any new DRIs in Broward or Miami-Dade County; only the City of Sunrise may because the City is within the two miles of the Everglades Protection Area. He stated that the statute says that a date can be set for Category 2 and after that date the application is considered withdrawn and cannot come back in the future regarding those properties. They lose some of the benefits of the DRI in terms of the common plan of development, etc.

He explained that in Categories 1 and 2 dates can be set by the Council for the applicants; the issue is with Category 3 where it is at the local government level. He stated that if Council would approve, Councilmembers stated that maybe a letter should be sent to the local governments that states this application has not been reviewed and it is requested that the local government to take action.

He explained that this information was brought before Council for direction and requests a date certain that would be agreeable for Category 2 and bring that back to Council. The Category 1 DRIs date is not going to matter on Downtown Miami or the Florida Panther Entertainment District because even if they don't meet the date they, as existing DRIs, can file for a new ADA. Councilmember Lieberman stated that, on the Category 2 DRIs, the date has to be reasonable; a year or two from now is not reasonable. Councilmember Asseff suggested we set a date, after two years your application is null and void and they would have to reapply unless there is some viable reason. Councilmember Gunzburger questioned if we enforce these rules are we still caught on the two DRIs to be grandfathered in since they were in process prior to the rules. Mr. Goren stated that there is information from the AG's office two weeks ago referencing the cities and local governments responsibilities and extensions on DRIs. He stated that legal would work with staff to come to a conclusion on the guidelines.

Councilmember Walters stated that she understands the need for a current data analysis and that it would be more appropriate to ask for a new data analysis instead of reapplying.

Councilmember Monestime stated that we are still in an economic down turn and should recognize that these projects would have moved forward if it was not for the economic downfall. He does not feel comfortable that an application would be considered withdrawn and cannot come back in the future regarding those properties.

In Category 1, Mr. Cambric summed up that the time period had passed for the Downtown Miami and the Florida Panthers DRIs; a letter can be sent, once there is guidance and set a date to clarify that to process a new ADA, a new set of data will be required.

For Category 2, the staff will reach out to Davie Commons and Riverbend DRIs to determine a common date with the understanding that new data, not more than a year old, will be necessary for the review.

For Category 3, staff will draft a letter, with Council's review, and send the letter to local governments stating this application was due at a certain time period and that the SFRPC recommends that the local government request updated data and consider the application at a public hearing.

Councilmember Lieberman motioned to direct staff to take the actions recommended outlined by staff. Councilmember Gunzburger seconded the motion; Councilmember Monestime voted nay.

IV. Discussion Items

A. Executive Committee Report

Mr. Goren, Legal Council stated that the Executive Committee meetings are publicly advertised, accessible via phone.

B. Executive Director's Report

1) Legislative Update

Information only.

2) Electric Vehicle Charging Infrastructure Planning Grant

Councilmember Asseff, in keeping the Council up-to-date, stated that the Clean Cities Coalition is one of the sixteen projects of 24 states that received the \$500,000 Grant. She stated that if this is successful the CCC will receive more money next year and congratulated those involved.

C. Legal Counsel Report

Mr. Goren stated that at the previous meeting there was a request to the AG's office regarding the Governor's Appointees. The two appointees have been reappointed by the Governor and he does not feel the request is necessary. He stated that there is no litigation to report.

V. Program Reports and Activities

A. Council Mission - Prioritize our Infrastructure Needs

- 1) FECI Presentation on "All Aboard Florida"-Husein Cumber, Executive Vice President

Moved to the beginning of the Agenda

B. Revolving Loan Fund Reports

Mr. Cambric stated that the Revolving Loan Fund (RLF) Report has been modified to include the assessed value of Real Estate as of FY 2011 from the Property Appraisers' websites at Councilmember Lieberman's request. He stated that it was difficult to assess the value of equipment because of varying depreciation schedules and a significant degree of estimation. Councilmember Lieberman decided that equipment assessment is not necessary.

- 1) SFRPC Revolving Loan Funds Status Report

Information only

- 2) Hurricane Wilma Bridge Loan Status Report

Information only

- 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

None

- 5) Smart Watts Home Energy Retrofit Loan Fund Status Report

Councilmember Asseff commented how well the Smart Watts Program is doing.

Information only

C. DRI Status Report (see Agenda Item III.I)

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

VI. Announcements and Attachments

It was decided that a meeting in Key West will not happen due to the \$62,000 budget deficit.

Councilmember Gunzburger moved that the July 2, 2012 Council Meeting be cancelled, if necessary an Emergency Executive Committee meeting would be scheduled. Councilmember Lieberman seconded the motion which was carried unanimously.

A. Correspondence and Attendance Form

Information only

B. Upcoming Meetings

- 1) June 4th, 10:30 a.m. (Beacon Council, Miami-Dade)
- 3) August 6th, 10:30 a.m. (Council Offices, Hollywood - Executive Committee)
- 4) September 10th, 10:30 a.m. (Murray E. Nelson Center, Key Largo)

VII. Councilmember Comments

VIII. Adjournment

The meeting was adjourned at 12:35 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 May 7, 2012 meetings of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 4th day of June, 2012.

Stacy Ritter, Secretary

Date