

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

June 2, 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 10:30 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Jay R. Chernoff
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Ilene Lieberman
Councilmember Carlton Moore
Councilmember George Neugent
Councilmember Marta Perez
Councilmember Joseph Scuotto
Councilmember Dixie Spehar
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Lois Wexler

The following Ex-Officio member was present:

Mr. Elbert Waters, representing the South Florida Water Management District

The following Council member arrived after roll call:

Councilmember Scott Brook

AGENDA ITEM THREE: Minutes of Previous Meeting

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

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Neugent moved to approve the Intergovernmental Coordination and Review Report. Councilmember Moore 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 Brook 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

- City of Plantation
- City of Margate
- City of North Bay Village
- City of North Miami

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

b) City of West Miami

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

c) City of Sunrise

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

d) City of Lauderhill

Councilmember Lieberman stated that she had a question on items 6d, 6e, 6f, and 6g. She stated that the staff report for the City of Miami, agenda item 6h, singled out the one element that was inconsistent and found the rest of the package consistent. That was not done with items 6d, 6e, 6f, and 6g; the entire package was found inconsistent for these four items. She stated that she would like to amend these four to conform to the form as done on item 6h, and list the element or elements that are inconsistent and find the rest of the package consistent.

Ms. Julia Trevarthen, Council staff, stated that would not be a problem to fix.

Councilmember Wexler asked for some clarification.

Ms. Trevarthen stated that the issue with the four referenced by Councilmember Lieberman was that they were the first of the water supply plans to come into the process. The main issue that staff has had with all of these and the reason that it is expressed in the intergovernmental coordination element is that many of the cities that provide water would say they will coordinate with the Water Management District, but not necessarily with the cities to whom they provide water and vice versa. What staff was suggesting is that everybody include a more complete expression of all of the local governments that they are going to coordinate with. That was the nature of the staff objection; it was something that can very easily be fixed. Staff has the same objection with the Miami plan amendment and can change that language so that it is consistent.

Councilmember Wexler stated that it seemed to her that making reference to the lack of intergovernmental coordination was omitted in reference in the Miami plan and should be put into it, versus taking it out. She stated that she would rather make sure that it was a piece of the City's supplying water to other surrounding cities and making sure that it is noted that there be that conversation, coordination, and that talk.

Councilmember Lieberman stated that the City of Lauderhill does not supply water to any city other than Lauderhill. The concern is that there are other issues with the City of Miami including the intergovernmental coordination element (ICE), but there is more than just the ICE as a part of what's being transmitted. What has been done in the past and what is consistent with past actions of this board is to identify the inconsistent part and identify the consistent part. There was no comment about anything being consistent, that was clearly wrong because several of the elements are consistent. With respect to water in Lauderhill, the city supplies no water outside its jurisdiction. She was asking that staff make the four; 6d, 6e, 6f, and 6g; consistent with past practice which is identifying where it is inconsistent and consistent and transmitting it in that way.

Ms. Trevarthen stated staff would be happy to do that. She added, staff always strongly suggests that local governments coordinate with neighboring local governments regardless of whether they are selling them water or not.

Councilmember Lieberman moved to request that staff revise the language in items 6d, 6e, 6f, and 6g to clearly indicate which elements are inconsistent and which elements are consistent, in accordance with past practice. The motion was seconded by Councilmember Moore, which carried by a unanimous vote.

Councilmember Lieberman moved to approve the amended staff report for the City of Lauderhill. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

e) City of Fort Lauderdale

Councilmember Lieberman moved to approve the amended staff report for the City of Fort Lauderdale. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

f) City of Plantation

Councilmember Wexler stated the City of Plantation supplies water to other local governments and there needs to be coordination. She stated people pay attention when items are raised.

Councilmember Lieberman moved to approve the amended staff report for the City of Plantation. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

g) City of Coral Springs

Councilmember Lieberman moved to approve the amended staff report for the City of Coral Springs. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

h) City of Miami

Ms. Trevarthen reported the City of Miami Proposed Amendment #08-ER is a proposed Evaluation and Appraisal Report or EAR-based amendment package that would amend 12 elements of the City's comprehensive plan, including:

- Future Land Use,
- Housing,
- Sanitary and Storm Sewer,
- Potable Water,
- Solid Waste,
- Transportation,
- Ports, Aviation, and Related Facilities,
- Parks, Recreation and Open Space,
- Coastal Management,
- Natural Resource Conservation,
- Intergovernmental Coordination, and
- Capital Improvements.

Elements of the City's Comprehensive Neighborhood Plan were also included, with additional revisions to add clarity and consistency within the document. This is part of the City's EAR process which began in 2005, and a number of things have happened since then so there are some additional changes in here as well. Significant amendments were also proposed to the Port of Miami sub-element of the Ports, Aviation, and Related Facilities element.

Councilmember Lieberman voiced her concern regarding the need for additional objections to Transportation and the Future Land Use Plan. This amendment does away with working waterfronts, which will create quite a problem with respect to future transportation.

Ms. Trevarthen stated that in the staff report Council staff found changes to the following elements generally consistent: Housing, Sanitary and Storm Sewer, Solid Waste, Parks, Recreation and Open Space, Coastal Management, Natural Resource Conservation, Intergovernmental Coordination and Capital Improvements. Those found to be generally inconsistent were: Potable Water, Transportation, and the Ports, Aviation, and Related Facilities Element. As a result, staff is recommending that the City make revisions to the Potable Water Element to include a commitment that the City will adopt and maintain its own Ten-Year Water Supply Facilities Workplan in accordance with Florida Statute, revisions to the Transportation Element to address unmet goals and additional policies to ensure future implementation, and revisions to the Port of Miami River amendments to clarify the support and protection of Port Related Facilities with the provision for an appropriate mix of uses where suitable.

Councilmember Lieberman stated she understood the staff recommendations, except that the problem with that is that it is going to eliminate both under Future Land Use and possibly transportation, marinas and boatyards or working waterfronts-type uses. This was a 3-2 vote in Miami, so I am not the only one with these concerns, she stated. It just seems that the Council should raise these issues on those two elements as well.

Councilmember Heyman stated that she was disheartened that two of her colleagues from Miami-Dade County were not in attendance, because this issue is so critical to Miami-Dade County, not just the City of Miami. She stated she is troubled that the housing element was found consistent, when it addresses low-income and affordable housing to be located within the entire City. She then voiced concerns with the Future Land Use; she found this and the housing issue to be inconsistent. She asked, of Legal Counsel, was this item properly before the Council?

Mr. Samuel S. Goren, Legal Counsel, responded yes it was. The rules that govern the Council are different than those of other entities. The Council must comment on this item in order to have the opportunity to comment on it at the time of adoption. This application was submitted in final form quite recently and staff has not had a chance to fully digest each aspect of it, but has made every bona fide professional effort to do so.

Councilmember Heyman stated that she would wait until the public spoke to make the rest of her comments.

Ms. Julie Bru, City Attorney for the City of Miami, stated she would like to introduce the City's statement with respect to the sub-element, or the port element. She introduced Ms. Ana Gelabert, Planning Director for the City. It should be clear to everyone that what the City is doing in its EAR-based amendment in no way shape or form represents a significant policy change from what planning has been for the Miami River. The Miami River has always been used for mixed uses. Currently there are two well-established residential neighborhoods located on the River; they are Durham Park and Spring Gardens. What the City has done with this text amendment to this optional element in the plan is to try to clarify some perhaps ambiguity that existed in the plan, which has resulted, in the City's opinion, a misinterpretation of that text and has resulted in a frustration of the City to be able to in fact propose land uses that are compatible with its comprehensive plan. For example, the Civic Center, which is located in close proximity to the River, is one of the biggest employers in the City of Miami. Over half of the individuals that work in the Civic Center must commute from Broward County because of the lack of affordable housing within proximity to the Center. There is data and analysis that shows that for the past twenty years the development that has gone on the River is consistent with the way the City interpreted the text of the amendment as it reads before the clarifications. The clarification was that the Port of Miami River was just a term that was used to identify 14 discrete properties that were located on the River, some of which are not even in the City's jurisdiction. That has been misinterpreted. The Port of Miami currently exists as a seaport in Dodge Island, and was run and operated by the City and in 1960; it was moved to Dodge Island. What we have here is a River which with the proposed text emphasizes uses that co-exist. The City wants to continue to protect the marine industry and that is clearly stated in the plan. It wants to also promote mixed-residential, recreational and commercial, water dependent and water related uses; all of which was exactly what the Legislature has promoted with respect to working waterfronts. It is odd that anyone could read the proposed text and interpret it to in any way shape or form believe that this is going to result in any kind of diminution of land available for marine industry. What the City doesn't want to do is artificially land bank when there is a need for continued revitalization of the River. Allapattah is a community development target area and it is in much need of economic development. Allowing greater flexibility in development along the river will do a lot to promote that objective. The City stands firmly behind this text amendment, which states that it would continue to promote marine industries along the River along with the co-existence of recreational and commercial uses that are water dependent.

Ms. Gelabert stated that the text amendment does not prohibit marine uses, what the City is trying to accomplish is the co-existence of uses that already exist. She requested approval to pass out a handout that she brought.

Councilmember Moore moved to accept the handout from Ms. Gelabert. The motion was seconded by Councilmember Blynn and carried by a unanimous vote.

Ms. Gelabert explained that the map that was handed out shows the future land uses for the Miami River. She pointed out that 20% of the future land use along the River is Residential, 30% is Restricted Commercial, 5% is General Commercial, and 15% is Industrial. There is a mixture of uses along the River. The intention of the amendment is not to prohibit uses, but to promote all uses. She quoted goals and policies from the Comprehensive Plan. It is the development of the River, there are a lot of areas that are blighted that need the option of mixed uses.

Councilmember Wallace asked if the chart that was passed out was proposed or present uses.

Ms. Gelabert responded present uses.

Councilmember Wallace asked if there was a chart for the proposed uses.

Ms. Gelabert responded there would be no change.

Councilmember Wallace asked what area on the pie chart represented the working waterfronts use.

Mr. Harold Ruck, City of Miami Planning Department, responded that industrial was the primary use for the working waterfronts.

Ms. Gelabert added that marine industry could also be located in General Commercial or Restricted Commercial.

Ms. Nina West, City of Miami resident, voiced concerns with water infrastructure. There have been several small scale amendments approved in the past 36 months; however the accompanying capital improvements budget does not seem to reflect the number of approvals. The City's answer to the question of where will the water come from is always that it has a permit from Miami-Dade County and since it has a permit from the County it has enough water. The other concern raised by Ms. West was regarding trash removal. Small scale amendments approved major use special permits. The City has private trash collectors who will pick up from these places, but we have no idea where the trash is going. There is no planned capital improvement and infrastructure help for these problems.

Mr. Hadley Williams requested the Council's permission to pass around a handout.

Councilmember Blynn moved to accept the handout from Mr. Williams. The motion was seconded by Councilmember Scuotto and carried by a unanimous vote.

Mr. Williams, stated that he was representing Miami Neighborhoods United (MNU), who has been working since 2004, and has made many comments and requests, a few of which were accepted by the City, but many were not. The major concern of this group was the development around the City based on a transportation concurrency exception area that permits zoning along the transit corridors that has been there historically. The City has designated the major transit corridors, every ten streets north, south, east and west for higher density approvals. This is causing two major problems, one the long range transportation plan of the County is to have transportation downtown with the support coming in through rapid transit, etc. When there are developments that are occurring along transit corridors, what is happening is people move in and are auto dependent and they dump right onto the transit corridors. They also create great problems for neighborhoods in transition. The MNU submits to the Council several parts of the SRPP, which it believes

the current plan is not consistent with. For example in Policy 4.2 which states "...redevelopment first to areas served by existing infrastructure." MNU has proposed amendments, which have not been accepted, to precisely redesign the transportation concurrency exception area, which would provide the restrictions or incentives to have future high density downtown in the City of Miami, therefore providing protection to the neighborhoods. Part of its proposal was also to change the zoning along these transit corridors to a lower density and height that would be consistent with the plan proposed by the Department of Planning and Zoning working on Miami 21. The list provided to the Council illustrates several Policies in the SRPP that MNU feels are not being followed by the City. MNU has been requesting these since 2004, and it believes that these are major issues that are not being addressed by the City of Miami.

Ms. Fran Bohnsack requested the Council's permission to pass around a handout.

Councilmember Heyman moved to accept the handout from Ms. Bohnsack. The motion was seconded by Councilmember Scuotto and carried by a unanimous vote.

Ms. Bohnsack, Executive Director of the Miami River Marine Group, stated the Miami River is a special niche port. It is a shallow draft and is unique because it caters to smaller vessels that can reach island nations and cities in those nations that have no transportation access other than by water. The River, for many years, has served to be a lifeline to the Caribbean providing important staples throughout. For that reason, if only that reason, it is critical that the port be protected. Since 9/11 and the Maritime Transportation Security Act passed, she has been asked by the Coast Guard and the Department of Homeland Security to function as the Port Director for the Miami River. In doing that she has been active in seeking funding to improve safety, prevent terrorist elements, etc; and has had tremendous improvements. She is now the fiscal agent for the Port of Miami and the Port of Miami River according to FEMA. Approximately \$6 million has been invested in the Miami River for safety improvements. The River is currently being dredged; this is costing \$84 million and is being done to improve commerce. Ms. Bohnsack stated that she is very concerned about the loss of the Marine Industrial land. Since 2003 there were originally 80 acres of Marine Industrial zoned land, today there are 37 acres remaining. The court cases that the Miami River Marine Group brought against the developers and against the City of Miami were moves of self defense, because the three properties that were contested together were composed of another 25 acres. With a port infrastructure, if 25 or more of the remaining 37 acres are eliminated, it will cause the collapse of the Port and a loss of 6,100 jobs. According to an article in the South Florida Business Journal, South Florida lost 15,200 jobs in April alone. I submit, she stated, that South Florida can't afford to lose another 6,100.

Councilmember Brook asked if he was correct in assuming that the third District Court of Appeals ruled in your favor.

Ms. Bohnsack responded, yes, in all three cases.

Councilmember Wallace asked if Ms. Bohnsack would say that she disagrees with the City's statement that there was no change in the treatment.

Ms. Bohnsack stated that she absolutely disagreed with that statement from the City.

Councilmember Wallace asked in what way.

Ms. Bohnsack stated that the Port of Miami River sub-element does afford some protection to Marine Industrial zoned land for use as cargo, etc. By eliminating the "Port of" and introducing a residential element, which is pervasive throughout their comprehensive plan, what they are really doing is diminishing any ability for us to compete economically with highest and best use put in industrial areas.

Councilmember Asseff asked what kind of security was in place that would prevent people from going in and out.

Ms. Bohnsack responded the terminals are privately owned, and all have been refurbished with lights, cameras, and meet all Homeland Security requirements that any port is required to meet. There is a river-wide surveillance system that has helped in not only anti-terrorist efforts, but also in crime and smuggling prevention as well. They have sought grants to buy boats for the City of Miami and Miami-Dade County so that the Marine Patrols could operate 24 hours a day, seven days a week as they are required to do under the Maritime Transportation Security Act. Now we will be moving into advanced security checking with the transportation workers' identity card, which is a biometric check so that you always know who is going in and out.

Mr. Corey Offutt, President of Biscayne Towing and Salvage and property owner, stated when he bought his property on the river it was zoned SD-4, which is strictly marine-related, and the new regulation would allow condominiums and residential, that is a big difference. His company, he explained, has six high paid employees and two attorneys, and it provides marine assistance to vessels outside on Biscayne Bay and surrounding areas and is completely dependent on the water. The Miami River is a natural economic resource, which is providing jobs now and can provide jobs for the future. We should, as a community, try to advance this, not tear it down. The government has a responsibility to look out for all of us, not just twenty developers. There is no intrinsic value for condominiums on the banks of the River, but there is intrinsic value to marine-related businesses. We can't work from the other side of the River, the condos can go there. The condos that currently exist on the River provide no opportunities for jobs, but if they were on the other side there would still be marine-related businesses working there. It is so important to see it. It is important to save this industry, the future of the industry could be much better than it is today, but it needs the government's help in developing the waterfront as well as the residential.

Mr. Phil Everingham, representing the Marine Council of Miami, informed the Council that he is Vice Chair of the Miami River Commission and a 30 year employee of Merrill-Stevens Dry Dock Company, and is very familiar with the River. The comprehensive plan of the City as it is currently comprised is one of the strongest support documents anywhere in the Country for the working waterfront, which has been threatened by development. Certainly the government role in that is very critical. The Miami River is critical to the recreational industry and the marine industry, which is what the Marine Council permanently focuses on. A significant number of boatyards in Miami-Dade County are in this section of the River that is owned or within the confines of the City of Miami. If those properties are not properly protected as they are currently with the plan as written, there will be a potentially significant impact on the recreational marine industry in Miami-Dade County. The City can talk about its support of the marine industry, the reality is as follows: in 2000 there were over 80 acres on Miami River of property zoned Marine Industrial, as of 2005 that figure was less than 40 acres. The reality is the marine industry along the River has been affected, is being affected, and will be even more affected unless proper protections are maintained. In closing Mr. Everingham requested that the Council not accept the City's changes as recommended.

Mr. Frank Herhold, Executive Director of the Marine Industries Association of South Florida, stated that he echoes Mr. Everingham's comments, who as a former Marine Industries Association board member, knows that the working waterfront is here, is real, and couldn't be any closer than the Miami River. He then read from a letter from Mr. David Dickerson, Director of State Government Relations for the National Marine Manufacturers Association, "I am writing to request that you support the finding of "inconsistent with the goals and policies of the SRPP" as it relates to the effort by the Miami City Council to rezone the waterfront properties now used for boat manufacturing, boat repair and shipping needs along the Miami River. These are essential "working waterfronts," exactly the type of resource the State Legislature and Governor recently agreed to spend hundreds of millions of dollars protecting and expanding." Mr. Herhold stated that the Tri-

County Region is truly ground zero when it comes to Florida's main industry. The Marine Industry has 162,000 employees and a \$13.6 billion dollar industry and it is something that is needed. The working waterfront needs to be protected for the economic benefit of the community. He stated that Mr. Dickerson's letter went on to talk about small boaters, the boatyard issue that's critical. Boatyards can't go anywhere else. Mr. Dickerson's letter also states that "Dade County is considered one of the most underserved areas in the country for boating access." In closing, the Miami River is a resource of regional significance, and it is an important component of our economy, so please help to protect it.

Mr. Richard Dubin, President of the Miami River Marine Group, and a member of the Miami River Commission, stated he has been in the Miami River marine business community for over 25 years. He has owned and operated National Transportation Security Act (NTSA) approved shipping terminals, ship agencies, and a shipping line. The businesses on the Miami River are much more than the commercial cargo terminals that the City wants you to believe. There are yacht sale and repair, engine sale and repair businesses, dry docks, anchor sales companies, marine supply stores, notable chart companies, and welding companies. There are shipping lines that call on the Bahamas, Haiti, Mexico, Dominican Republic, and many other ports. What we really want is protection but we should be getting more than that, we should be getting all government levels to promote marine related businesses. Florida prides itself on tourism, and tourism generates people at the beaches and people who partake of marine related activities. There are more than just commercial marine activity businesses here.

Mr. Frank Castañeda, Chief of Staff for City Commissioner Angel Gonzalez, informed the Council that the Commissioner wants flexibility to be able to redevelop his district. The area of Allapattah, historically, has been the place where the County has placed its jails, mental facilities, homeless shelters, and dumps. The Commissioner wants to change that around, and he wants to support industry that works and is successful. He is a strong supporter of Merrill-Stevens, because that industry works and he wants to give property owners of vacant land flexibility to be able to develop and bring Allapattah to a level similar to the rest of the City. He is tired of Allapattah being the dump of the County. The people who live in Allapattah want to live in a better neighborhood and a better community and Commissioner Gonzalez supports that. Most of the shipping industry on the Miami River is west of 27th Avenue. He wants to give property owners the right to do as they wish with their property. Right now the property is abandoned and it is having a negative impact on the residents in the area, and he wants to give people the flexibility to be able to develop their property and bring some tax base to the City and a better life for the people who live there. The Commissioner is not opposed to marine industrial.

Mr. Andrew Dickman, attorney representing the Miami River Marine Group, the Durham Park Neighborhood Association and in the past has represented the Spring Garden neighborhood, informed the Council that Durham Park and Spring Garden both challenged changes to the land use plan in changing industrial property to high density residential, because they believe in the working river. These are two examples of neighborhoods that do live on the River that wish to have the working river maintained. I also want to react to what the City attorney said that this was an optional element; that was absolutely untrue. That information was straightened out from the Department of Community Affairs. They stopped saying that at public hearings, I'm surprised that they were saying that now. The elements are required when the municipality that has a population over 50,000; it can either be included in the transportation element or it can be created as a sub-element in the Ports and Aviation Related Facilities. He stated that he would urge the Council to ask staff about that particular question. As far as workforce housing in the redevelopment of Allapattah, quite frankly all three developments that were referenced here are high end, high price condominium developments, that is not going to address affordable housing or workforce housing. The element that the City was putting before the Council clearly has a preference on residential, and I say that because that was within a sub-element that was within the Port, Aviation and Related Facilities. There is supposed to be an emphasis on marine industrial protections, water dependent and water related. There are

enumerable policies in other places of the comprehensive plan that deal with residential development and putting a preference on residential development here is not appropriate. As far as the documents that the City has passed out, the land use maps and the pie chart, those are based on an inappropriate analysis showing that the 25 acres that were in question have already been converted. When you take that 25 acres and put it back into the data, you'll see that the industrial side of that is actually the greater land use albeit it is threatened. We have provided Council staff with lots of data regarding the information on the River even though Mr. Castañeda's boss, Commissioner Gonzalez, has said that the River is totally dead; it is not totally dead. He quoted the following from one of the district court cases: "It is also undisputed that the marine industry along the Miami River has grown substantially and has become an important economic asset to the City. The Miami River generates over \$800 million in input, \$427 million in income, \$45 million in tax revenue, and provides employment to 7,500 people. The shipping industry along the Miami River is not only growing further, expansion is all but certain when the dredging of the Miami River is completed." As to the argument that it was a misinterpretation, the City has argued in court that the original fourteen businesses that were identified, that was only an existing land use that was identified and the courts said it was wrong. He asked that the Council understand that the County was also part of the River ownership and in its comprehensive plan it has a sub-element that protects the River and it honors it.

Mr. Rogelio Madan, City of Miami Planning Department, stated that the Port of Miami was not a mandatory element; a Ports, Aviation and Related Facilities element was mandatory, Miami River was a sub-element, and therefore was optional.

Councilmember Brook asked for clarification, in regards to the 14 and the "misinterpretation".

Ms. Bru responded, if you look at the text being proposed to be amended and again the misinterpretation of the whole issue of whether or not these 14 discrete private shipping facilities constituted a port and the reason why we are deleting mention of the Miami River as Port of Miami River is because of the confusion. The footnote is very clear that the reference was to 14 individual businesses, not that the Miami River constitutes a port. There is a port in Miami-Dade County it is the seaport that is operated by the County. There are uses on the River that are shipping terminals, commercial marinas, recreational marinas, and the City continues to promote and encourage those. If you take the time to carefully read the text as it is being proposed you will see that in no way, shape or form is the City advancing any kind of diminution of continued use of marine industry; it is simply trying to implement very clearly and without ambiguity what the working waterfront should be, just as the state has identified intent to do. If you read the working waterfronts statute we verbatim encourage water dependent, water related, commercial, recreational and marine industry; it can't be any clearer than that. The Third District Court of Appeals for some reason, and we respect the courts and we respect the way that they interpreted the text, but we are clarifying it. All you have to look at is what is going on in the River and what has gone on for the past twenty years to realize that the City of Miami has in fact interpreted the sub-element, that we are clarifying now, to encourage mixed uses on the River, as well as acknowledging what a wonderful and vital interest the marine industry is and we continue to promote it.

Mr. Dickman responded this is what the court said, "not only is this argument illogical, it was rejected by this court in Paine 2 (which was a prior case). We find that the Port of Miami River sub-section is not limited to 14 unidentified companies." This was based on the District Court, it was not just a whimsical statement, they looked at a lot of information, and that's the law.

Councilmember Brook asked if there was any dissenting opinion.

Mr. Dickman responded there was a no dissenting opinion on this particular one. There was another court case that basically copied this identical finding and then the third case, which also adopted this particular

case. He asked that the Council keep in mind that this was established in 1988 as part of their existing land use, just as the County did, but as time went by they were required to determine what the future of the port is, not establish a snapshot in time and say this is the existing land use and we are only going to protect that.

Councilmember Heyman stated that the River is appropriately defined as mixed use. She stated that she has great respect for Commissioner Gonzalez and his efforts on economic development. Her concern was trying to change the dumping ground atmosphere of Allapattah and other things to more pristine should be solely in the area of the Miami River. We have seen a lot of areas that have been left in states of decay including some of the pictures presented. What you have here are amendments that are asking that the references of protection to the port component for mixed use on the Miami River no longer be standing and I have to feel that that is not necessary to allow new residential development along the River, she stated. Councilmember Heyman stated that her biggest concern was looking at just the last few years; the pie chart was such a disservice to colleagues here that it would lend itself to possible misrepresentation. If this was the present pie, it doesn't show what has gone on in the last couple of years. If any of you have been along the Miami River recently, you will see the new bird, the construction crane. Councilmember Heyman requested that someone tell her where port and marina land use has increased versus the increase of over 4,000 completed residential units, over 5,000 that are currently under construction, and 6,000 that are in the final stages of permitting, all in excess of 15,000, all in the River area. What the chart is lacking is what came about under the reported mixed use port component Miami River title to say, but this is what we took out for these 15,000+ new units or leveled in anticipation of land use change. It is a working waterfront, with \$6-10 million committed, but the surety is there that homeland security compliance went into place in an overall package to the port effort all that way down the River, because of its vulnerability. The pie chart does not show the number of wet and dry slips, the number of marine permits that have been there in the historical and current nature of our Miami River that now are gone or reduced to this pie chart when you took away over 50%. That would be interesting for the members of this Council to know. The Miami River is a special asset to all of South Florida; it is our heritage and our future. Something should be done to prevent this. It is not consistent with the SRPP.

Councilmember Heyman moved to find all of the amendments inconsistent. Councilmember Brook seconded the motion.

Councilmember Asseff stated that she had recently driven through Allapattah and it was in such disarray. If it were kept that way, would the marine industry take care of it? It really bothers me, she stated, because it doesn't look like it's going to improve anytime soon.

Councilmember Heyman stated she can't speak for any of the land holders, but she can say, from being in city to state to now county government, when you have a surety of land use and an understanding of where government is and the decisions that it is going to make for land use, funding and concessions, it spurs activism.

Councilmember Lieberman stated at the beginning of this discussion she had asked whether the Council should also make a finding of inconsistency for the future land use plan and the port element. The port element will change the name from Port of Miami River to Miami River; this seems to be the heart of what is happening here. None of our comments relate to removing this as a port and the Council should be able to say in its objection that it believes that there are port related facilities on the River. With regard to the future land use map, she was concerned because, despite the testimony from City staff showing the graph, they did not telling the Council what the actual utilization was. She stated that it was not mentioned in the future land use finding. She offered this as a friendly amendment to the earlier motion.

Councilmember Heyman moved to find all of the amendments inconsistent.

Councilmember Lieberman stated that the solid waste amendment was not inconsistent.

Councilmember Heyman stated that on page 9 it was all problematic. The port component on mixed use Miami River is not necessary; it still should be considered a port component.

Councilmember Moore stated that he was knocked out of the room; when he sees an area with such slum and blight. He referred to pictures in a notebook that was passed out by Mr. Castañeda. He stated that he went to the area just to see for himself, and from what he saw, government should be embarrassed. If the marine related industry is saying that it is needed and has so many job opportunities and that it is being kicked out of prime locations to develop those jobs, then why aren't they there? He does not understand why you would tell someone you have to leave this for me for my industry that is a necessity as well as an economic engine and you have no investment there. The other properties in the area that private marinas owned were sold to developers to build housing, but you want to take this community and tell it that it can't use every resource possible to allow its survival or to even give it opportunity. It is inconsistent that government would tell an industry that it has rights over property that it does not own, and it has not sought out federal, state or local money to create the industry that you feel is so valuable in an area with such poverty.

Members of the Council requested to see the notebook referred to by Councilmember Moore.

Councilmember Spehar moved to allow the notebook from the City of Miami to be passed around to the Council members. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

Councilmember Wallace asked where the note book originated from

Mr. Castañeda stated that it came from a River tour that they took last Friday.

Councilmember Heyman stated it should be noted that the notebook contains select pictures.

Councilmember Wexler stated that she was familiar with the area. Passing this along to DCA was one thing, but she came in prepared to reject it all together and send it back to the drawing board. She stated this was just not ready to be moved on.

Mr. Goren stated that the Council must make comment on the item at this time or it will forfeit its opportunity for comment in the future.

Ms. Dekle clarified that the Council's comments are passed on to DCA. The Council is not approving these amendments to go forward, it is commenting as a regional agency. Staff is recommending objections. This is just transmittal and there will be an opportunity for staff to work with the City between now and the time of adoption to see if any of these issues can be fixed.

Councilmember Wexler stated that she wanted to make sure that the Council's comments were reflected as objections. She then requested that there be more pictures and backup when this comes back for adoption, what was provided was not helpful at all.

Councilmember Scuotto stated he heard a comment at a recent event that he attended and that was how come county and state government doesn't give cities flexibility to do what they want to do in their communities. He stated that he could understand where the City of Miami is coming from and where it wants to move its city without being held back. He stated that he also understood that the business community doesn't want to loose jobs or growth. Councilmember Scuotto stated that he sits on a board for

economic development for the national League of Cities. We are not the only city, county or state that is going through the same thing with their waterfronts. Being a city official, he said, when there is an opportunity in his district he wants to make it productive and not allow it to become blighted. Just looking through these pictures, the area needs a lot of help. Code enforcement is a big issue and something that they need help with. He stated that he doesn't want to ever take away the flexibility that a city needs for growth and development.

Councilmember Lieberman stated that the entire plan was not inconsistent. There was no reason why housing and commercial couldn't co-exist in one area. What was wrong with the plan in front of the Council was that there was future land use in that issue because the actual uses of some of these categories were different than what the pie chart was showing. With regard to the residential, currently 20% of this area has a residential land use, and 35% has a commercial land use. As this Council has seen time and time again with the land use plan amendments that have come before it, many of the communities have adopted mixed use in commercial. This comp plan fails to do that, which was why she keeps raising the issue about a future land use plan, which staff found consistent and she feels was inconsistent. In regard to the housing element, there was nothing wrong with what they put here. This was an area that cries for mixed use, and it was not in here anywhere. Staff has found potable water inconsistent; there was nothing wrong with the solid waste element. On transportation, she raised the issue, because for her the marine industry was more than just jobs, for some people it was transportation. The objections that the Council has raised don't go to the heart of that issue. Similarly she feels that the Council should raise an objection with respect to the change in the sub-element, possibly interfering with some of the current permissible uses in the area that we don't have sufficient numbers on. She stated that she would like to move the staff recommendation and include additional language that encourages the City to move toward mixed use by way of an objection to the future land use plan. She also requested that the issue that she raised on the Port, Aviation and Related Facilities element with the sub-element title perhaps not giving the protection to the marine industry that is needed.

Councilmember Heyman stated her concern on the housing one was, it stated that it was the City's intention on workforce or low income housing not the Miami River, and unless they are going to hold it to projects right there on the Miami River.

Councilmember Lieberman stated she understood Councilmember Heyman's comment that is why she said that this was a section that cries out for some language on mixed use.

Ms. Dekle stated there were those provisions in the plan as a whole, these were EAR amendments and then this additional piece that came in. If the Council were to move the staff recommendation it would give staff an opportunity to work with the City on the areas that were discussed today and take into consideration these issues as you move forward.

Councilmember Lieberman stated that she raised the other two issues so that the Council would have the opportunity to comment on those in the future when the plan comes back to the Council at the adoption stage.

Councilmember Heyman requested a clarification of Councilmember Lieberman's motion.

Councilmember Lieberman stated that her amendments to the staff recommendations were as follows:

- Future Land Use be found inconsistent based on marine facilities,
- Housing be found inconsistent based on no mixed use, and
- Port, Aviation and Related Facilities are found inconsistent with respect to the sub-element changes.

Councilmember Walters stated she would support being more specific as Councilmember Lieberman had suggested. If this was sent up basically rejecting the whole thing, DCA would not pay much attention the recommendations. Councilmember Scuotto's comments were so relevant, and there have been so many points of view presented. There are mixed issues here that all need to be addressed and they haven't been yet. The opportunity is there and the importance is that the City uses this opportunity to work with DCA, Council staff, and the community to come up with language that protects the marine industries needs and at the same time allows for appropriate redevelopment of a blighted community. She added she supported Councilmember Lieberman's motion.

Councilmember Neugent suggested that the Council withdraw the original motion and accept Councilmember Lieberman's substitute motion as the original motion.

Councilmember Perez asked that the motion be repeated.

Councilmember Lieberman moved to approve the staff recommendation, with the following changes: to find an inconsistency with respect to marine facilities under the Future Land Use Plan, to identify mixed use options as needed in the housing element for coexistence of marine and providing housing opportunities to clean up the area, and to raise an objection to the changes to the sub-element to the Port of Miami River which may interfere with the existing marine industries.

Councilmember Heyman added, to the housing element, the low income housing needs to be part of this development. With that addition, she seconded the motion.

Councilmember Lieberman stated that she accepted the comment as a friendly amendment.

Councilmember Moore stated that it seemed as though a special effort was being made for the marine related industry when it comes to this section of the waterway. He asked if it was done on the other sector of the waterway.

Mr. Castañeda stated that Commissioner Gonzalez's issue with this was that the middle river, which is in his district, has been singled out as a district to have this type of activity. The other section of the River has high rises and nice properties.

Councilmember Moore stated that is my fear.

Ms. Dekle stated that her understanding of this was that there was a zoning overlay that deals with more than just the area that you are referring to.

Ms. Trevarthen stated it was her understanding that the area that we are talking about covers several of the Commissioners' districts. Staff comments apply equally to all of those areas, and it has the same concerns regardless of which district it is in.

Councilmember Moore then asked if there were certain mandates that require marine related industry to be able to be developed on the east side of the River.

Ms. Trevarthen answered no, it doesn't require it, it encourages it on both sides of the River.

Councilmember Brook stated that everyone involved needs to work together on this. Everyone has heard the concerns raised by this Council. He suggested that they all take the time to work together that would be the best way to get things accomplished. He stated he has heard similar commitments from both sides, but

with alternative ways of getting there. He invited the marine industry to help the City work on economic development of that area, and he invited the City to truly listen to what the other side is saying. There is a greater opportunity for partnership than anyone realizes, and it can really make a difference for the whole region.

With a motion from Councilmember Lieberman and a second from Councilmember Heyman, Councilmember Perez called the question. The Council voted unanimously to approve the motion.

i) City of Hallandale Beach

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Asseff seconded the motion.

Councilmember Lieberman stated that she would like to amend this item to conform to the form as done on item 6h, and list the element or elements that are inconsistent and find the rest of the package consistent. Councilmember Brook seconded the motion, which carried by a unanimous vote.

j) Town of Surfside

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Spehar 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 Miami Gardens
- City of Deerfield Beach
- City of Hallandale Beach
- City of Oakland Park
- City of Pompano Beach
- City of Tamarac
- City of Hollywood
- City of Cooper City

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

b) Town of Cutler Bay

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

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Councilmember Perez announced that the Executive Committee discussed items that were on the day's agenda. She also informed the Council that the Financial Committee has not had a meeting this month. She thanked Ms. Dekle for all of her hard work through this difficult time. She thanked Mr. Goren and staff as well.

b) Financial Report

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

c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, reported on the work that the Council has continued to do on the State Road 7/U.S. 441 partnership and the University Drive issue. One of the prior members of this Council, Commissioner Kristen Jacobs, has been very supportive of that work and I am anticipating bringing to the Council a full update, by way of a presentation, that may require action. This will be a joint decision making activity between the Metropolitan Planning Organizations (MPO) in Broward and Palm Beach County in recommendation to the district Department of Transportation (DOT) and our concern is that not all of the land use issues have been fully considered as we move forward. Everyone received a copy of the Florida Atlantic University (FAU) report in measurement of our progress as a region. It is very important and helpful and has taken us another step forward toward the work of 2060.

Councilmember Wexler asked if the 441 that Ms. Dekle referenced was the SR 7/U.S. 441 Partnership. She asked if she was talking about the work being done by the two MPOs regarding the roads and the access.

Ms. Dekle stated they were, the Partnership was part of the committee that has been put together to look at those issues.

Councilmember Wexler asked if the Partnership had changed its focus, because it had not worked on anything that far north before.

Ms. Dekle stated that the Partnership had not changed its focus; the real issue was concerns about understanding the impact of those modifications on the U.S. 441 corridor.

Councilmember Scuotto requested that affected cities be informed if this was to be put on the agenda; this has been a very hot item recently and he would like to see everyone have a chance to be involved and informed.

d) Legal Counsel Report

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Revolving Loan Funds

- a) SFRPC Revolving Loan Funds Status Report
- b) Hurricane Wilma Bridge Loan Status Report
- c) Eastward Ho! Brownfields Cleanup Revolving loan Fund Status Report
- d) Broward County Cultural Division's Artist Micro-Credit Revolving Loan Fund Program - None

AGENDA ITEM TEN: Contracts

- a) Business Plan for the proposed Gospel Complex in Broward County

Councilmember Lieberman stated that the staff report shows that the total contract was \$50,000 with two sub-contracts totaling \$35,000. She asked if \$15,000 was an adequate amount to cover the work that is needed to be done by the Council.

Ms. Dekle responded we believe that it will be adequate, because Broward County was a member unit of local government; staff tries to be very careful about what it requests.

Councilmember Lieberman stated that she raised the concern on the heels of the discussion that took place at the May meeting. Her concern is that before the Council hires two outside consultants was whether this contract needs to bring in revenue to the Council, because going into next year the Council was going to have an even bigger cut in funding. She stated that she needed to know that the Council would be getting revenue from this contract even when it hires two sub-contractors.

Ms. Dekle stated that this was similar to standard contracts that the Council does. Broward County staff brought the consultants as a part of the package.

Councilmember Lieberman stated that she was not debating how that came about, but there is a whole new dynamic. Every government sitting around this table got news on Friday that they (with the exception of Weston and Parkland) were getting less money than they had the year before from their property tax base. We know this all has implications for the Council.

Councilmember Wexler asked if it was possible to get the Council agendas on CD.

Ms. Dekle responded, yes.

AGENDA ITEM ELEVEN: Highlights of Council Activities

Information only

AGENDA ITEM TWELVE: Special Projects

- a) Statewide Regional Evacuation Study Program Update

Councilmember Lieberman stated that the report also needs to include types of shelters, because of certain special needs in vulnerable populations, and this needs to be done to know that there is adequate capacity.

Councilmember Brook stated that the Council should do something in the future so members of the public that are passing out information to the Council are able to provide this in advance.

Ms. Dekle stated that staff had spoken to all of them prior to the day's meeting and told them that it was not the Council's policy to take materials at the meeting itself.

Councilmember Brook suggested that if Council staff has an idea that certain groups may be involved, then staff email the Executive Director letting them know what the Council's policy is.

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None.

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

Nothing to report.

AGENDA ITEM FIFTEEN: Other Matters for Consideration

Councilmember Heyman suggested that staff look into implementing video conferencing options.

Councilmember Brook recommended that the Council meet for a strategic planning session.

Ex-Officio Member Waters announced that the South Florida Water Management District's (SFWMD) Water Resources Advisory Council will meet in Hollywood on Thursday, June, 5, 2008 at the Anne Kolb Nature Center.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only.

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Mr. Charles Loeb gave a brief presentation on public transportation and private enterprise.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) July 7th, 10:30 a.m. (Council Offices, Hollywood)
- b) August 4th, 10:30 a.m. (Council Offices, Hollywood)
- c) September 8th, 10:30 a.m. (Council Offices, Hollywood)
- d) October 6th, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 12:25 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 June 2, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 7th day of July, 2008.

Jay Chernoff, Secretary

Date