

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

January 5, 2009

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 10:38 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Michael Blynn
Councilmember Heather Carruthers
Councilmember Jay R. Chernoff
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Ilene Lieberman
Councilmember Morgan McPherson
Councilmember George Neugent
Councilmember Marta Perez
Councilmember Jose Riesco
Councilmember Joseph Scuotto
Councilmember Paul Wallace
Councilmember Sandra Walters

The following Ex-Officio member was present:

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

The following Council members arrived after the roll call:

- Councilmember Scott Brook
- Councilmember Lois Wexler

The following Ex-Officio members arrived after roll call:

- Mr. Gary L. Donn, representing the Florida Department of Transportation
- Mr. Elbert Waters, representing the South Florida Water Management District

AGENDA ITEM THREE: Minutes of previous Meeting

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

Councilmember Perez stated that Agenda Item #15a would be discussed earlier on the agenda.

AGENDA ITEM FIFTEEN: Other Matters for Consideration

a) Election of Officers - 2009

Mr. Samuel S. Goren, Legal Counsel, explained that the Nominating Committee met in December and made a recommendation to the Council which required action.

Councilmember Chernoff explained that the only open seat is that of Secretary, and the Council is waiting for appointments from the Broward and Miami-Dade Commissions. Once those appointments are made, the Nominating Committee will be able to make a recommendation for the position of Secretary.

Mr. Goren stated that the recommendation was as follows:

Chair – Sandra Walters,
Vice Chair – Joseph Scuotto,
Treasurer – Jay R. Chernoff,
Secretary – undecided, and
Immediate Past Chair – Marta Perez.

The Nominating Committee's recommendation was passed by a unanimous vote.

Councilmember Perez passed the gavel to the incoming Chair, Councilmember Walters.

Councilmember Walters presented Councilmember Perez with a gift to thank her for her service as Chair of the South Florida Regional Planning Council for 2008.

Councilmember Wexler arrived at the meeting.

Councilmember Perez stated that it has been an honor to serve as Chair of the South Florida Regional Planning Council and she thanked the Council for the gift.

Councilmember Walters stated that it is an honor to serve as Chair of this organization, as many of you know, this has come full circle as she is a former staff member of the Council. She stated that she has big shoes to fill as Councilmember Perez has been a wonderful chair. Councilmember Walters stated that she hopes to expedite the meetings, because she would like to see the Council have enough time to focus attention on important policy issues and discussions in that regard. She also urged the members of the Council as well as members of the public to not just focus on problems, but focus on solutions that address all the perspectives. She stated that she would like to see both the public and property owners' interests considered, so that the Council can have win-win solutions arise from regional planning efforts.

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

None

b) Development Orders (DO)

None

c) DRI Status Report

Information only

Councilmember Walters announced that it was Councilmember Wallace's birthday and the Council sang "Happy Birthday".

Councilmember Brook and Ex-Officio member Donn arrived at the meeting.

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) City of Hialeah

c) Broward County

d) Town of Davie

e) City of Coconut Creek

f) City of Miramar

Councilmember Walters asked if there was a motion to move to approve the staff recommendation on items 6b, 6c, 6d, 6e, and 6f.

Councilmember Lieberman requested that items 6c and 6d be pulled for discussion.

Councilmember Lieberman moved to approve the staff recommendation on items 6b, 6e, and 6f. Councilmember Perez seconded the motion, which carried by a unanimous vote.

Councilmember Lieberman stated that she had the same question on 6c and 6d, and it was for legal counsel. She stated that traditionally the Council has been told that if it did not comment when items are on the agenda, then it would lose its right to comment because of time restrictions and F.S. Chapter 163. She stated that she certainly appreciates that staff has not had enough time to review this, but she does not want to lose the opportunity to comment. This was hotly discussed at the Broward County Commission meeting; there was a lot of concern about impact to and lack of compatibility with the surrounding community. She stated that she wanted to know that if Council did not have a recommendation on the agenda today, that it didn't foreclose it from sending this to the Florida Department of Community Affairs (DCA) with a recommendation after the next meeting.

Mr. Goren stated that legal counsel looked at the legal issues in terms of commentary by the Council, but because of the conceptive tracks that the Council is on it creates a difference. In that regard the Council's rights are preserved. Mr. Goren stated that it was his understanding that the commentary will occur at

the next Council meeting at which time the applicant and all affected parties would have the right to be given an opportunity to be heard.

Councilmember Lieberman asked will the Council absolutely retain its right to send comments for transmittal on both Broward County and the Town of Davie.

Mr. Goren responded yes.

Councilmember Lieberman moved to approve the staff recommendation on items 6c and 6d. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

Ms. Carolyn A Dekle, Executive Director, stated that the Broward County comments are due to DCA by January 15th, because it is being reviewed under the alternative review program. DCA is aware and the Council is aware that there will be a full presentation and recommendation at the February meeting for the Davie amendment and this will provide an opportunity to additionally comment beyond whatever staff would have proposed to the DCA.

Councilmember Lieberman asked if the minutes from the Broward County Commission meeting were going to be transmitted with the Broward Land Use Plan amendment.

Ms. Dekle stated that she did not know the answer to that.

Councilmember Lieberman amended her previous motion to also include a request that staff include the minutes from the Broward County Commission meeting in the comments to be sent to DCA by January 15th. Councilmember Asseff seconded the amendment.

Councilmember Wexler stated that she would like to go one step further to make sure that she understands this. The discussion of these two items is being deferred until February; however Council staff has until January 15th to make a recommendation to DCA.

Ms. Dekle responded that is correct. This is one of those areas the Council discussed a couple of months ago; with the alternative review process, the review time was compressed significantly. Staff will submit comments on the Broward amendment prior to the Council having taken action on them. The Davie amendment, however, goes through the traditional review process so the Council is still within the legal timeframe for comments for Davie, but not Broward. The Council will have an opportunity to comment on these amendments in February.

Councilmember Wexler stated that she was more concerned with the due date of January 15th for the Broward amendment comments. She asked what those comments are going to be since they will be sent to DCA prior to the February meeting.

Ms. Dekle stated that staff has not yet prepared its report. This package was received two days before mailing and has not had sufficient time to review or prepare a report. The comments will be provided at the February meeting.

Councilmember Wexler stated that would be after the fact.

Ms. Dekle stated that staff is hoping that the DCA will still be in a position to consider any additional comments or observations that the Council might have. It is the staff recommendation that is due by January 15th. Staff is not happy about finding itself in this situation, but wants to make sure that the Council has as much involvement in this as possible.

Councilmember Wexler stated that there was no indication whatsoever as to what the staff recommendation would be, which is not a comfortable position to be in, especially since the three County Commissioners that sit on this Council voted the same way and have very strong feelings about this project. She stated that she wanted to concur with Councilmember Lieberman's request to include the Broward Commission meeting minutes with the staff recommendation to be sent to DCA.

Councilmember Brook asked if this was the Council's fault or a timing issue.

Ms. Dekle stated that it was a timing issue with the process, one that the Council has been trying hard to correct. Councilmember Lieberman has had a leadership role in trying to correct this for the last two or three years. The Council will be bringing this back again for legislative consideration this year. The timing issue is an unintended consequence of the alternative review process. This alternative review process in many ways puts everyone at risk because all the comments from independent agencies are sent up to DCA and in many cases they just come back to the applicant for their consideration rather than a vetting between agencies to work out and negotiate, which is one of the more valuable tools of the regular process.

Councilmember Lieberman added one more item to her previous motion; she requested that the staff recommendation be transmitted to the Council members, and if anyone of the members disagrees with the recommendation the transmittal to DCA will have a letter attached.

Mr. Goren stated if the Council members should have comments about the staff analysis, the members can express their independent feelings in a letter; this will not violate Sunshine Law.

Councilmember Gunzburger stated that she would like to further emphasize the points raised by Council members Lieberman and Wexler. She requested that the transmittal state that the three Broward County Commissioners were opposed to the proposals.

Councilmember Asseff stated that this was a very difficult situation, because the Council has not seen the traffic studies or anything so it is very much out of the loop to make any recommendation one way or the other. This puts the Council in a very bad spot. The Council would like to see what the Broward County Commission had to say, but it would also like to have other input before any kind of recommendation is made.

Councilmember Wallace stated that the biggest potential pitfall would be that the staff makes a recommendation that the Council disagrees with; would the Council be able to reverse the finding if that were to happen.

Councilmember Walters stated that this was an item that would be discussed at the Florida Regional Councils Association (FRCA) Policy Board Meeting next week. It is an issue that Councilmember Lieberman, as incoming chair of FRCA, has been trying to make as a point to various Secretaries of DCA for quite some time. This is probably the "poster child" example of the process not working. There are intergovernmental coordination elements in all of our comprehensive plans and this falls flat on its face for the ability to have the proper coordination. This is obviously a strong point that we can take with us next week and urge to be a part of any legislative package.

Councilmember Lieberman stated, while we are on that subject, the DCA will be up for Sunset review this year and so for those of us that routinely speak to State Senators and State Representatives, if you could ask them to include with the Sunset review package, she added she has already spoken to Secretary Pelham and he will not object to the Council's amendments being attached, so let your Senators and

Representatives know to look for vehicles in growth management amendments to F.S. Chapter 163 to fix these issues. Mr. Goren already has the items written and he could provide the exact amendments to Ch. 163, and if we make it a comprehensive effort maybe we can get it done, because the DCA bill should be moving in the regular session.

Councilmember Walters stated that there would be more discussion on that in a later agenda item.

The motion on the floor, made by Councilmember Lieberman, was as follows:

- Approve the staff recommendation,
- Include the minutes from the Broward County Commission meeting in the transmittal to DCA,
- Transmit the staff recommendation to all members of the South Florida Regional Planning Council in time for anyone to talk to the Executive Director or send a letter, and
- Include a comment in the transmittal to reflect the position of all three Broward County Commissioners.

Mr. Goren stated that the floor should be open to any other affected parties who would like to comment for the record.

Councilmember Scuotto pointed out that adequate time should be allotted for all affected parties. This may be a hot topic at the February meeting and he suggested moving the item to the beginning of the agenda to allow for enough time for discussion.

Councilmember Walters stated that Councilmember Scuotto's suggestion will be taken into consideration and will be discussed at the next Executive Committee Meeting.

Mr. Goren stated that the Council has a very clear and crisp record of providing the rules of the road before the actual road begins. He stated that he will confer with the Executive Director and the Chair to ensure that the rules are clearly articulated at the beginning of the meeting and that the Council will comply with making the record available. In regards to the applicant, those who are opposed, those who support, as well as those affected persons who want to be heard in the process, whether it takes one hour or five hours, the Council has obligations as a fiduciary to listen objectively.

Councilmember Walters stated that she would urge those present today who expects to speak at the next meeting to contact Ms. Dekle so that staff can coordinate and facilitate the process.

Councilmember Perez asked if the members should plan to stay longer for the February meeting.

Councilmember Walters stated that would be a safe bet, because there may be two DRIs on the agenda.

Councilmember Gunzburger suggested that the meeting begin at 9 or 9:30 to accommodate the longer agenda.

Councilmember Walters asked if there were any objections to starting the February 2nd Council meeting at 9:30 a.m., Executive Committee at 9:00 a.m. and Nominating Committee at 8:30 a.m.

Mr. Kevin Klopp, Davie resident, stated that he was concerned that there was no finding for the Davie agenda item. He stated that he believed that the Council received the packet in mid to late December and the Council has a procedure for such items to be reviewed and comments provided to the members for action. He stated that his purpose for speaking was to let the Council know that he would be an affected party and would be participating as a public speaker at the next meeting.

Councilmember Walters called the question on agenda items 6c and 6d. The items passed with a no vote from Councilmember Wallace.

Councilmember Neugent asked if the Council could vote for denial of an item and send that vote to DCA.

Mr. Goren stated unfortunately absent hearing from all affected parties in the context of testament and evidence the answer would be no.

Councilmember Neugent stated that he understood that, but based upon the concern that was expressed here by the different people, no recommendation and no comments by the Council because of the concern expressed by everyone about the Council not voicing its opinion on this; is that a message without message.

Mr. Goren stated that the motion as he understood it did not imply a waiver of the Council's rights; it implied the reservation of its rights. The DCA and its knowledge of the parallel path that we are on regarding this process, we are in uncharted waters, because of that the Council is making every effort, appropriately, to voice its concern and reserve its right to comment. To the extent that the Council tries to pre-decide the question, he stated that he had some concerns about doing that today. This record also reflects the fact that the Council has those concerns.

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 Hallandale Beach
 - City of Weston
 - Town of Miami Lakes
 - City of Deerfield Beach
 - City of Parkland
 - Town of Davie
 - City of Sunrise
 - City of Miami Gardens
 - City of Coral Springs

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

- b) City of Weston
- c) City of Key Colony Beach
- d) City of Pompano Beach
- e) City of Miramar
- f) City of West Park
- g) Broward County
- h) City of Plantation
- i) City of Layton

Councilmember Blynn moved to approve the staff recommendation on agenda items 7b, 7c, 7d, 7e, 7f, 7g, 7h, and 7i. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

Councilmember Walters introduced the Council's new member Monroe County Commissioner Heather Carruthers.

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Councilmember Walters reported, on behalf of the Executive Committee the nomination of three Council members to the Florida Regional Councils Association (FRCA) Policy Board, they are as follows: Councilmember Lieberman, who is incoming Chair of FRCA; Councilmember Walters as the Council's current chair, and Councilmember Scutto who is Vice Chair.

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

b) Financial Report

Councilmember Lieberman moved to approve the Financial Report for the month of November. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Dekle stated that everything had been dealt with that was on her report with the exception of a discussion concerning the FRCA Policy Board, which is meeting next week. In that discussion there will be a dialog about the roll of regional councils and the DCA and what would be appropriate initiatives to take at this time. What we have asked is for you to give the flexibility to your policy board members for taking the lead in that discussion, but they need specific direction. Everyone knows that the financial scene is not a good one and it will probably get a little bit worse by March. We are not looking at an ability to have expanded responsibilities with state resources, but how do we utilize those resources in an effective way so that each member of local government have needs served as well as possible.

1) Discussion of DCA Upcoming Legislative Issues

Councilmember Walters stated that she would like to use this as an opportunity for this board to discuss those subjects so that the three members attending the upcoming Policy Board meeting can gain the Council's perspective and thoughts. There is a debate brewing because there are individuals in the State who think that growth management needs to work a lot better than it does. There are individuals that don't think it works worth a darn, and there are those that think that it works very well. Regardless, this year is going to probably be the time when the groundwork is going to be laid for potential changes. She stated that she would like to hear the Council members' views on the subject.

Councilmember Lieberman stated that she feels that it is more than that. Speaker Designate, Representative Cannon, thinks that DCA should go away and would like to see it dissolved, which is why this year with Sunset review it's going to be an interesting discussion with respect to DCA's role. We had conditionally asked for some changes to F.S. Chapter 163, those of us that have been here for a period of time have felt the same frustration because items get brought here at the last minute, they are not on the agenda, but are purple sheets provided the day of the meeting. She stated that she would like to see the Council continue to advocate for those changes, changes that would allow the Council to set a deadline for delivery of land use plan amendments for review otherwise it goes on the next month's agenda. The second thing that the Council has asked for is, sometimes the Council will get a land use amendment where there is a school concurrency or affordable housing issue which the Council believes can be worked out with the governmental entity if the Council could grant a one time deferral of up to 30 days. The Council has asked for that as well. The real big discussion is going to be on DCA. Secretary

Pelham has shared some concerns with respect to whether or not there is legislative support for the agency. We have also talked with former DCA Secretary Thaddeus Cohen as well as Secretary Pelham, because perhaps the way to solve the legislative dilemma is perhaps not everything needs to go to DCA. The Council has requested to do a pilot program where it would be coordinating land use plan amendments which don't have a state impact. We can all agree that in those areas that have regional concerns and environmental issues, the State does have a role, but some of the things we look at and are sending to the State who knows little about that area and it wouldn't in any way compromise the significant State interest. One of the ways to solve this or some way to make the process work a little better is for the State to identify those areas where it has a concern and those would still go to DCA. Those which are regional or because they are on the border between one county and another or one city and another, but not of State interest should stay here and the Council should coordinate those comments.

Councilmember Asseff stated that the RPCs should take more of a role to assert themselves to make more of those decisions locally where they are familiar with the local regional area rather than go up to DCA where they don't even know the area. That is exactly the direction that she would like to see it go.

Councilmember Scuotto stated that there was an article in the newspaper last week regarding the median home price in Broward, Miami-Dade, and Palm Beach Counties. During the meeting last month there was discussion about incorporating affordable housing into the new projects being built in Sunrise. How is this going to affect that now that the price of houses are dropping to the point where some cities have said that they already have too much affordable housing. How are we going to counter that argument?

Councilmember Wexler stated that it is a very simple answer; it is about the environment and about live work and play in the same development. When mixed use is being built you want to make sure that it addresses everyone. It is something that we, as a Council and as local communities need to really go back and rethink policies that are currently in place, but I think that is the answer.

Councilmember Lieberman reminded the Council that there is currently a housing slump, but it is cyclical. We need to keep in mind that this is probably not a forever situation; it is a downturn in the market that is likely to come back. She stated that she would not want to reduce anyone's affordable housing commitment absent a report from the Schimberg Institute that shows that a municipality has more affordable housing than they will ever need in the next ten years, I really wouldn't want to address affordable housing. The direction to staff, she stated, would be to make sure if the applicants are requesting relief from affordable housing, they have to have that kind of study attached to show there is more than sufficient housing not just for next year, but for a longer period of time.

Councilmember Perez stated that she thanked Councilmember Scuotto for bring that up. In Miami she is appalled to see that millions of dollars have been given just recently for builders of affordable housing and what is very concerning to her is that many of these companies that build affordable housing surprisingly have given generously to the campaigns of some of the people that are approving these. She stated that she would be very interested in listening to the study, because really, do we need affordable housing when, in Miami, we have so many condos that are not being sold and are more affordable than the affordable housing that is being built.

Councilmember Asseff stated that she was very concerned about how much affordable housing and what is enough, because we just received, in Hollywood, \$7 million to buy homes to rehab them for affordable housing. If we keep building more and more affordable no one will be looking for a middle class. It is time that there is a balance. You can keep doing it, but every time that the property values go down, the tax base goes down as well. Pretty soon there will be no money, from the tax situation, to run our own cities. There needs to be a balance, shared regionally. She stated that she does not see this market going

up in price for a couple of years. When it does it will be very flat and people will go back to buying the home for the right reason, which is to gain equity and to have a roof over their heads.

Councilmember Gunzburger stated that everyone has had a valid point, but there are a couple of things that have not been mentioned. One is the quality of what communities are saying is affordable, some of the affordable housing is slum and blight. I don't think there is any one of us that would like someone to live in that, she stated. It is better than not having a roof over your head, but it is certainly not the type of affordable housing that we are thinking of. We have to also look at workforce, one of the things that has happened in this economy is how many people are unemployed, a two-income household then becomes a one-income household and what they could afford they can no longer afford. The other consideration is what is happening with salaries; they are coming down and people are being given a choice to either keep the job for lower pay or be laid off. It is a whole combination of economic facts that we have to look at including the quality of the housing that we are calling affordable and workforce.

Councilmember Lieberman stated that having heard Councilmember Perez's comment she realizes that she hadn't make her earlier point clear, there are two kinds of affordable housing, owner occupied and rental. Councilmember Perez was probably right on owner occupied except for very low income individuals who might have problems still finding something affordable to own. No one has shown any evidence to show that rentable affordable housing is available, especially for very low, low, moderate and workforce; that is really where the issue is going to be.

Councilmember Scuotto stated that new can't be built to be affordable.

Councilmember Lieberman stated he is right and when Councilmember Perez made her point she realized that she hadn't made her's clearly, which is on the owner occupied she wants to see Schimberg study information, but on the rental she thinks there is still an issue. That is a whole different dynamic than the owner occupied.

Councilmember Perez stated that what she is referring to is that developers are the "bad guys" because they own politicians, etcetera. If you look at some of the companies that do affordable housing, some of them are practically financing the campaigns of some of the people making decisions; present company excluded. Councilmember Perez stated that it is something that is not spoken about, but is very obvious in Miami.

Councilmember Heyman stated that she and Councilmember Perez go way back and she has great respect for her, but to categorically describe all developers as a four-letter word or corruption tied to politics as it relates to contributions and then afterward surmise it to say present company excluded; I think it is offensive in this environment. Last time I looked, she stated, most of us sitting around here with a vote are sitting here without pay for this position and title. She stated that she is not sure what anybody has with relationships out there, but I take offense and I don't think a vote for development or consideration or anything else has anything to do with looking at someone's contribution folders. When we are looking at the mix or the economic crisis situation and a shift in what has been planning objectives in the past one thing we're remiss on which has become a great burden is the homeless situation that we are in, where people are now homeless. Shelters are full, and the greatest hardship that we are seeing is families in cars in shopping mall parking lots, trying to stay close to what was their residence so that they can assure that their kids can go back to school. It just floors me, she stated. We have overnight parking in our parks now, in shopping malls and in large parking lots. No one has sought to start addressing this.

Councilmember Walters stated that there were a couple more members that would like to speak, and she would like to get the focus back to what we are trying to discuss right now, which are potential legislative initiatives that the FRCA policy board members will be taking to the meeting next week.

Councilmember Chernoff stated that the focus of this Council has been affordable and workforce housing, and the reason for that was all the developers, while the market was going up, were building properties that were not affordable. There is a policy in place for affordable housing which will always be needed.

Councilmember Brook stated that one of the Council's focuses should be economic development, beyond the current loan program.

Councilmember Walters stated that the Council has met twice with the Treasure Coast Regional Planning Council to discuss regional visioning and many other areas of Florida have already put a great deal of time, effort and money into regional visioning processes. The unfortunate thing in the structure of planning in Florida right now is that a whole area can spend a great deal of time working on visioning, but there is no specific mechanism to implement the vision once it is developed. In fact, the current growth management process can actually slow down or prevent the implementation of the vision. We might want to look toward a mechanism for incentives for local areas that invest all of this to develop a consensus driven vision for the community to have some relief or mechanisms that make the implementation of that vision easier to accomplish. A lot of the discussion that has taken place today focuses on our issues that are integral and essential to effective regional visioning. How do we see our communities fifty years from now and how do we get there? These are things that entire communities can get actively involved in. Given the current economic state why would anyone want to invest all of that time, effort and money into a document that is just going to sit on a shelf? A real poster child of an incredible process that went on for many years is the Governor's Commission for a Sustainable South Florida. This had participation from a variety of different groups and interests. Every single decision that came out of that group was a consensus driven decision. Absolutely nothing has been implemented from that, even though it was years and years of process. This could be a new direction that the State can be looking at and integrating into our growth management process mechanisms and incentives for communities that have gone to the expense and time to develop a vision.

Councilmember Lieberman stated that sort of ties into how we started this discussion. I would tell you that if you are looking for the State to give us financial incentives that's not gonna happen. Maybe we tie that into land use amendments not having to go to DCA if they have an approved vision that has gone to DCA then the last resort should be the Council to coordinate those responses.

Councilmember Walters stated that could be the mechanism that we might be able to develop over this next year because frankly, the impression that I am getting is that it is unlikely that the legislature is going to take specific action this year. This is the year to set the stage and find ways to bring the development community, the regulatory community and the property owners all together to find solutions that we can all work with more effectively to move our communities ahead.

d) Legal Counsel Report

Mr. Goren stated that he appreciated the Council recognizing the challenges associated with the Broward and Davie amendments this morning. It is a conundrum that the Council has been battling with for the past three years. He stated that he is looking forward to working with all of the Commissioners involved in that discussion with the State Board, DCA and the Legislature to prosper toward the many years of recommendations to make changes in the Statute to hopefully open up other doors. Mr. Goren stated that there was no litigation to report. The backup contains the updates on the Revolving Loan Fund (RLF) and Hurricane Wilma Loans.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Councilmember Brook stated that he had several questions that staff might not have the answers to right away, and could bring back later. He stated that he looked at the RLF as an opportunity for economic development and he wants to know if that it has been successful, and how does the Council measure its success. These are the questions that he asked:

- Currently how many debtors are in bankruptcy?
- What are the legal costs?
- To what extent has the Council recovered legal fees successfully?
- What authority, if any, is ever sought from this Council in regards to the amount of write-offs?

Ms. Cheryl Cook, Council staff, informed the Council that at the beginning of the process the Council delegated authority to a Loan Administrative Board (LAB), which is made up of five individuals one of which is a representative from the Council. The LAB meets once a month, at which time Council staff provides it with reports and the Board makes recommendations and instructs staff when loans should be written off or when they should be sent to legal, etcetera. There is a process that goes along with the write-offs; when they are with legal and a final judgment is received or a bankruptcy is discharged, we get an opinion from legal counsel that we can write off the loan.

Councilmember Brook stated the reason that he asked was, because he practices law for a living, there are certain former clients that he makes the effort to collect from and certain ones that he does not because of a benefit cost analysis that he does. If we are having one representative from the Council on the LAB, he would like to be one or maybe a second one. Councilmember Brook asked if the Council received the financial records from the debtors.

Ms. Cook stated that Council staff sends out letters to the borrowers at the beginning of every year requesting tax returns as well as profit and loss statements and balance sheets.

Councilmember Brook asked if those were reviewed by the LAB.

Ms. Cook stated that they were reviewed by staff.

Councilmember Brook asked who the current Council representative was on the LAB.

Councilmember Asseff stated that she was. She stated that the LAB is made up of individuals that have been in the banking business for many years and they do a great review of all applications. She then invited Councilmember Brook to attend the next meeting.

Councilmember Brook then asked if the Council requested the applicants to pledge any assets, did the Council obtain credit reports, and how many businesses have been helped since the program started.

Councilmember Asseff responded that the applicants are required to provide collateral and staff does get credit reports for all applicants. The interview process is quite detailed; the applicants attend several LAB meetings before a loan is approved.

Councilmember Brook stated that he sees that this program has been very successful. He stated that he is not sure that the word is getting out there, adding that he would like see the Council promote the success of this program.

Councilmember Walters informed the Council that she gave a brief presentation about the RLF to the attendees of the Future of the Keys Summit. She encouraged all of the Council members to do the same at any function that they may be attending. The Council has had lengthy discussions with Cheryl over the last several years about promoting the RLF program and she does a wonderful job and a much more extensive job than has been done in the past. The more people who talk about it and get it out there, the better, she stated.

Councilmember Lieberman stated those members who have been on the Council for a while know how much the program has grown and how much Ms. Cook has done, but it might not be a bad idea to have a quarterly information-only report to update the Council on the program “graduates”. She then stated that she had a concern with Carrie Concessions’ 6-month moratorium on payments. This is contrary to the policy decision made by the Council. She stated that she and Councilmember Blynn made a motion a couple of years ago that all applicants are required to make regular monthly payments; even if it is reduced to \$100 per month should they have a downturn in business. The idea behind this, she stated, is that the applicants stay in the habit of sending payments to the Council. There was no information in any report provided as to why the applicant was being given a 6 month moratorium and it goes against a policy made by the Council.

Ms. Cook stated that the LAB decided to make this decision because this client was a long-time client with the RLF, has been doing very well over the years, they have been in business for over 28 years and because the client’s Miami International Airport concourse location has been closed temporarily.

Councilmember Lieberman stated that Ms. Cook has done a wonderful job at outreach and growing this program to what it is today, but this Council took a vote. The Council understands the current economic situation, but it was decided that all clients must pay monthly even if it’s only \$50 per month; and if they don’t they get sent to legal. The LAB, she stated, cannot change policy without bringing it back to the Council for approval.

Councilmember Asseff stated that the policy may need to be changed given the current economy. Even banks are changing their policies to accommodate clients until they can get back on their feet. This is a situation where the client had a business and it was not given back from part of the Miami International Airport project. There are instances where the clients need us to work with them. The client will be back in business as soon as she gets her location back. If the Council wants the LAB to bring these cases back on an individual basis, then that is a possibility. The Council needs to allow this until the business gets back on its feet, because this client always paid on time prior to this setback. There are many clients who come back for a second loan, so the LAB has started trying to wean them from this program to make relationships with their own banks.

Councilmember Lieberman stated that the comments raised by Councilmember Asseff may be the LAB’s recommendation, but it cannot change the policy of this policy board without putting an item on the agenda.

Councilmember Asseff stated that she would like to see that on the agenda for discussion.

Councilmember Gunzburger asked what would happen in the interim.

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Councilmember Brook stated that he would be inclined to make a motion that they begin paying now, but he is still not clear whether that is in his authority as a member of this Council.

Ms. Dekle stated that is what is important and staff will bring this back for the Council's consideration in March. A great deal of the portfolio management is delegated to the RLF board. The Council adopted a plan and the Council put in that plan general parameters, but many of the individual decisions that are made are within the purview of that board. Staff is not disagreeing about what kind of operation things we need to do to make sure that these accounts get caught up.

Councilmember Lieberman asked if this client would be able to pay \$100 per month.

Councilmember Asseff replied no.

Councilmember Lieberman moved to require that the client pay \$25 per month, to stay consistent with Council policy.

Ms. Cook stated that she will speak with the client and inform her that the LAB was out of policy and that she will need a minimum payment.

Councilmember Lieberman stated that she would leave the amount up to Ms. Cook, because she works with the businesses.

Councilmember Lieberman moved to request that Ms. Cook speak to the client and come up with a minimum amount to keep the client in conformance with the Council's policy and will not cause financial hardship to the client. Councilmember Blynn seconded the motion which carried by a unanimous vote.

Mr. Goren stated that legal counsel can provide answers to Councilmember Brook's questions regarding fees and expenses, and it will be provided for the next meeting.

Ms. Dekle stated that it could be provided as part of the discussion for the March meeting.

b) Hurricane Wilma Bridge Loan Status Report

Information only

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

Information only

1) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Resolution

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

Information only

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program - Update

Councilmember Walters stated that there was no report this month on the Statewide Regional Evacuation Study Program – Update. She stated that one of the items that she wants discussed next week at the FRCA Policy Committee meeting is whether it will be possible for some results of that study to be available for implementation either before or at the very beginning of hurricane season. It would be very unfortunate to have done a whole lot of really good work and not have it available this next season.

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

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

None

AGENDA ITEM FIFTEEN: Other Matters for Consideration

b) Small Business Development Center (SBDC)

Ms. Dekle stated that the staff report on the Small Business Development Center (SBDC) provided was for the Council's information. Staff is assessing whether or not bringing that program to the Council makes financial sense. Staff believes that the work of the SBDC is a compliment to the RLF because it would centralize a lot of like services. The SBDC is losing its place to operate out of, and one option may be to rent some space to them until we figure out the long term integration of the program.

Councilmember Wallace asked if there was any cost to the Council.

Ms. Dekle stated that is what staff is trying to determine right now. It is a dollar for dollar match Federal program, but the issue is what the Council can match. We are trying to ensure that there is not an outstanding cost to the Council.

c) I-95 Express High Occupancy Toll (HOT)

Ms. Debora M. Rivera, P.E., Project Leader for the Florida Department of Transportation, gave a brief presentation on the I-95 Express High Occupancy Toll (HOT) project. The topics covered included the following:

- Project context,
- Project overview,
- Express lanes,
- HOV versus express,
- Project Scope,
- Project design,
- Implementation challenges,
- Changes,

- Project performance,
- Bus rapid transit,
- Lessons learned,
- Project benefits and utilization, and
- South Florida's response.

Councilmember Brook asked for an explanation of the page of the presentation that showed the typical toll range.

Ms. Rivera stated that the chart shows that the average daily toll rate was less than \$1 and the very highest rate was a fifteen minute period where the message signs indicated a charge of \$3.

Councilmember Brook asked why there was such a variance in price.

Ms. Rivera stated that the tolls are established by demand and congestion. The intent is to have the tolls fluctuate to ensure that the express lanes are operating at between 45 and 55 miles per hour.

Councilmember Brook asked if this was providing incentives on an hourly basis.

Ms. Rivera stated that they could be referred to as incentives. During the peak period when the demand for the infrastructure is the highest the cost is the highest much like your electric bill or phone bill.

Councilmember Wallace stated that he didn't understand the basic concept of why do this, is it to move more people or to move a few people faster, what is the ultimate goal.

Ms. Rivera stated that the ultimate goal is to reduce congestion and improve trip reliability.

Councilmember Wallace asked is that in the express lane or on the highway.

Ms. Rivera responded on the highway in general.

Councilmember Wallace asked if the number of cars in the regular lanes were being tracked and were they moving better or worse.

Ms. Rivera stated that the regular lanes were being tracked and they are moving better. She added that there has also been a reported 3-5 mile per hour improvement on the local lanes.

Councilmember Wallace asked what is the end game, in other words what do we do when we run out of things we can do with HOV and toll lanes and narrower lanes and paid tolls. Where do we finally get more capacity to move people up and down South Florida? What happens when all of these options are exhausted, he asked.

Ms. Rivera stated that people should be encouraged to share rides, to use transit, to carpool and to essentially find ways to make their commutes less painful and less costly.

Councilmember Lieberman stated that there is still one issue along I-95 if there is an accident in the express lanes and they are blocked, the rest of the drivers are stuck going zero miles per hour until the accident is cleared. There is no way that she has been able to see, for those drivers to get out of there until the accident is cleared.

Ms. Rivera stated that has happened one time, and that was December 5th. The delineators are removable; emergency personnel can remove them should they see that the clean up is going to take

longer than it would take to clear an exit. We have implemented a number of strategies where incident response times have been cut in half so we are seeing incidents cleared in a matter of minutes.

Councilmember Lieberman stated that it has happened more than once, because she was stuck in traffic resulting from an accident in the express lanes on a date other than December 5th. She requested that they reinforce with emergency personnel that the delineators are removable.

Ms. Rivers stated that they do know, and have been trained on how to do it, but we will emphasize that it can be done.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

None

AGENDA ITEM EIGHTEEN: Upcoming Meetings

Councilmember Walters reminded the Council that the February meeting would be starting earlier and may run longer than normal due to the DRIs.

Councilmember Wallace asked if that would be the new start time permanently.

Councilmember Walters stated no, it would just be for February.

- a) February 2nd, 9:30 a.m. (Council Offices, Hollywood)
- b) March 2nd, 10:30 a.m. (Council Offices, Hollywood)
- c) April 6th, 10:30 a.m. (Council Offices, Hollywood)
- d) May 4th, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 12:05 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the January 5, 2009 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 2nd day of February 2009.

Jay R. Chernoff, Secretary

Date