

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

November 3, 2008

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

AGENDA ITEM ONE: Pledge of Allegiance

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Michael Blynn
Councilmember Scott Brook
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Ilene Lieberman
Councilmember Morgan McPherson
Councilmember Carlton Moore
Councilmember Dennis Moss
Councilmember George Neugent
Councilmember Marta Perez
Councilmember Jose Riesco
Councilmember Joseph Scutto
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Lois Wexler

The following Ex-Officio member was present:

Mr. Tim Gray representing the Florida Department of Environmental Protection, and

The following Ex-Officio member arrived after the roll call:

Ex-officio Member Elbert Waters, representing the South Florida Water Management District

Councilmember Lieberman took a moment to recognize City of Lauderhill Vice Mayor Margaret Bates, who will be a member of the Council beginning in the month of December; she will be replacing Councilmember Moore.

AGENDA ITEM THREE: Minutes of previous Meeting

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

Councilmember Perez thanked Councilmember Moore for his many years of service as a member of the South Florida Regional Planning Council and presented him with a gift.

Councilmember Lieberman stated since this was Councilmember Moore's last meeting, it would be appropriate to reflect back to the beginning years of the Council's Revolving loan Fund (RLF) Program. When she started on the Council the RLF was in disarray. Councilmember Moore took the bull by the horns, got into that program, and worked with Cheryl Cook of Council staff to get it straightened out. Today the RLF program is the envy of the nation because of the number of businesses that have been helped through the program. Councilmember Moore leaves a wonderful legacy through his work with the RLF program. She thanked him for all of his hard work, and for putting the RLF program on track.

Councilmember Moore thanked the Council for letting him be a part of the RLF program.

Councilmember Moss also thanked Councilmember Moore for his number of years on the Council. He stated that he looked up to him as a role model when he first came on board as a member. He thanked him on behalf of Miami-Dade County.

Councilmember Neugent thanked Councilmember Moore as well. He stated that he has learned a lot from him over the years and wished him all the best for the future.

Councilmember Asseff stated that she agreed; Councilmember Moore has been a great role model for everyone. Through his work with the RLF program, he has reached out to people who may have never been reached out to otherwise.

Councilmember Perez added that he will be greatly missed by everyone.

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

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

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

a) DRI Assessment Reports

1) Amerifirst Tract Development of Regional Impact Substantial Deviation aka Metropica-City of Sunrise

Ms. MJ Matthews, Council staff, gave a presentation on the draft impact assessment report for the Substantial Deviation to the Amerifirst Tract Development of Regional Impact (DRI), proposed to be called Metropica. Her presentation included discussion of the following topics:

- Explanantion of a "Subdev";
- ADA tract in 1984;
- Current tract;
- Bifurcation area;
- Existing tract-Development Order (D.O.);
- Proposed Metropica;
- Approved and proposed development;
- Benefits;
- Impacts;
- Mitigation;

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- Comprehensive Plan Amendments; and
- Staff recommendation-generally consistent with the *Strategic Regional Policy Plan (SRPP)*, approval subject to the DO conditions enumerated in the Regional Assessment Report.

Ms. Matthews pointed out that the revised staff report will make a slight boundary change to the map in figure 1 and will correct a couple of scrivener errors. The City of Sunrise has published notice of the public hearing on November 1st, and the Council is well within the 50-day statutory deadline to review this DRI.

Councilmember Wexler stated that she had three areas of question. She stated that she needed to understand the DRI piece that was before the Council today versus other components that come before her as a County Commissioner. She asked if staff had addressed mitigation of the wetlands.

Ms. Matthews stated that it was in the staff report.

Councilmember Wexler asked if the Council was supposed to address that. She stated that she needed some assistance understanding her fuzzy lines as a County Commissioner versus a member of the SFRPC, where a DRI was being reviewed instead of a comprehensive plan amendment. She asked if the wetlands mitigation piece was going to be included.

Ms. Matthews stated that it was included in the staff report on page ten.

Ms. Carolyn A. Dekle, Executive Director, stated that the full staff report would be transmitted.

Councilmember Wexler stated that the staff report indicates that the proposed development would increase impact to the wetlands, but it did not talk about mitigation. She asked if that would take place.

Councilmember Lieberman noted that the report states that potential impacts to wetlands would be addressed with a combination of on- and off-site mitigation.

Councilmember Wexler then asked if that had been accepted.

Ms. Susan Motley, representing Metropica, stated that they were still working on that. One of the things that was in the draft DO was that the developer acknowledges that there are existing wetlands on-site, some of which are subject to a conservation easement and that it must comply with applicable wetlands permitting requirements in order to develop the site. "We don't know specifically yet what that is going to be, but we wanted it clear in the DO that we acknowledge that we need to comply."

Councilmember Wexler stated that her next question was on the housing piece. She stated that the housing methodology that was utilized to determine affordable housing is from a different RPC.

Ms. Matthews stated it was the standard methodology created by the East Central Florida Regional Planning Council (ECFRPC).

Ex-Officio Member Waters arrived at the meeting.

Councilmember Wexler requested an explanation of how that methodology was utilized. She stated that the measurement used was totally off. She asked who does the study.

Ms. Isabel Cosio Carballo, Council staff, stated that the ECFRPC methodology is the methodology that the State offers as an option to assess housing impacts. One of the things that staff will be discussing with the Council is the development of its own methodology for use in this region to make sure that it

correctly reflects the conditions of the region. Staff is not happy with this methodology, but it is the one that it is using for lack of a better alternative.

Councilmember Wexler stated that was the point that she was trying to make. This methodology does not mirror the type of environment and density that South Florida has.

Councilmember Lieberman stated that there will be three developments by the time this one is done. We all seem to get to the same issue of affordable housing. She pointed out that the Sunrise Evaluation and Appraisal Report (EAR) was not fully adopted; though it was found sufficient on 4/9/07. Councilmember Lieberman asked if it was possible for Council staff to work with the City of Sunrise to come up with a comprehensive approach to affordable housing.

Councilmember Wexler stated that she has been striving for that type of cumulative affect.

Councilmember Lieberman stated that the City's 6-month extension for its EAR provides an opportunity to address the affordable housing issue.

Councilmember Wexler stated that she did not oppose this, but it was her district and she was quite concerned about the infrastructure, specifically the wetlands mitigation, affordable housing, and transportation. She stated that the staff report does a fabulous job of expressing her feelings and frustrations. This piece is geared toward becoming a Transit Oriented Development (TOD), with that, you want people to use transit. The developer is going above and beyond to mitigate in order to put in some infrastructure for that, however whether the County can put the transit in there is a different story. There have to be places in the area for people to live or else how do they get there, so it all must work together. When she looks at it as a DRI that is what she finds very frustrating. The third element that she wanted to address was transportation. Councilmember Wexler stated that she worked very closely with Westerra and was very convinced that it was going to be funneling traffic toward the Sawgrass Expressway. She was not as convinced with this development; she sees the impact on the local streets. That is why with a TOD it is so critically important for it to be successful.

Councilmember Asseff stated in a changing real estate market, we can't look at affordable housing the same way we did before. There is a need for great rental projects, because people are not going to be able to afford to buy. We need to look at really good rentals.

Councilmember Moore stated that the three issues raised by Councilmember Wexler were his concerns as well. He complimented staff on a very well written report. He stated that he was very disappointed with the affordable units. Councilmember Moore added that he agreed with the comments made by Councilmember Asseff; it is not just about the type of housing; whether it is to own or to rent, it has to be there. Using the projections of the ECFRPC methodology does not fit South Florida. He asked how the Council could come up with something; it only has 50 days to develop a plan of action. He asked how the City developed a \$500 per unit fee to deal with affordable housing.

Mr. Mark Lubelski, Director of Planning and Development for the City of Sunrise, stated that the City was currently in the process of evaluating an affordable housing linkage fee and has hired a consultant to commence the study. The City has worked with Council staff as well as the DO committee to address affordable housing in the City. It has been structured in a tiered approach. The City could require, at the time of site plan approval, up to 15% of affordable housing which could be constructed on-site, off-site or if there is not a sufficient need or some combination thereof, then the applicant would contribute at least \$500 per unit. As the City develops its linkage fee that dollar amount could actually be a lot higher. The City started out with \$500, but after the study is completed, the fee could be amended. Once the study is

completed, the fee will be presented to the City Commission for approval. Once the fee is approved by the Commission, the applicant will be subject to pay it, even if it is higher than \$500.

Councilmember Moore stated that information was not in the staff report.

Councilmember Lieberman pointed out that page 18 of the staff report does discuss what Mr. Lubelski was saying. She read the following sentence from the staff report: "The proposed development order states that 'in the event that the City Commission adopts an affordable housing linkage fee ordinance, the affordable housing linkage fees shall apply to all development permitted by this DO unless otherwise exempted by the ordinance'." It is not exempted in the ordinance.

Councilmember Moore stated that it only says that the City will credit the developer, it does not state that it will be a necessity to meet the amount. This should be worded better in order to mandate that it be done.

Mr. Samuel S. Goren, Legal Counsel, stated that the Council could include, in its motion, an amendment to the language on page 18 of the staff report to address the Council's concerns. The EAR-based review coming up in six months is a good place, legally, for the Council to rest its hat in the context of further review of these matters. He added, as a member of the City of Sunrise Commission, Councilmember Scuotto is allowed to speak in regard to this issue.

Councilmember Moore stated that he was asking that the wording be amended to mandate that it be done. He also raised the issue of the TOD, stating that the 441 Corridor project had proposed housing right along the corridor, and hence right next to transit. In the methodology used for this project, affordable housing was being proposed as far away as ten miles or twenty minutes away from transit. He suggested that this proposal should also include affordable housing near transit. Councilmember Moore added that there should be a provision included to deal with rental units as well, because of its close proximity to the Sawgrass Mills Mall.

Councilmember Brook asked what allowed this project to be considered a TOD.

Mr. Lubelski stated that there were several factors, one of which being a transit hub that is being provided as part of the project. The details of which are provided in the report from Council staff. The hub includes a covered transit station, restroom facilities, bicycle racks, staging areas for four buses and then a proposed shuttle to run between this project and the Westerra project, as well as other neighborhood area points of interest.

Councilmember Brook asked what the median price point would be.

Ms. Motley stated that has not yet been established; that will depend on the market when these come on board.

Councilmember Brook asked what was the percent or the goal to be affordable.

Ms. Motley stated that the percentage there has been a commitment to is 15%. What has evolved is that the City believes that there are a number of affordable housing units already existing in the City and so as part of trying to come up with a plan that would perhaps utilize existing units and perhaps improve them and have programs for existing affordable housing in addition to some or all of the 15% affordable units on-site. "As the developer, we have made a commitment to do it however the City wants us to do it. We know that we could end up doing all of it on-site, just a portion on-site, or just paying the money

for some of those units. Once the City has completed its study, we will all know better exactly what the component is going to be.”

Councilmember Gunzburger stated that both Councilmember Wexler and Councilmember Moore brought up the issues that she had with the project. She stated that she was very concerned about affordable housing. The greatest need in Broward County is low, low affordable housing and rental units. The proposed \$500 per unit is not sufficient; how many units in today’s market does \$1,400,000 build? That is the most that the City can get for affordable housing under this proposed amount. That would not even come close to 15%. She suggested that the number should be an amount that escalates as the Consumer Price Index (CPI) escalates. Councilmember Gunzburger stated that she wanted to see a number that is not locked in to today’s rates, a number that would reflect building the low, low rental units that are the most desperately needed.

Ms. Motley stated that Councilmember Gunzburger’s suggestion made sense.

Councilmember Moss stated that we may need to rethink the whole affordable housing issue. Maybe the Council should look at how it could help folks who are losing their homes to foreclosure. On the issue of looking at minority business participation, he asked what the plan was for minority business participation versus job opportunities for minorities.

Ms. Motley stated that the developer did not have a specific plan at this point. The plan is to work with all of the organizations that exist to, number one, encourage jobs in the minority community to have access to the jobs at this new project. A lot of it is going to be commercial retail and there are office components to it as well. The City actually owns a portion of the property as well and there has been some preliminary discussion of this being the location of a new City Hall for Sunrise. The developer will be working with all the organizations out there to promote not only jobs, but also in terms of small business opportunities as well.

Councilmember Moss asked at what point does this get crystallized; at what point will the Council get some clarity in terms of exactly what is going to happen, and how can that be enforced to make sure that it happens.

Ms. Motley stated that the current schedule is, after hopefully leaving successful today, that the City will move forward with the Planning and Zoning Board and its Commission in terms of a DO, which is scheduled to take place in January. Ms. Motley explained that it was the very beginning of this project; the developer would then have to go back and do a master plan for the project and then process individual site plans for the various areas of the development. It is at that point that the City would be the enforcing agency for all of these commitments. The City will require the developer to document and show what it is doing to meet the obligations that have been established.

Councilmember Moss stated that he hoped that there would be a part of the process where there is a distinction made between employment opportunities and actual contractual opportunities for all minority businesses involved in construction of the project.

Councilmember Lieberman stated that this was only one piece of a three-piece puzzle. The Council has seen piece one, this is piece two and piece three will come some time in the future. Page two of the blue pages in the staff report shows the new number of residential units as 2,428; times 15% would require them to do 364 affordable units. Nonetheless, the developer has committed to 420 affordable units or to pay \$500 per unit above and beyond what would be required by the Council, which is 15% of new units. The developer has agreed to do more than what is required by the rules of this Council. Secondly, it

appears that the payment of \$1.4 million to the City is required at the time the first permit is pulled, she asked for clarification.

Mr. Lubelski stated that it was per permit for each unit.

Councilmember Lieberman asked how much for the first permit.

Mr. Lubelski stated that it would be \$500 per permit, per unit.

Councilmember Lieberman asked how many units would be on the first permit.

Ms. Motley responded that has not been determined yet.

Councilmember Lieberman stated here is the issue, when they pay the money up front it will be sitting in an interest bearing account and will accrue interest until such time as the City determines where the affordable housing is going to go.

Mr. Lubelski responded if the City elects to adopt the linkage fee, then the money that is collected will be added to existing or potentially new affordable housing programs.

Councilmember Lieberman stated that Councilmember Moore was concerned that the developer could get away with something if the City adopts an affordable linkage fee. The operable word on page 18 of the staff report is "...shall apply." Shall is mandatory, it means that if the City adopts a linkage fee at any time it shall apply to this development. The way that she read the credit is that the developer would be credited for whatever money that they paid in.

Ms. Susan Trevarthen, representing the City of Sunrise, stated that Councilmember Lieberman was correct and the only thing that she would add was on page 51 of the staff report, condition 3.11 provides the greater detail that the Council was looking for.

Councilmember Lieberman stated that the City received \$3.5 million for the Neighborhood Stabilization Program, of which 25% has to go toward very low affordable housing. The City is also scheduled to receive \$2.3 million from this and the previous project to apply toward affordable housing. According to the staff report on pages 16-18, the only deficit found was 77 units for very low affordable housing. What concerned her most was when she read it according to the *SRPP*, which guides decision making here, Council staff said that was not a significant deficit. When the Council goes into its strategic planning sessions, it really needs to have a discussion about what is and is not significant. The City will have fairly significant amounts of money for what it needs to deal with, which is very low rental, and that will be seen on the third puzzle piece. Councilmember Lieberman requested that Council staff have a discussion with the City of Sunrise so that the Council can have a comprehensive look in terms of an EAR based amendment when the DO comes in for review.

Mr. Goren stated in the course of finalizing the Council's review of this report it would be appropriate to suggest as a matter of course in the motion. The Council staff analysis becomes the Council's report back to the City of Sunrise, which will aid the City in development of an ordinance or resolution, which will come back to the Council in the future for its ultimate review. There is a monitoring requirement for all DRIs, which requires the Council to actually grade their papers as they proceed down the road. What the Council says, requires, and how it makes motions matters greatly.

Councilmember Lieberman asked how close the City was to developing the linkage fee.

Mr. Lubelski stated that this was the first phase of this project. Probably by the time they come forward with their site plan, we will probably have something in front of the City Commission for review prior to any units coming in for building permits.

Councilmember Lieberman then asked if by some chance the City did not have something in front of the Commission for adoption or they want to make changes and defer it, is there a provision to recapture the difference between the \$500 and whatever the linkage fee is if a greater amount is approved.

Mr. Lubelski stated that he did not believe that it was specifically mentioned, but the City would certainly support something like that.

Mr. Goren stated there would need to be a motion for that.

Councilmember Scuotto stated that when Westerra came before the board for discussion he went back to the City Commission to explain that the SFRPC raised the affordable housing issue, the Planning and Zoning Department informed them that it was in the middle of a study regarding implementation of a linkage fee. The City of Sunrise is the first city to start this type of program. He stated that he has lived in Sunrise for the last 29 years. Over the last 15-20 years there have been great improvements and that is thanks to the City staff, City Commission, and County Commission. The City was not known as a good city when he was growing up. Over the years Sunrise has become one of the leaders in the State. It is the second largest tourist attraction in the State of Florida. The County approved the Sawgrass Mills Mall and the arena; those two things gave the City the start to move forward. We had an aggressive city manager who was instrumental in making the industrial park all class "A" office buildings. All of the developments that are coming into the City now are because of the County Commission and previous City Commissions that allowed the development to move in the right direction. We are trying to do things different here in South Florida and in Florida in general that other people don't have. The only component that is missing is transportation. With this project the City has stepped forward and said that it is willing to put in components to allow for a "live, work, and play" scenario as well as transportation. This requires that the City work with the County to get the bus systems there. The arena developers now want to do a major development on their property with underground parking and buildings above which is going to make these other projects look small. This Council is going to be making major decisions just for Sunrise alone. Councilmember Scuotto stated that he was happy to be on a Commission that is moving in a great direction. The City of Sunrise is home to the fourth largest corporate park in the State which employs over 25,000 people. He asked for the Council's support on this because this is a great project and it is moving the City in the right direction.

Ms. Trevarthen stated, in response to Councilmember Lieberman's earlier question, it is written into the DO as illustrated on page 51 of the staff report, "In the event that the City Commission adopts an affordable housing linkage ordinance, the affordable housing linkage fees shall apply to all development permitted by this DO unless otherwise exempted by the terms of that ordinance."

Councilmember Lieberman stated that she read that, but was looking for something that said something to the effect even if permitted prior to the adoption of the linkage fee ordinance.

Ms. Trevarthen stated that the City was amenable, and read it to cover that kind of recapture provision.

Councilmember Lieberman stated that was the only place that wasn't clear.

Councilmember Asseff requested that the developer consider building more three-bedroom units for families, build more linear than mass, include play areas for children, and more green space.

Councilmember Moore stated that he supports this development and his comments were not meant to be critical of it; they are just concerns that he has in reviewing it. He stated that he was happy to see the success of the City of Sunrise. One of his concerns was page 18 of the report where it says “shall” it also offers a way out “...unless otherwise exempted by the terms of the ordinance.” He stated that he was not a lawyer, but developers hire lawyers and if they gave them a “shall” and then gave them an opportunity to be opted out, then it may happen. Unless the “opt out” provision is going to be removed, he is going to be concerned. He asked if that could be taken out. There are only enough affordable units in a geographical area if there are units that are vacant. If we are talking about 2,800 units being created by this development, 15% of those must be for very low affordable units. Councilmember Moore stated if the Council could agree on that wording being removed, he would be calm.

Councilmember Wexler stated that she had been working with Westerra and Metropica and the potential Bank Atlantic Center development to request a cumulative effect of all of these as we move forward. The City of Sunrise is very excited about this entire region being an urban hub; however, the City of Plantation is adamantly opposed to it, and she represents that area as well. She stated that she has always tried to find balance and what she believes is best for the region. We need to make sure that if this is a TOD, there is funding to put the buses there; just having the building does not guarantee the funding.

Councilmember Heyman stated that she was comfortable with the wording as is. This is a project that is moving in a forward direction at an incredibly uncertain time. Some of these suggested changes are a bit too restrictive. She stated that she was very comfortable with the review as it has been provided. There is a commitment from the developer, and the Council was provided a historical perspective of what the City is looking forward to and what it is committed to above the County’s 15%. She stated that she would not support the recommended change because she felt that it was too restrictive. Sunrise will come back before this Council in the near future and there will be representation from the City and the County on the Board, and a good faith commitment has to stand with tangible terms that won’t burden and restrict the options to do good business. This plan is very aggressive and addresses the complex magnitude of moving this City forward. She stated that she felt that the Council should support this without more restrictive language.

Councilmember Lieberman stated that she wanted to move the agenda item with the following amendments:

- Council staff will meet with the City of Sunrise within the next 30 days to develop as a part of its EAR based amendment the strategy for dealing with affordable housing needs created by the three developments in Sunrise, with a report to the Council in December.
- Amend condition 3.11 of the DO, on page 51, to make it clear that after the developer gets permits and the linkage fee is later adopted, the developer is still responsible for any difference between fees already paid and the new linkage fee.
- Delete on page 18 and page 51 the end of the sentence which states “...unless otherwise exempted by the ordinance.”
- Include a provision that the linkage fee increase should reflect the CPI increase.

Councilmember Brook stated that the motion addressed Councilmember Heyman’s concern because it did not require the linkage fee. He added that Mr. Lubelski stated that the linkage fee would be at least \$500, and he would like to take him up on that and include “at least \$500” in the motion.

Councilmember Lieberman stated that she would accept that as a friendly amendment.

Ms. Trevarthen stated that she would like to address the “unless otherwise exempted” portion of the DO. Typically in the writing of a linkage fee ordinance there will be a list of exemptions. For example, if the City were to build its City Hall there or some other type of public projects, additionally, affordable housing is exempt from paying for affordable housing, public buildings are sometimes exempt. The City did not have in mind the kind of escape clause that the Council has discussed, but she could understand the point. It would be possible to add a little detail. She stated that she wanted to make the Council aware of the thought process behind it, not to create a complete escape clause, but to recognize that this ordinance, like most fee ordinances, will have some exemptions.

Councilmember Lieberman stated if the developer does not build this number of units because the City is building a City Hall, it would not pay a fee to City Hall. It is based on the number of units that the developer is building, so if they are building fewer units, they would pay less.

Ms. Trevarthen stated actually not, just like with Coconut Creek’s linkage fee; primarily, linkage fees are applied to non-residential development that generates jobs.

Councilmember Lieberman asked if they needed an amendment to the DO to build City Hall.

Ms. Trevarthen responded no.

Councilmember Lieberman stated the amendment could say “...permitted by this DO with an exception for a public owned facility.”

Councilmember Brook clarified, that is where the Council is permitting the City to come up with an agreement with regard to a linkage fee ordinance. The Council is not requiring a linkage fee ordinance to be in place.

Councilmember Lieberman stated that she will amend her motion to change the wording on page 18 and 51 to say “...unless otherwise exempted because it is affordable housing or because it is a new City Hall.”

Councilmember Moore stated that was not needed for clarity.

Councilmember Lieberman stated that the sentence could say there is no fee for public buildings or affordable housing. What the Council is saying is that you cannot exempt this development.

Ms. Trevarthen stated that they could iron out the language to capture the Council’s intent.

Ms. Motley stated that the City is entitled to a certain amount of development pursuant to this DO.

Councilmember Lieberman stated what the motion is doing is whatever the developer builds as a private developer is not going to be exempted from the linkage fee. The Council is not telling the City what to put in the linkage fee ordinance.

The Council unanimously approved the request to call the question for the motion on the floor.

The motion made by Councilmember Lieberman was to find the Regional Impact Assessment generally consistent with the Strategic Regional Policy Plan for South Florida and adopted the staff recommendation with the following amendments:

- Development Order Condition 3.11, regarding Affordable Housing, shall be modified to require that, 1) in lieu of construction, the applicant pay into the City’s affordable housing programs a sum of “at least” \$500 per dwelling unit, adjusted to the applicable Consumer Price Index at the

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time of permit issuance; 2) any and all exemptions to which Condition 3.11 refers with respect to the applicant should be removed; and 3) the applicant is responsible for any difference that may result between the \$500 per unit fee paid at permit issuance and any subsequent linkage fee if adopted subsequent to the issuance of permits.

- New Development Order Condition to be inserted: The City of Sunrise is to reach an agreement with the SFRPC regarding a commitment for the inclusion of a comprehensive affordable housing strategy in its upcoming EAR-based amendments. Council staff is to report the outcome of such discussions to the Council at its December 2008 meeting.

Councilmember Asseff seconded the motion, which carried with a nay vote from Councilmember McPherson.

b) Development Orders (DO)

None

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

b) Indian Creek Village

Councilmember Moore moved to approve the staff recommendation. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

c) City of Cooper City

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

d) Islamorada, Village of Islands

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

e) City of Parkland

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

f) Town of Pembroke Park

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

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

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
- City of Margate
 - City of Palmetto Bay
 - City of Sunny Isles Beach
 - City of Lauderdale Lakes
- b) City of Hallandale Beach
- c) City of Margate
- d) Town of Cutler Bay

Councilmember Walters moved to approve the staff recommendation on agenda items 7a-d. Councilmember Wexler seconded the motion, which carried by a unanimous vote.

AGENDA ITEM EIGHT: Reports

- a) Executive Committee Report

Councilmember Perez stated that the following members were selected to be on the Nominating Committee: Councilmember Asseff, Councilmember Neugent, and Councilmember Chernoff.

The Council unanimously approved the recommendation for the Nominating Committee.

- b) Financial Report

Councilmember Brook asked why there was a \$133,000 variance in the financial report.

Ms. Dekle stated that was a variance for a deficit related to the cash out from employees who were on staff in the past.

Mr. Vernon Paul, Jr., Financial Director, stated that the funds were from funds that the Council had to pay out for the prior year of payroll and accounts payable, which is part of the Council operations. At the bottom under receivables there were some receivables that had to be backed out because it was entered twice into the system.

Councilmember Brook asked what that amount was.

Mr. Paul answered it was \$12,172.

Councilmember Brook asked for a clarification of Ms. Dekle's response that the majority was paid cash outs.

Ms. Dekle stated that it was a combination of things; if you look at the expense report and the variances there and then what Mr. Paul has just explained; which was a credit to the account that was backed out because it was added twice.

Mr. Paul stated that the amount indicated was for the receivable, but however the funds disbursed from the money market account was for accounts payable, vacation, and severance payout.

Ms. Dekle clarified that the vacation payout was for staff members who left the Council.

Councilmember Brook asked how much was that?

Ms. Dekle stated that it was about \$54,000.

Councilmember Brook asked if staff was anticipating another similar expense this year.

Ms. Dekle responded we hope not.

Councilmember Brook stated that he was trying to ensure that the Council had enough money. Looking at \$133,000 variance in one month with the Council only having current assets of about \$485,000, unless staff is anticipating a big amount in any time soon, the Council only has about four months leeway.

Ms. Dekle stated that the Investment Committee would be receiving a summary of the Council's current assets at its meeting immediately following the Council meeting. There will be a large infusion of cash right now, because it is the beginning of the fiscal year.

Councilmember Moore stated that it seems that there was a large amount in revenue that was not brought in, why was that?

Ms. Dekle stated that he was correct and there were a combination of reasons for that. A part of that was from a holdback from the Department of Community Affairs (DCA), which we are at risk of having happen again this year. There were also contracts that the Council had been approved for of which the funds did not come in the past fiscal year, but will come in for this fiscal year.

Mr. Paul explained that what happens is funds collected from projects fluctuate, but payroll and accounts payable must be paid every two weeks, regardless. In that process the Council must keep going into its money market account to draw down the funds that are necessary. It will probably be on the last day that the Council receives the revenue coming in, at that time the expense has already occurred. The Council receives a condensed report that shows what is being received at the end of the current month, but the daily activity from month to month shows whether or not the cash is available for the Council to meet its operating expenses.

Ms Dekle stated that the Council's cash flow status is in a very good status right now. We know going forward that we must carefully monitor it as well as contracts and grants to make sure that we are only obligating ourselves for the resources that we have signed contracts for.

Councilmember Gunzburger moved to approve the Financial Report for September. Councilmember Riesco seconded the motion, which carried by a unanimous vote.

Councilmember Perez stated that the Council had been provided with a plan for the Strategic Planning Session for approval.

Ms. Dekle stated that the hope was to be able to work through lunch and be able to be finished by 2:00 p.m. The reason that it will be broken into two parts was to provide, in December, an overview of existing and emerging programs and activities and then the longer portion would most likely be in January when there would be discussion of the Council's ideas about some future activities and responsibilities.

Councilmember Gunzburger asked if there was a plan for lunch for the planning sessions.

Ms. Dekle stated that the Council would not be doing a holiday party this year, so we thought we would have a lunch in December for the Council and staff held in the office. There will be an email sent out to notify the Council if anyone wants to bring anything, and one of the members has offered to bring food and staff will make arrangements for everything else.

c) Executive Director's Report

Ms. Dekle informed the Council that the office would be closed the Friday after Christmas and after New Year's, as the Council's yearly discretionary days as approved by the Executive Committee.

d) Legal Counsel Report

Mr. Goren informed the Council that there had been a response regarding the issue raised by Councilmember Wallace on the letter of engagement with S. Davis and Associates. Mr. Shaun Davis has provided two addenda to remove those paragraphs that would violate Florida Statute Chapters 119 and 286.

Councilmember Wallace asked if Mr. Davis agreed with Mr. Goren.

Mr. Goren stated that he agreed with the Council.

Mr. Goren then informed the Council that all of the DCA cases in which the Council sought to be an intervener have been dismissed out. The statute obviously needs to be changed. Counsel will try to make some conscious efforts to change the statute.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

f) Analysis of Staff Comments to External Parties

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Scutto seconded the motion, which carried by a unanimous vote.

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Councilmember Lieberman stated that loan #1024 has been on the report for three months in a row saying that staff was working to restructure the loan. She requested information on how long it takes to do that.

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

a) Memorandum of Understanding between the Regional Planning Councils that Comprise the Florida Regional Council's Association

Councilmember Lieberman moved to approve the Memorandum of Understanding between the Regional Planning Councils that Comprise the Florida Regional Council's Association. Councilmember moss seconded the motion, which carried by a unanimous vote.

AGENDA ITEM ELEVEN: Highlights of Council Activities

Information only

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program - Update

Information only

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

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

a) Southeast Florida 2060 Update

Ms. Dekle stated that this item would be postponed until the December meeting.

AGENDA ITEM FIFTEEN: Other Matters for Consideration

Councilmember Brook requested time on the agenda for the extension of University Drive. He stated that the City of Coral Springs received a letter recently from DCA that they think is harmful to the region. He stated that he was requesting it now to give staff adequate time to prepare a report as it had done before. The City of Coral Springs plans to meet with each of the Broward County Commissioners.

Councilmember Lieberman asked what would be the purpose for putting it on the agenda.

Councilmember Brook stated that Coral Springs had done a similar study of regional impact.

Mr. Goren stated that the City staff had done an analysis at the County's suggestion.

Councilmember Lieberman stated under the Council's authority it is not a voting matter. The Council would have to wait until the Florida Department of Transportation (FDOT) requested review.

Ms. Dekle stated that there were two areas under which the information would be heard. One is a provision in the Statutes which talks about the Regional Councils being the entity which looks at the transportation programs of the Metropolitan Planning Organizations (MPO) for consistency with local government comprehensive plans. The other issue is how the DCA works with the Regional Councils when they move into a settlement agreement process and that is really where this is at right now.

Councilmember Lieberman stated that the SFRPC was not a party of either at this point and it was not a voting matter. She stated that she was very concerned before we do any *SRPP* revisions to all of a sudden exercise something this Council has never exercised before. She understands the concerns of Coral Springs and Parkland.

Councilmember Brook stated that he disagreed with Councilmember Lieberman, but there will be a discussion and to whatever extent that it may or may not be appropriate for this body to take a position. We will hear from Counsel, staff, and from the Council members. The Assistant City Manager from Coral Springs is here and has heard that Council's comments. He stated that he thinks that the Council already has precedence for what he is asking for.

Councilmember Lieberman stated that the Council does not, that is what Ms. Dekle said. The Council has never exercised that portion of the Statute; it has looked at whether the MPO plan is consistent with the Regional Plan, and at this point, do you have an amendment to the MPO plan.

Councilmember Brook stated even if ultimately it is for informational purposes it would be helpful.

Councilmember Wallace asked if this was a motion.

Councilmember Brook moved to request on the December agenda a discussion on the extension of University Drive in light of what recently occurred from the DCA, whether or not that leads to any official position. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only.

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Councilmember Moore stated that he has been an elected official for twenty years and on the Council for ten and it's been a pleasure. He has had the opportunity of growth because of all of the members, and will greatly miss this.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) December 1st, 10:30 a.m. (Council Offices, Hollywood)
- b) January 5th, 10:30 a.m. (Council Offices, Hollywood)
- c) February 2nd, 10:30 a.m. (Council Offices, Hollywood)
- d) March 2nd, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 12:16 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 3, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 1st day of December 2008.

Jay R. Chernoff, Secretary

Date