

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

March 1, 2010

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Scuotto, called the meeting to order at 10:35 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

Mr. Samuel S. Goren, Legal Counsel, informed the Council that Ms. Carolyn A. Dekle sent a letter to the Chair, requesting medical leave in connection with conditions referred to in the letter. She is asking for a certain amount of time, which by her contract she is allowed to do, and she is also allowed to make a designation, which she has done by appointing Mr. Richard Ogburn as the interim acting Executive Director in her absence. Mr. Goren stated that he will be communicating directly with the Executive Assistant to Ms. Dekle and Mr. Ogburn over the next couple of weeks to maintain information for the benefit of the Council as to the absence and the status as is legally permitted.

Councilmember Wallace stated that the Council should send her correspondence to say it is okay, we agree with it, and we are thinking of her and praying for her continuously until she gets back. She is a very valuable public servant.

Mr. Goren stated that the Executive Committee also expressed its concern in the context of her medical issues and hopes for her speedy recovery as well.

AGENDA ITEM TWO: Roll Call

Councilmember Patricia B. Asseff
Councilmember Scott J. Brook
Councilmember Heather Carruthers
Councilmember Suzanne Gunzburger
Councilmember Ilene Lieberman
Councilmember George Neugent
Councilmember Marta Perez
Councilmember Stacy Ritter
Councilmember Joseph Scuotto
Councilmember Katy Sorenson
Councilmember Paul Wallace
Councilmember Sandra Walters

The following Ex-Officio members were present:

Mr. Gary Donn, representing the Florida Department of Transportation
Ms. Joan Goodrich, representing the Broward Alliance
Mr. Elbert Waters, representing the South Florida Water Management District

The following Council members arrived after roll call:

Councilmember Margaret Bates
Councilmember Joseph Kelley

AGENDA ITEM THREE: Minutes of previous Meetings

Councilmember Lieberman moved to approve the Minutes from the previous meeting. Councilmember Sorenson seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

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

AGENDA ITEM FIVE: Development of Regional Impact (DRI) Program

a) DRI Assessment Reports

None

b) Development Orders (DO)

1) Park Square at Doral Development Order - City of Doral

Councilmember Lieberman moved to approve the staff recommendation for Park Square at Doral Development Order for the City of Doral. Councilmember Neugent seconded the motion which carried by a unanimous vote.

Councilmember Bates arrived at the meeting.

c) DRI Status Report

Information only

AGENDA ITEM SIX: Proposed Local Government Comprehensive Plan/Amendment Reviews

a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments-None

AGENDA ITEM SEVEN: Adopted Local Government Comprehensive Plan/Amendment Reviews

a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments

- City of Marathon
- Miami-Dade County
- City of Key Colony Beach
- City of Miami Springs

South Florida Regional Planning Council

Minutes - March 1, 2010

Page 3

- City of Miami Gardens
 - City of Cutler Bay
 - City of Oakland Park
 - City of Pembroke Pines
- b) Broward County
- c) City of Margate
- d) City of Pompano Beach

Councilmember Gunzburger moved to approve 7a, 7b, 7c, and 7d. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

Councilmember Kelley arrived at the meeting.

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Chair Scuotto informed the Council that the Executive Committee discussed the letter from Carolyn. He then informed the Council that Executive Committee has been in contact with Commissioner Kristin Jacobs and she will be at the April 5th Council meeting to discuss the Climate Change issue.

b) Financial Report

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

Councilmember Brook asked what the Council's policy was regarding charging off of uncollectible accounts receivables. If there is not a policy, he suggested that it be added to the agenda for discussion.

Mr. Vernon Paul, Jr., Council Staff, stated that the Council does have a policy in place; uncollectible accounts are sent to legal before a determination. Until a final judgment is issued, receivables are not written off.

Councilmember Brook asked how much the Council has written off in the past year.

Mr. Ogburn stated that staff would get back to him with the answer.

Councilmember Brook requested a monthly report on that.

Mr. Paul stated that it is reflected in the Revolving Loan Fund (RLF) report.

Mr. Bob Cambric, Council staff, stated that Ms. Cheryl Cook is planning a presentation for the April 5th Council meeting to go over the RLF program, and he stated that he would make sure that she includes the charge-off policy in her report.

Mr. Goren stated that staff has condensed the reports in connection with the RLF for reporting information. There are certain loans that are just uncollectible for one reason or another; we don't keep beating a dead horse. Legal Counsel does consult with staff in an ongoing exchange; the only qualifier is that certain state agency funding requires the Council to go to court.

c) Executive Director's Report

Mr. Ogburn informed the Council that two more members were appointed by Miami-Dade County: Bruno Barreiro and Rebeca Sosa, but were unable to attend today. He then provided an update on the Statewide Regional Evacuation Study Program and let the Council members know that the Council is engaged at this time in developing new storm surge zones for all three counties in the Region. These new zones are being developed for all counties around the state. These involve the use of a new set of ground elevations from updated LiDAR data (Light Detection and Ranging) and updated SLOSH results (Sea, Lake and Overland Surge from Hurricanes) from the National Hurricane Center and also a modeling technique that was developed by a Regional Planning Council staff person that helps transfer the data to create the new storm surge zones. Staff will be discussing those with the emergency management directors of the three counties and asking them to use those new surge zones to delineate the evacuation zones that we will use for the transportation model in the statewide study. The study is due to be completed in June of this year and staff is working intensively to complete the portions of the study that are not yet completed.

1) Legislative Update - Mobility Study

Councilmember Lieberman stated that it was her understanding that Miami-Dade and Broward Counties were exempt based on the legislation from Senate Bill 360. On page three of the agenda item it mentions that the City of Aventura has developed a transit impact fee, but Broward was the first place in the nation that did mass transit concurrency. She stated that her concern was not so much for Miami-Dade or Broward, but for Monroe County when the resolution talks about uniform methodology fee basis. Mobility and cost will be very different depending on where you are in Monroe County.

Mr. Bob Cambric, Council staff, stated that there are two things there, one of them is that Broward County is partially exempt - the area where transit concurrency is already in place; the northwest and southwest portions of Broward County are not exempt. The Legislature received a report from the Department of Community Affairs (DCA) and the Department of Transportation (DOT) that said here is how you can go about enacting mobility potentially statewide. The recommendations in the report are based on the feedback from the DCA/DOT Stakeholder's Technical Workgroups. What they are contemplating for the rest of the state, this area of Florida has already experienced and has put in place. The request that is being made can be in the form of a letter communicating that in order to address the mobility needs in southeast Florida, there are additional tools that may need to be authorized, part of that may include looking at a utility fee or looking at other funding mechanisms. Also looking at how do you do multi-county coordination, and where that coordination is, and is it only between Broward and Miami-Dade County or do you include Palm Beach County? The idea was to look at something similar to what occurred over in Tampa Bay when they looked at a multi-county area and getting a time-certain to come up with a plan that coordinates all of these activities.

Councilmember Lieberman stated that she still has some concerns because on the Resolution, it should talk about Miami-Dade and Broward's model, because of the exemption. Secondly Tri-Rail was not included in the Resolution at all. That is part of a multi-modal regional transportation strategy. She stated that she would move the Resolution with those amendments.

Councilmember Asseff stated that she wanted to go back to the hurricane preparedness discussion. In the last couple of months there has been a terrible flooding problem. She asked if there was a flood preparedness program. If there was not, she stated that she would like to see the Council work on getting something in place. For the people in low-lying areas like Eastern Lake, the water was so high that trucks could not even get through.

Councilmember Lieberman stated that there was another item on the agenda that is in regard to the sustainability grant. Could we address Councilmember Asseff's concerns under that item, she asked.

Councilmember Carruthers stated that she had a question about the hurricane evacuation study and the new SLOSH models. Have they really had time to incorporate the results, she asked.

Mr. Ogburn stated that the models that have been run so far are actually available for Broward and Miami-Dade Counties; we are still waiting for the completion of the data for Monroe County. The new data has contributed to a much greater degree of precision into the SLOSH models and they have been evolving the technical capabilities of the modeling as well. Each of the RPCs and the respective county emergency managers around the State are grappling with very new information that will lead to some significant changes in the areas that are considered to be affected. On behalf of the flooding issue, the Statewide Evacuation Study Program is an all hazards program and flooding is contained within that, so there will be some additional information contained in the Study that we will share with the emergency managers.

Councilmember Sorenson stated that flooding is something that the Climate Change Advisory Task Force is looking at, and as we are finding in Miami-Dade, there are many more frequent flooding and tidal surges. A lot of it is adaptation, because climate change is happening and now we have to adapt. It is going to involve building differently, not building in certain places, and all of it is just evolving.

Councilmember Neugent stated that he had a climate change town hall meeting and something that was brought to his attention was warranties for cars in the Keys are no longer being honored if the car is flooded in a salt water intrusion area. This is something that could have a growing impact on the insurance industry.

Councilmember Asseff stated that there were a lot of problems with these last floods, because they will not cover a lot of these homes that got flooded. The water came up underneath some homes that were built in the 40's and 50's and the entire house was devastated. A lot of the flood insurance from the federal government does not cover it, and the same with garages or electric gates, none of that was covered either. Additional research is needed to understand these issues further.

Councilmember Lieberman stated that she would like to move the amended resolution for the Mobility Study.

Councilmember Scutto stated that he had some questions about it. Under strengths it says "Encourages fees based on a mid-to-long range planning process, instead of a short-range process" and under weaknesses it says "Concerns were expressed that the focus is on new development without a definition of "new". New development continues to decline in south Florida." He stated that this is just a trend right now; South Florida was the boom of everything. In a couple of years things are going to turn around. Two weeks ago he sat down with the MPOs from Broward and Palm Beach Counties and discussed the idea of having a meeting together to discuss transportation and moving forward. He requested that Council staff work on arranging a meeting with the different MPOs and planning organizations together in some type of forum.

Councilmember Asseff seconded Councilmember Lieberman's motion to approve the amended resolution, which carried unanimously.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

d) Legal Counsel Report

Mr. Goren informed the Council that it has taken a public opposition to the passing of Senate Bill 360 (SB 360). As has been discussed previously, SB 360 is under challenge at the moment by several cities and counties that have raised issues regarding certain legal conformities of the document. There is currently a motion that was filed with the Court that objected to defer the letter of succession which was granted by the Court. There was a hearing on February 22nd and a motion to serve a judgment that allowed the Court to decide whether or not to dispose of the case given the alleged conformities set forth in the plaintiff's complaint. There was a request made to postpone the hearing until after the session was over. There is a Bill pending in Tallahassee that makes an attempt to cure the deficiencies of SB 360.

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Information only

b) Hurricane Wilma Bridge Loan Status Report

Information only

c) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report

Information only

d) Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report

Information only

AGENDA ITEM TEN: Contracts

None

AGENDA ITEM ELEVEN: Highlights of Council Activities

Councilmember Asseff stated that she wanted to discuss the Council's Clean Cities Program. She informed the Council that they did get some money from the Department of Energy. Broward County got \$500,000 for compressed natural gas plants, Choice Environmental Services, which is placing its project in Opa-Locka, received \$360,000, and the City of Hollywood got \$35,000. There is a big movement to start changing to natural gas and bringing alternative fuels. We do have someone from Protec Fuel to bring in an E-85 station along the State Road 7/U.S. 441 corridor, to start looking at making that a green corridor. When the speakers are here to discuss climate change, I would like to make sure that there is representation from Clean Cities.

Chair Scuotto asked if she would like to be the one to represent Clean Cities.

Councilmember Asseff stated that she would.

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program - Update

None

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

AGENDA ITEM FOURTEEN: Regional Initiatives with Treasure Coast Regional Planning Council

a) HUD Sustainable Communities Grant Resolution

Councilmember Lieberman informed the Council that she had a meeting with Deputy Secretary of HUD Ron Simms and Shelley Poticha about sustainable communities. This is a new initiative from the federal government which works very well in urban areas. It is an attempt to merge together funding for housing and transportation. The Environmental Protection Agency (EPA), the Department of Energy, and the Department of Transportation are looking at how they interact. We have a resolution in front of us because they have announced a new grant program. There are three kinds of funding that will be available initially, most of which deals with planning type initiatives. This Resolution would allow the Council to work with the three MPOs in our Region and in the Treasure Coast Region. She then recognized Mr. Michael Busha, Executive Director of the Treasure Coast Regional Planning Council (TCRPC), who was present for this discussion. She stated that she wanted to amend the resolution, because the Council has a unique opportunity to draw down some planning money on an issue, like that raised by Councilmember Asseff regarding flooding. There is no other place in the nation where you have as much of an impact on climate as you do in South Florida, because we have the Gulf of Mexico and the Atlantic Ocean. She stated that, in her discussions with HUD, the Council could be a pilot program to look at climate mitigation strategies for dealing with the rise in sea level. She stated that she would like to add a bullet that would say, "Address and develop mitigation strategies for the impacts of climate."

Councilmember Sorenson added a friendly amendment to include, "adaptation" to the new bullet.

Councilmember Lieberman stated that she would include that in her amendment. She then requested that the last paragraph include language reflecting the bullet being added at the beginning.

Councilmember Lieberman moved to approve the amended resolution. Councilmember Brook seconded the motion.

Councilmember Walters asked if there was any coordination with Southwest Florida on this.

Ms. Isabel Cosio Carballo, Council staff, stated that the importance of coordinating with the Southwest Florida Regional Planning Council was a good observation. To date, we have focused our efforts on the South Florida and Treasure Coast seven county region. Both Councils have worked collaboratively on the Southeast Florida 2060 program during the last few years. As a result, we have a lot of the component pieces that, when integrated and augmented, can become the regional infrastructure investment strategy for Southeast Florida. Having said that, we always seek to coordinate our efforts with that of the other

South Florida Regional Planning Council

Minutes - March 1, 2010

Page 8

Councils as much as possible. One consideration is that currently there is only \$5 million that is available for the first category of planning money. Expanding the planning area would stretch limited funds further. One of our recommendations is that HUD should consider increasing the amount, because of the geographic challenges Southeast Florida faces.

Mr. Michael Busha, Executive Director for TCRPC, stated that he would like to ask Southwest Florida, but has not done so yet. I know we had a big sea level rise mapping effort with them over the last several years. Honestly, to focus on just the Southeast Florida Region would be more manageable; it is going to take all of our efforts just to focus on the southeast.

Councilmember Walters stated that she understood, but strongly recommended that the effort be made to contact Southwest Florida Regional Planning Council. It is becoming more common for people to travel there for work and vice versa, and we can pull ourselves together from the standpoint of the Washington D.C. perspective to benefit from their efforts as well, she stated.

Ms. Cosio Carballo stated that staff will contact the Southwest Florida RPC and report back to the Council.

Councilmember Lieberman moved the amended resolution. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FIFTEEN: Other Matters for Consideration

Chair Scuotto stated that the SFRPC had the pleasure of hosting the NFL Business Leadership Forum for minority owned businesses at Nova Southeastern University. It was great for Council staff to work with the NFL and the business community to bring the people together for this collaborative effort. He thanked staff, the NFL and the Council for all their hard work and support, which made the event a success.

Councilmember Asseff said ditto to everything Chair Scuotto said. She added that Chair Scuotto did a great job doing the introductions. It was a terrifically successful event.

Councilmember Wallace raised concerns about the Turnpike and other toll freeways that are going to institute no toll-taker tolling or cashless toll systems by 2011. He stated that he asked the DOT about this and how they would handle the tourists that travel to Florida by car and do not have transponders, and they basically brushed the question aside. He then informed the Council that there was an article in the Herald which stated that the traffic court is becoming totally clogged to the point of being unworkable because people that go through without paying the toll get a bill sent to them and they are required to appear in traffic court. There is no way to pay the ticket without physically appearing in traffic court. The Turnpike is going to institute the cashless tolls next year and their theory is that they are going to send a bill to everyone just by taking a picture of their license plate. He stated that his concern is that half of the tourists that come to Florida come by car, and this is going to be a tourism public relations nightmare if not done properly. Councilmember Wallace stated that he spoke to Chris Thompson, the head of Visit Florida, last week and Visit Florida has a lot of problems with this. Tourists, who stay down here for 30 days, could end up with a ticket, not paying the bill, and could end up losing their license over this. This is a travesty about to happen. Just think what would happen if this became the front page news in the *New York Times* or *Newsweek* magazine! Chris Thompson volunteered to appear at a Council meeting to discuss the impact that this would have on tourism. This needs to be raised to all county commissions; this is a problem that is stealth, it is going to happen when no one knows it, and one day we are going to be sorry.

South Florida Regional Planning Council

Minutes - March 1, 2010

Page 9

Councilmember Ritter stated that the Sawgrass Authority already takes pictures of license plates. It seems to work pretty well. There have not been any stories in the paper. The Sawgrass might be mostly driven by locals. She suggested that Councilmember Wallace contact them to find out some more information about their system. She added that it will only be a problem for the tourists driving to Florida, because rental cars come standard with SunPass transponders.

Councilmember Carruthers stated that it is also done elsewhere in the country. In fact, former President Bush's Transportation Secretary set, as a goal, all electronic tolling throughout the nation by 2014. There are also other ways to be billed, cell phone for example. She stated that she did agree that sending someone a ticket is not the best way to welcome our tourists.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Councilmember Wallace

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) April 5th, 10:30 a.m. (Council Offices, Hollywood)
- b) May 3rd, 10:30 a.m. (Council Offices, Hollywood)
- c) June 7th, 10:30 a.m. (Council Offices, Hollywood)
- d) July 12th, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 11:14 a.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 1, 2010 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 5th day of April 2010.

Heather Carruthers, Secretary

Date