

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

April 6, 2009

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Walters, called the meeting to order at 10:36 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

Councilmember Walters stated that there was not a quorum and the meeting would be conducted as an Executive Committee meeting until a quorum was present. She then welcomed new Ex-Officio Member, Joan Goodrich who represents the Broward Alliance.

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates
Councilmember Michael Blynn
Councilmember Heather Carruthers
Councilmember Jay R. Chernoff
Councilmember Sally Heyman
Councilmember Marta Perez
Councilmember Joseph Scuotto
Councilmember Sandra Walters

The following Ex-Officio members were present:

- Ms. Joan Goodrich, representing the Broward Alliance
- Mr. Tim Gray, representing the Florida Department of Environmental Protection
- Mr. Elbert Waters, representing the South Florida Water Management District

Councilmember Katy Sorenson arrived after roll call.

Councilmember Lieberman joined the meeting via conference call.

Mr. Samuel S. Goren, Legal Counsel, stated that Councilmember Lieberman's participation via conference call did not constitute a quorum, because the quorum must be physically present.

AGENDA ITEM THREE: Minutes of previous Meeting

Councilmember Walters stated that she had the following corrections to the minutes: page 7, second paragraph, she stated that she would like to correct the word "disinterest" to be "disservice"; and she requested that the resolution, which was read aloud by Council members Heyman and Sorenson, be quoted in the minutes on or about page 13, where appropriate.

Councilmember Lieberman stated that she also had the following corrections: page 9, fourth paragraph the word "jurisdictional" should be "inter-jurisdictional".

Councilmember Asseff moved to approve the corrected Minutes from the previous meeting. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

Mr. Goren stated that the rules allow the members who are present to debate and discuss the issues on the table, but because of the limitation on the quorum, only the Executive Committee members can vote.

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Asseff moved to approve the Intergovernmental Coordination and Review Report. Councilmember Chernoff 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

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 Tamarac

c) Town of Hillsboro Beach

d) City of Sunrise

e) City of Coral Springs

f) Town of Miami Lakes

g) Town of Davie

h) Village of Virginia Gardens

Councilmember Scuotto moved to approve the staff recommendation on items 6b, 6c, 6d, 6e, 6f, 6g, and 6h. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

Mr. Goren stated that Councilmember Asseff made a motion a moment ago, but she truly can't vote on these matters until there is a quorum. He requested that the Chair go back to those items and allow the Executive Committee members to vote on the previous two items.

Councilmember Chernoff moved to approve the corrected minutes and the Intergovernmental Coordination and Review Report. Councilmember Scuotto 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

- Monroe County
- City of North Miami
- City of Key Colony Beach
- City of Lauderhill
- City of Pompano Beach
- City of Marathon
- City of Doral

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

- b) City of Pembroke Pines
- c) City of Oakland Park
- d) City of Cooper City
- e) Town of Bay Harbor Islands
- f) Town of Medley
- g) City of Dania Beach
- h) City of Hialeah
- i) Bal Harbour Village
- j) Town of Pembroke Park
- k) City of North bay Village

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

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Nothing to report

b) Financial Report

Councilmember Chernoff moved to approve the Financial Report for the month of February 2009. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

1) Legislative Update

Ms. Dekle stated that she had a Legislative update. She recognized Ms. Isabel Cosio Carballo and Mr. Bob Cambric of Council staff for their hard work on this item. Ms. Dekle stated that the Council members had, in their packets, item #8c)1 which provided an analysis of the two primary bills that the Council has put forth positions on, Senate Bill 360 and House Bill EDCA09-02. Things are moving forward she stated. Also provided to the Council members was the Legislative report from the Council's representatives in

Tallahassee; the Wren Group and Mr. Ron Book. The primary issues of interest are those areas where there is discussion about changing the fundamental growth management legislation. The Council drafted a resolution at its March meeting, which got a lot of people's attention. Other Regional Councils have taken that same initiative, and the conversation continues, she stated. But it is too early to predict the outcome on this issue. There should be continued discussion by municipalities and counties in terms of making resources available for providing services if the administrative framework, that allows them to capture the resources to pay for the increased impacts to schools, transportation, water and a whole variety of different areas, is taken away. She suggested that the Council members talk to the League of Cities representatives for their municipalities. Ms. Dekle pointed out that the counties have been very non-supportive of the legislation; they have been the ones being asked to carry the issues forward. In regard to the budget issues, she stated, there is an agreement on the House side for \$2.5 million, and there have been discussions on the Senate side that look like the two may match up, but there is still a long way to go before we can know whether or not all of that will come together. The amount is statewide and would hold this Council to about where it is this year, which is a bit better than what it was in the Governor's budget. Ms. Dekle stated that she would be happy to answer any questions.

Councilmember Walters urged all members to go out and express their personal and Boards' perspectives to their elected officials in Tallahassee. She stated that she was very proud of the position that this Council has taken so far, but there is still a long way to go.

Councilmember Lieberman stated that she thinks that the Bill is going to pass. A little more than a week ago she had the pleasure of meeting with the President of the Senate, Senator Atwater, and his staff on this issue and that was followed up by a meeting with his chief staff person on growth management and DCA issues. She stated that she could see that they were 100% committed to seeing this Bill pass. We raised all of the issues and concerns, she stated, about how this would undo growth management with no provisions for inter-jurisdictional impacts, and how there was no way to deal with the backlog situation likely to be created. Regretfully, this conversation with Senator Atwater's policy advisor on growth management issues was not very productive. There is a lack of understanding regarding under what circumstances a local government can deny development. Councilmember Lieberman stated that she kept telling him that he needed to be aware of the court cases that were out there; if someone brings in a development and it meets code, but there is no more concurrency requirements for transportation the courts have said that we have to let them proceed. The cities will determine site plans and those types of issues; that caught his attention, but didn't seem to change their position on the Bill.

Councilmember Heyman stated that it was time to work the Governor's Office.

Councilmember Asseff stated that a number of people were up in Tallahassee for this Bill, and Councilmember Sorenson spoke very well on it and especially the Urban Development Boundary (UDB). It didn't seem to have any effect; they were pretty much in favor of this growth management bill, SB 360.

Councilmember Scuotto asked what about the Florida Department of Community Affairs (DCA) being sunsetted, was that discussed?

Councilmember Lieberman stated that the need for DCA was discussed, and there seem to be two schools of thought. Predominantly in the House, the school of thought is that DCA does not need to exist, and they could do away with it and move certain functions in the Secretary of State's office. The Senate seems to be more cautious, but none-the-less they seem to really want to revamp the role of DCA.

Ms. Dekle asked what the effect was on the Hometown Democracy issue.

Councilmember Lieberman stated that there were some interesting dynamics going on back and forth. We have absolutely raised the issue that we believe that if they do away with growth management, then they will ensure the passage of Hometown Democracy, she stated. Interestingly, she stated, the people who oppose Hometown Democracy because of the referendum requirement are none-the-less supporting Haber and the referendum requirements. It is a very scary time and the session is only half way over. The good news is that it will be a short week, she stated. It is a concern that this has already passed the Senate. There may be some ability, if the Bill that passes in the House is different than the Bill that passes in the Senate, to interface at that point in a Conference Committee. The feeling that she gets from the House and the Senate, she stated, is that they see DCA standing in the way of an economic upturn, and believe that if they deal with DCA and some of these “impediments”, then construction and growth can be started again, somehow the recession will disappear.

Councilmember Carruthers asked what would happen with all of the developments that are sitting vacant.

Councilmember Walters responded, exactly.

Councilmember Lieberman stated that it was particularly perplexing that on the one hand a referendum requirement by certain groups would be horrendous, but on the other hand it would be terrific. She stated that she truly believes that if they go ahead with SB 360, in its current form, Hometown Democracy will pass.

Councilmember Carruthers stated that this highlights the disconnect between Tallahassee and the rest of the State.

Councilmember Lieberman stated although not an issue for the Regional Planning Council, we should also be following the issue where they want to extend the life of permits that have already expired as of October 2008.

Ms. Dekle stated that was a concern in the whole mix of discussions, because the impacts of development don’t go away, only the ability to fund the improvements, and it is just another shift to the taxpayers. This is what needs to be elevated into conversation. She stated that she did see a conversation coming out of the Tampa Bay area with their economic development group. Some of the larger economic development groups are now starting to say “wait a minute; this isn’t such a hot idea”, because of the effect that this is going to have on businesses and taxpayers in general, because the responsibilities continue to exist, but where do you lay the responsibility.

Councilmember Lieberman stated that they raised all of those issues with Senator Atwater, especially the issue regarding all of the unfunded infrastructure that will be accumulating as a result of SB 360. The response from his staff was, just vote no. We had to explain why you cannot deny a development permit if there is no concurrency requirements. There was some discussion, she stated, well maybe local jurisdictions could develop their own concurrency.

Councilmember Walters stated that the members need to talk to their representatives in the House and the Governor’s Office. Councilmember Walters offered her assistance with any efforts to reach the Governor’s Office.

Councilmember Lieberman then asked about SB 1336, she stated that she wanted to confirm that it was withdrawn.

Councilmember Heyman stated withdrawn is withdrawn.

Councilmember Lieberman stated that gone is not gone until the Legislature adjourns.

Councilmember Heyman stated that if it is withdrawn it is out of play; the language can always show up as a single subject in something else, but this Bill is technically withdrawn.

Councilmember Lieberman agreed and stated that she did not want the Council to lose sight, because this Council has made affordable housing a top priority.

Councilmember Heyman suggested that they watch for language that is parallel being amended onto something.

d) Legal Counsel Report

Mr. Goren stated that the pending litigation report is included in the staff reports. Councilmember Brook had previously requested information regarding fees, costs and expenses and since he was not in attendance he suggested that the Council defer the discussion on this until next month.

Councilmember Lieberman stated that she was under the impression that Mr. Goren was reimbursed from non-SFRPC funds; is this correct, she asked.

Mr. Goren stated that is correct with regard to Hurricane Wilma Loans and Revolving Loan Funds.

Councilmember Lieberman asked if there was a period of time when the Council should be writing off some of these Hurricane Wilma Loans, and is it the Council's decision.

Mr. Goren responded the answer is yes, and it is the decision of the State. There are several that are getting long-in-the-tooth.

Councilmember Lieberman stated that it looks like there are a number of loans that appear to cost more for litigation than what is gained in recovery. She then asked shouldn't we put those on a separate sheet and send a letter to the State and say here are the efforts that we have made, please advise if you want us to pursue.

Mr. Goren stated that was part of the recommendation that we would like to bring to the table at the May Council meeting.

Councilmember Walters stated that she agreed with Mr. Goren's suggestion to table the discussion until the May Council meeting.

Councilmember Sorenson arrived at the meeting.

Councilmember Walters stated that the Council now had a quorum.

Councilmember Lieberman stated that she had a question regarding the March 18, 2009 report from Goren, Cheroff, Doody and Ezrol. On page two, regarding case number five it states, "Defendants' response is due February 2, 2009". I would think by March 18, she stated, that we would know if it was received or not. She stated that the same was true on case number six as well.

Mr. Goren stated that was a response to the complaint, not the letter. They were served, he stated.

Councilmember Lieberman stated that the responses were due; one on February 2nd and one on February 9th. There should be an update provided for both.

Mr. Goren responded, understood.

Councilmember Lieberman then asked about case number two, D'Lites; she requested an update regarding the discharge that was entered on September 30, 2008.

Mr. Goren stated that those will all be addressed in next month's report.

Mr. Goren stated that there was no further litigation to report. To the extent that the Legislature was meeting on a number of different items, some of the issues that affect this Council, which it has sought to embrace in the statutory chain with regard to Florida Statute Chapter 163 regarding appeals and other petitions that may not have reached the actual conversation in the Legislature. When this Council has sought to intervene in various appeals of land use amendments it has had some difficulty in challenging, absent a change to State Statute.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Information only

b) Hurricane Wilma Bridge Loan Status Report

Information only

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

Information only

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**

Information only

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

a) **SFRPC Resolution Regarding Creation of a Dedicated Funding Source for SFRTA**

Councilmember Lieberman moved to approve the Resolution Regarding Creation of a Dedicated Funding Source for the South Florida Regional Transportation Authority (SFRTA). Councilmember Chernoff seconded the motion.

Councilmember Walters stated that there had been some discussion about this in the Executive Committee meeting, where she raised a few questions as to why the resolution wasn't more specific. She stated that she was advised that the resolution was written in a way to keep flexibility at the Tallahassee level. The specific funding mechanism that has been discussed for a couple of years is the \$2 surcharge on rental car fees. Apparently that is still in play as are other things.

Councilmember Lieberman stated that the reason that this was still in play was because this was being linked to Sunrail, which is a priority of the Governor. The Sunrail Bill is tied up in a Committee on which Senator Chris Smith is the swing vote, and the Committee is 4 votes against Sunrail and 3 votes for it. He has proffered an amendment to add the \$2 surcharge language to the bill. The Governor's Office wants to require a voter referendum for approval of the \$2 surcharge. That would be unacceptable. The Bill is still in the Committee. She spoke with Senator Atwater about this fee, and he seemed to be supportive of it and understood the need for it.

Councilmember Lieberman then asked Councilmember Walters to contact the Governor's Office to see if he would agree to a supermajority vote for the \$2 surcharge in lieu of a voter referendum, then maybe Senator Smith could be convinced.

Councilmember Walters had one modification to the Resolution; she requested that it say a "dedicated annual funding source".

Councilmember Lieberman accepted the amendment to the motion.

Councilmember Walters stated that she would be signing a cover letter to go with the Resolution.

Councilmember Lieberman requested that the Resolution be sent to Senator Smith as soon as it gets signed.

Councilmember Lieberman moved to approve the Resolution Regarding Creation of a Dedicated Funding Source for the South Florida Regional Transportation Authority (SFRTA), including the word “annual” when referring to a dedicated funding source. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only.

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Councilmember Walters stated that the next Strategic Planning Session will be held in June so that the Council would have all of the correct budget information as part of the discussion and we may know more about the stimulus funding at that time.

Councilmember Carruthers asked if the Council had any structured way of communicating with the South Florida Representatives and Senators that represent us, about our concerns on the Legislative agenda. Are they ever invited to attend Council meetings, do members meet one-on-one with them, because it seems to me, she asked, that these are the folks that are representing us in Tallahassee and they should be 100% behind what we are behind? What can the Council do to get them to understand our issues, she asked.

Ms. Dekle stated that the tools that the Council has used are: they have been invited to Council meetings, the Council has had Legislative Forums, the members have been asked to indicate who they have special relationships with and have been asked to call those Senators or Representatives directly.

Councilmember Carruthers stated given the importance of what is on the agenda this year that she is surprised that no one has called her to talk to Ron Sorenson. It seems to her, given what our jobs are here, the Council should be the one leading the charge with the folks who represent us in Tallahassee.

Councilmember Sorenson informed the Council that she was in Tallahassee last week and it was counter productive. During her visit she met with Senator Mike Bennett, the sponsor of myriad growth management bills including CS/SB 360. Despite their conversation in which she raised issues of serious concerns, Senator Bennett indicated that he would not amend his bill to accommodate the concerns that were raised.

Councilmember Carruthers stated that she understood that, but the more people that knock on their doors the better. Burt Harris, she stated, is just another unfunded mandate as far as she is concerned.

Councilmember Walters informed the Council that Mr. Joe Giulietti, Executive Director for the SFRTA, had just arrived. She told Mr. Giulietti that the Council had just adopted a Resolution supporting the dedicated funding source for the SFRTA.

Mr. Giulietti thanked the Council for its support.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) May 4th, 10:30 a.m. (Council Offices, Hollywood)
- b) June 1st, 10:30 a.m. (Council Offices, Hollywood)
- c) July 6th, 10:30 a.m. (Council Offices, Hollywood)
- d) August 3rd, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

Councilmember Blynn moved to adjourn the meeting. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

The meeting was adjourned at 11:20 a.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the April 6, 2009 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 4th day of May 2009.

Suzanne Gunzburger, Secretary

Date