

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

November 7, 2011

The South Florida Regional Planning Council met this date at Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. Chair Gunzburger called the meeting to order at 10:30 a.m. and asked Councilmember Ritter to lead the Pledge of Allegiance. After the pledge, Chair Gunzburger asked for a moment of silence in respect for Councilmember Scuotto's mother, Mrs. Maria Ann Durso Scuotto, who passed away on Saturday, November 5, 2011.

I. Pledge of Allegiance and Roll Call

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

Chair Gunzburger stated that a quorum was established. She stated that there was business from the Executive Committee meeting to appoint a Nominating Committee for next years' Officers. Those appointed are last year's Chair, Councilmember Scuotto, who will head the Committee; Councilmember Weekley; and Councilmember Riesco.

II. Approval of Council Agenda

Councilmember Neugent moved to approve the Agenda. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

III. Action Items

A Minutes of Previous Meeting

Councilmember Neugent moved to approve the Minutes of previous meeting. Councilmember Bates seconded the motion, which carried by a unanimous vote.

B. Financial Report

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

C. Intergovernmental Coordination and Review Report

Councilmember Monestime moved to approve the Intergovernmental Coordination and Review Report. Councilmember Sosa seconded the motion, which carried by a unanimous vote.

D. Developments of Regional Impact/Development Orders – None

E. Consent Items: Generally Consistent Comprehensive Plan Amendment Reviews

Proposed – Town of Davie

Adopted – None

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

F. Generally Inconsistent Comprehensive Plan Amendment Reviews

1) City of Opa-Locka (Adopted)

Bob Cambric of Council staff introduced Dario Gonzalez, with the Metropolitan Center at Florida International University, who helped prepare the Amendment for the City of Opa-locka. Mr. Gonzalez then spoke on behalf of the City of Opa-locka regarding the Comprehensive Plan Amendment. He stated that the South Florida Regional Planning Council reviewed and made comments on the Amendment in April. The State Land Planning Agency, formerly known as DCA, now called “the Agency” reviewed the amendment in May; and that the comments from SFRPC and the Agency were different. The Metropolitan Center, on behalf of the City, decided to respond to the Agency’s Objectives, Recommendations and Comments (ORC) Report, which had two Objections and a few Comments that the City satisfied. He stated that the City adopted the amendment in September 2011. Councilmember Sosa inquired as to how the Future Land Use could become consistent. Rachel Kalin, of Council staff, explained that at transmittal there was insufficient data and analysis for the change in the Future Land Use Element regarding increased density. She stated that no additional information was provided between transmittal and adoption; therefore, Council staff considered this amendment inconsistent. She stated the Amendment was already adopted by the City and there was nothing the SFRPC could do. She stated that it would be the Agency’s decision if they found the entire package consistent. Councilmember Sosa stated that her preference would be to work to make sure that it becomes consistent. Ms. Kalin stated that the Agency had made its final decision. Councilmember Sosa stated that the amendment be considered inconsistent and send it to the Agency without changes. Councilmember Walters reiterated that the SFRPC comments were different from the Agency. She stated that the issue of roadway impacts of potential density is a critical issue and Council should continue with finding the item inconsistent to make known our concern diplomatically to the Agency. Councilmember Carruthers inquired if the finding of the Agency’s comments consistent with the current attitude in Tallahassee is to minimize concurrency concerns with transportation and development. Ms. Kalin stated that she could not answer

for the Agency and made the Councilmembers aware that the Agency was in the process of moving and new changes at the time of the review. She stated that staff found this Element to be the only Element inconsistent and believed it should be recorded that this Element did not have proper data and analysis. She stated that staff would work with the City of Opa-locka in the future on changes to the Future Land Use Plan and verify there is proper data analysis for impacts on roadways. Sam Goren, of Legal Counsel, stated that the Council has a legal obligation to comment today for the context for the future so there would be recorded evidence of the Council's concern. Chair Gunzburger wanted to know what motion could be proffered that would include our concern. Mr. Goren stated that staff has raised it in context of inconsistent which would be the main motion and would be a recorded decision. He stated that a Miami-Dade contingent would have to look at the issue in the future and this would be a bookmark for the future.

Councilmember Sosa moved to approve the Agenda Item III.F.1. Councilmember Bovo seconded the motion, which carried by a unanimous vote.

2) Islamorada, Village of Islands (Adopted)

Councilmember Lieberman moved to approve the Agenda Item III.F.2. Councilmember Riesco seconded the motion, which carried by a unanimous vote.

Executive Director, James Murley, stated that reviewing the Local Comprehensive Plan Amendments have been an issue throughout the regions. He suggested that a Regional Representative from the Agency, Department of Economic Opportunity, Division of Community Development, attend a future meeting to answer questions that concern the Council. Chair Gunzburger suggested this be done for the January meeting.

G. Executive Director Employment Contract

Councilmember Lieberman summarized the Executive Director Contract for James Murley. She stated that his salary would be the same as Mr. Osterholt, \$160,000/year; auto allowance would be \$750; health insurance would be the same coverage as the employees; Florida Retirement System is 6.27%; sick leave is consistent with the SFRPC high level management, same as Mr. Osterholt and Ms. Dekle; and that this information is on page 5 of the contract. She stated that the Committee and Mr. Murley approved of this agreement.

She stated that Mr. Goren was directed to have a document prepared showing Mr. Murley's benefits and the benefits of his two predecessors in order to make the contract consistent. She stated that the contract was less than Ms. Dekle's contract. There was discussion on the comparison of the three contracts.

Councilmember Sosa stated for the record that Mr. Murley is the right person for this position and supports him 100% but she cannot support the contract itself. She stated that she cannot come to Council and vote on increases in times of real fiscal problems and then go to Miami-Dade Commission and vote in favor of lowering the salary of her employees. She stated that she wants to remain consistent. Councilmember Lieberman stated that Mr. Murley would be making about \$5,000 less than Mr. Osterholt. Chair Gunzburger stated it was \$4,300. Councilmember Sosa stated that when you have an employee working at a position for a long period of time that employee earns a bigger salary; if someone is hired for that position, that person should not get the same salary as the previous employee. Discussion continued about the comparison of the three contracts. Councilmember Walters stated that Council had a 10-11% decrease of total funding because of the lack of State funding, and Council is blessed to have the grant from U.S. Department of Housing (HUD), in which a new manager will be hired for that Program, which will be another expense. She agrees with Commissioner Lieberman but thinks Mr. Osterholt should not have been contracted with such a generous package and wished she had

more information before that decision was made. She stated that the numbers do concern her with the size of the SFRPC considering the economic constraints. Councilmember Wallace stated that he would vote for the contract as it is; he had some reservations but felt this was the best choice. He understands Commissioner Sosa's position and her responsibility as to what she is saying and how we should be responsible, and also understands Commissioner Lieberman's point of view. He stated that the contract as a whole is reasonable considering the circumstances. He stated that the Council can't be exactly the way we've been or change what we've been, that we have to look at what we have and what is reasonable. Councilmember Carruthers stated that it is difficult to compare an Executive Director position from one organization to another because the budget may be smaller, the knowledge and skill set may be greater. She stated that the contract was a big number and it was agreed that we need to go forward to examine our framework for contracts and for all employment issues. She stated that she supports the contract. Chair Gunzburger stated that her concern was regarding the vacation time because Mr. Murley would be getting two weeks more than his employees and feels it is unfair; it is not like that at Broward County. She stated that in the context of the whole, Mr. Murley is highly qualified for this position and supports the contract. Mr. Goren referred to Section 4.2 of the document for which a request was made to the Attorney General regarding last years' statute which governs the 20-week cap for certain public officials; it was documented by the AG's office on October the 21st and we can report it at legal.

Councilmember Lieberman moved to approve Agenda Item III.G. Councilmember Ritter seconded the motion. Councilmembers Bates, Blynn, Carruthers, Lieberman, Monestime, Neugent, Riesco, Ritter, Wallace, Walters, Weekley voted yea; and Councilmembers Bovo, Jr., Marono, Sosa voted nay. Motion carried.

Councilmember Lieberman gave a final report from the Committee and stated that the Committee suggested that a Sub-committee be appointed to review the benefits of SFRPC employees. Chair Gunzburger stated that the Committee review the benefits within 90 days. Councilmember Sosa stated that she may not have time and suggested that Councilmember Bovo be appointed to the Sub-Committee; he accepted later in the meeting.

Chair Gunzburger congratulated Mr. Murley on his new title of Executive Director. Mr. Murley thanked the Council and stated that he was honored and appreciated the process the Council took to reach this conclusion. He stated that he felt the most important part of the Contract was Exhibit A. He stated that he will focus on this, including the performance agreement to the staff, who have not had one for several years. He stated that he would find ways for performance incentives for the staff, who have not received raises for five years and have had reductions from external decisions beyond their control. He stated that he will not implement anything without bringing it before the Council. He stated that staff and he will work together as a team and that Councilmembers could contact him at any time. Chair Gunzburger stated that Council would have an update in six months regarding these standards. It was clarified that the car allowance is for \$750.

H. Electric Vehicle Infrastructure Subcontract with Florida, Power & Light

Mr. Cambric stated that the Agenda Item reviewed the partnership with Florida, Power & Light (FPL) to fulfill a grant requirement with the Department of Energy (DOE). He stated that the application was in conjunction with FPL to prepare the Region to install infrastructure for electric charging vehicles, which is one of the items DOE and the market is considering, as to not be as dependent on foreign petroleum. He stated that with FPL involved in this Project, staff can understand what infrastructure should be used, what policies should be in place, and know the effects on the people from the entities that provide the energy, the utility company. He stated that within the seven-county Region, FPL provides energy to all but a few cities and parts of Monroe County. He stated that commodities or contractual services must go through a competitive procurement process unless the agency believes that a commodity or contractual

service is available only from a single source. He explained that staff determination in the evaluation and assessment of planning alternatives and their impacts is a single source contractual service with the primary electric power provider for the area, FPL. He stated that staff has provided the information needed regarding the purchasing requirements for the State of Florida in order for it to be considered a single source. He stated that a single source determination has to be posted on the Council's website and must run for seven (7) business days. He stated that the Florida Department of Management Services will need to review the single source determination before it becomes final and has 21 days to concur with a determination of a single source contract. Councilmember Weekley stated that part of Monroe County is under a different system and questioned if that system is able to participate. Mr. Cambric stated that those areas not covered by FPL would be reached out to for participation and provide staff with their information to be evaluated. He stated a large amount of energy provided to those systems in Monroe County is purchased from FPL; those areas will not be left out but FPL is the primary entity to do the work with us for the seven-county area. Chair Gunzburger stated that the Publix in Fort Lauderdale will have a station available for people to recharge. Councilmember Wallace stated that the primary beneficiary if all cars were electric would be FPL and did not understand why FPL is being paid to make more money and their business; maybe they should help fund this study. He raised the subject on the underground transmission lines on U.S. 1 in south Dade, which has not been resolved to his knowledge. He stated that there are a lot of people concerned about this and now we are entering a contract with FPL and we have not acted on the power lines. Mr. Cambric explained that FPL will receive \$290,000; \$210,000 will be retained by the Council for its work described in the Scope of Work. Councilmember Sosa stated that in regards to U.S. 1, the County Commission took a position in a residential area to send a message to Tallahassee stating if poles are to be placed in a residential area the wires have to be underground. Commissioner Lieberman reassessed the Contract and stated that Commissioner Asseff has done an incredible job on the Clean Cities Program. She stated that this is a grant in which FPL will work with staff to develop the application and FPL is listed as the sub-grantee so this money is going to be awarded for the development of infrastructure for electric vehicle plug-in stations, which will be important, according to Commissioner Asseff. She stated the choices: Council can accept the grant or send the money back and those funds will go to another community. Commissioner Ritter stated that she attended last month's Clean Cities Coalition Sustainable Communities Workshop on Electric Vehicles in which FPL was a partner. She stated that FPL generates the electricity for south Florida and there is no other partner to go to. She compared her gas expenditure to the electric vehicle's expenditure and stated that she would rather give the money to FPL than to those overseas, and supports this Subcontract. Mr. Taylor stated that companies like FPL are constantly doing market analysis. He stated that the advantage would be to design what Council is looking for and maybe leveraging the value of other research that has already been done. Mr. Murley stated that Council received this a month ago and explained that the full grant includes a Pilot Project in Miami-Dade County. He stated that the focus is not just the FPL grid but how it actually applies to the Pilot Program. Mr. Cambric explained that the Pilot Program deals with the U.S. 1 Corridor and stated that this grant would put us in a position for the next roll out of DOE funding, which will be for the infrastructure itself. He stated that the investment has been primarily in urbanized areas and that the U.S. 1 Corridor is a confluence of many people and vehicles: MetroRail, public sector, private sector employers. He stated that this would be the start of potentially creating the necessary infrastructure with the policies in place that allow for infrastructure installation. He stated that on the local government side of this, many of the local governments that signed on to this are being approached as City and County Commissioners and are asked to make policy decisions about new technology and new investments. He stated that the grant is not about increasing the market opportunities for FPL; it is about how can the Council give our decision makers the information needed to be able to move forward to make sure that the policies in place that make the deployment of infrastructure easy, quick, efficient without having to revisit issues several times through trial and error.

Councilmember Ritter moved to approve the Agenda Item III.H. Councilmember Sosa seconded the motion. Motion carried with Councilmember Wallace voting nay.

I. Open Indicators Consortium Agreement – Citibank Grant

Councilmember Carruthers moved to approve the III.I. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

J. Southeast Florida's Regional Vision and Blueprint for Economic Prosperity (Sustainable Communities Initiative) – Master Consultant Contract

Councilmember Lieberman moved to have the Executive Director sign the contract. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

Councilmember Wallace inquired as to how the contractors/subcontractors were chosen. Chair Gunzburger stated that Attachment B listed the competition; she stated that she was uncomfortable with the subcontractors that are listed and had not signed any letters of agreement as of the previous week. Mr. Murley explained that this was part of the process in which the agreement is structured to allow specification. Once finalized, a Master Consultant will be part of the Program; there will be a Master Team, and the roles would be more defined. He stated that it would be reviewed by the Executive Committee of the Partnership, of which Councilmembers Gunzburger and Carruthers are a part. Chair Gunzburger stated her concern was that there was no Memorandum of Understanding or Agreement between the Master Consultant and all the subcontractors listed. She stated that there are commitment letters.

Jason King of Dover, Kohl and Partners stated that the idea of having Letters of Understanding/Agreements between them, the sub-consultants and Partnership Members would be a good idea. He stated that this Contract breaks the process down into four parts, so that each phase will then enter into those Letters of Understanding and could become flexible as the process continues. He stated that there will be a lot to learn throughout the 2-3 year Contract.

Councilmember Lieberman motioned that Dover, Kohl and Partners submit agreements with its sub-consultants in respect to precondition only, at the time action. Councilmember Weekley seconded the motion, which was approved unanimously.

IV. Discussion Items

A. Executive Committee Report

Chair Gunzburger stated that during the Executive Committee meeting there was discussion of the Executive Director Contract and the Nominating Committee was appointed.

B. Interim Executive Director's Report

Mr. Murley reminded the Council that the Southeast Florida Regional Climate Leadership Summit will be held at the Monroe County Government Center in Key Largo on December 8 – 9, 2011. He stated that the Council will be meeting on Monday, December 5, 2011, at the same location and hopes that Councilmembers would be able to make both.

Councilmember Walters informed the Council that on the Monroe County website there are links to various hotels offering discounts as well as ecotourism businesses for those who may want to extend their stay throughout the weekend in Monroe County.

Mr. Murley stated that the Florida Regional Council Association Policy Board will be meeting in Tallahassee on January 12-13, 2012, which includes Councilmembers Asseff, Carruthers, and Blynn.

C. Legal Counsel Report

Mr. Goren reiterated the information from the Attorney General (AG) regarding Mr. Murley's Contract. It would take 3-6 weeks for the AG's office to answer in regards to the characterization of Mr. Murley's position that is captured by the State Statute that governs the severance related activities. He stated that there was some language added to the Revolving Loan Funds in answer to comments previously made regarding judgments as well as accounts that are in 30 days arrears or in collection status; there are no litigations pending or matters of urgent concern to bring to Council at this time.

D. SFRPC Employee Benefits Report

Chair Gunzburger stated that the Employees Benefit Package will be looked at in greater depth.

V. Program Reports and Activities

A. Council Mission – Prioritizing our Infrastructure Needs

1. South Florida Regional Transportation Authority (SFRTA) Status Update

Mr. Jack Stephens, Deputy Executive Director of the South Florida Regional Transportation Authority (SFRTA), provided a PowerPoint presentation, along with a hand out, updating regional transportation throughout Broward, Miami-Dade, Monroe and Palm Beach Counties. He gave a status report overview of SFRTA projects, initiatives, potential service expansion, and proposed state legislative changes. He stated that the four legislative changes to be presented by Florida Department of Transportation (FDOT) to privatize SFRTA would reduce local control of Tri-Rail, eliminate state funding. He stated that FDOT funds would be saved if the Florida East Coast Railroad (FEC) operated Tri-Rail. He explained that the SFRTA Board is comprised of three County Commissioners, one from Miami-Dade, Broward and Palm Beach selected by their Commission, a citizen representative or business member from each of the counties, and the FDOT Secretary appoints one of the two District Secretaries for its designee so that each County has three members as part of the Board. The proposed legislation would allow, as confirmed with FDOT in Tallahassee this legislative session, three County Commissioners, one from each County, the citizen representatives would be eliminated with one appointment from the District Secretary, and three appointees from the Governor, which do not have a local requirement. He thanked the members of the three County Commissions that are present who passed a resolution asking the Board composition not be changed at this point. He stated that the SFRTA has always worked with FDOT and FEC and explained the history of the FEC/Tri-Rail- CSX (Freight Line on Tri-Rail) lines, Phases and their possible future. He stated that among the new starts only Los Angeles serves more passengers and that the SFRTA has an outstanding performance among its peers and is rated in the top ten throughout the nation in Fleet, Route, Station, and Ridership Productivity. The presentation included information on passenger rail, SFRTA *Fast Start Plan*, South Florida East Coast (FEC) Corridor Study & Draft Locally Preferred Alternative (LPA), Florida Department of Transportation (FDOT) and FEC 2011 Proposal, the comparison of the *Plan* and the 2011 Proposal and the possibility of privatization of SFRTA. He went on to explain the possibility of track sharing with FEC and the operating cost. FDOT would fund capital cost to maintain partnership, SFRTA will maintain operating cost, cities along the corridor would help pay and defer operating cost, and fares would be increased as the service is increased. Chair Gunzburger stated that in talking with FEC, in order to put commuter rail line on the FEC tracks, it would have to be four tracks, of which there is one. She stated the cost would be \$1.5 million per mile/per track and that the FEC was not in favor of the track sharing because they feel that freight is more important. Mr. Stevens stated that they

had other indications and stated that the CSX works very well with two tracks. Councilmember Lieberman stated that it sounds interesting but Broward County Cities do not want to pay for emergency dispatch and doesn't feel the County would pay for an assessment. Mr. Stephens stated that he wanted to inform us that there are proposals coming forward because it is a dream of the Region. Mr. Taylor stated that he would be interested in knowing what the impact on cargo would be on the FEC; that this would be a major investment and the moving of goods throughout the three-county Region is extremely important. He inquired if the commuter rail paid for itself. Mr. Stevens stated that like other transportation, it does not really pay for itself and it is all part of the infrastructure development; it is a question of how much we can recover from the passengers that will keep people moving.

B. Revolving Loan Fund Reports

1. SFRPC Revolving Loan Funds Status Report
2. Hurricane Wilma Bridge Loan Status Report
3. Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report
4. Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report – None
5. Smart Watts Home Energy Retrofit Loan Fund Status Report

C. DRI Status Report

D. Evaluation and Appraisal Report (EAR) Status Report

E. Budget Performance Report

VI. Announcements and Attachments

A. Correspondence and Attendance Form

B. Upcoming Meetings

1. December 5th, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
2. January 9th, 10:30 a.m. (Council Offices, Hollywood)
3. February 6th, 10:30 a.m. (Beacon Council, Miami-Dade County)
4. March 5th, 10:30 a.m. (Council Offices, Hollywood)

VII. Councilmember Comments

Councilmember Bovo inquired if the Council would be discussing or interested in any issues regarding gaming. He stated that this would have economic and infrastructure impacts as well as create jobs. Mr. Murley stated that there might be a need to build an assessment capability for the Region. He stated that they are not defined as Development of Regional Impacts (DRIs), but felt that local governments could involve the SFRPC to provide an assessment process. He explained that Council staff does not have the tools today to do this, but wanted to determine what other communities do throughout the country to draw up proposals as it affects the local areas of the Region rather than a state level. Councilmember Bovo stated that there would be bi-laws created continually. He stated these mega resorts will impact traffic patterns, infrastructure and also a massive job component. He stated that it should not be our role to be pro or con, but should be a resource of information for the local governments. Mr. Murley stated that the Council should move more into this role, outline the capability and he would have information in December. Councilmember Wallace stated that the Council should create an opening to be of service to both governmental and private entities and could take a lead in coordinating an impact study. Chair Gunzburger stated that this would be a massive undertaking to understand the economic impact. She

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stated that Council does not have the resources at this point and thinks it would up to the County Commissioners to talk to SFRPC. Mr. Murley stated that he knows there are not enough resources but the SFRPC could provide the framework and could consult with current partners to determine if local government needs assistance in reviewing the various proposals. He stated that the Council has a 30-year history of expertise and should have the information in assessing impacts. Councilmember Bovo stated that the point was well taken and those who are interested would have a vested interest vs. jobs. Chair Gunzburger stated that Tallahassee is at a stalemate on this issue and this item will be discussed further in December.

VIII. Adjournment

The meeting was adjourned at 12:02 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 November 7, 2011 meetings of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 5th day of December, 2011.

Rebeca Sosa, Secretary
