

## SOUTH FLORIDA REGIONAL PLANNING COUNCIL

### Minutes

November 3, 2014

The South Florida Regional Planning Council met on this date at the Murray E. Nelson Government & Cultural Center, 102050 Overseas Highway, Key Largo, FL 33037. Acting-Chair Walters called the meeting to order at 10:40 a.m. and asked Councilmember Wallace to lead the Pledge of Allegiance.

#### **I. Pledge of Allegiance and Roll Call**

Councilmember Patricia Asseff (via phone)  
Councilmember Mario J. Bailey  
Councilmember Margaret Bates (via phone)  
Councilmember Frank Caplan (absent)  
Councilmember Tim Daubert (absent)  
Councilmember Suzanne Gunzburger (via phone)  
Councilmember Nelson Hernandez (absent)  
Councilmember Martin Kiar (via phone)  
Councilmember Jean Monestime (via phone)  
Councilmember George Neugent (absent)  
Councilmember David Rice  
Chair Stacy Ritter (via phone)  
Councilmember Xavier Suarez (via phone)  
Councilmember Paul Wallace  
Councilmember Sandra Walters  
Councilmember Jimmy Weekley  
Councilmember Juan C. Zapata (absent)

Mr. Sam Goren, Legal Counsel was present.

#### The following Ex-Officio Member was present:

Ms. Aileen Boucle, representing the Florida Department of Transportation, District VI

#### The following Ex-Officio Member was not present:

Ms. Laura Corry, representing the South Florida Water Management District

Mr. Sam Goren, Legal Counsel explained the Meeting will be conducted as an Executive Committee Council Meeting with Councilmember Walters as Acting Chair. He stated that Councilmembers Walters, Rice and Wallace will act as the Executive Committee and the actions taken today will be ratified at the next Council Meeting, December 1, 2014.

#### **II. Approval of Council Agenda**

Councilmember Weekley moved to approve the Council Agenda. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

#### **III. Action Items**

##### **A. Minutes of Previous Meeting**

Councilmember Rice moved to approve the Minutes of the Previous Meeting. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

B. Financial Report

Councilmember Weekley moved to approve Agenda Item III.B, Financial Report. Councilmember Bailey seconded the motion, which carried by a unanimous vote.

Mr. McGann of Council staff informed the Board the City of Fort Lauderdale Smart Watts Loan Program had been removed from the financial statement. He stated this was because the City of Fort Lauderdale closed the grant and awarded the Council the remaining \$9,889 in Net Assets as final compensation for administering this program.

Mr. McGann also informed the Board staff had finally contacted an individual at the State of Florida that has the ability to close out the Hurricane Wilma Emergency Bridge Loan Program and transfer all the remaining defaulted loans to the State of Florida. Because these loans have been litigated and remain uncollectable they have been excluded from the Council's monthly financial report and annual audit since September 30, 2012. The final transfer should be completed during the next 3 – 6 months.

C. Intergovernmental Coordination and Review Report

James F. Murley, Executive Director, informed the Council that ICRP Report #14-0918 is the Draft Environmental Impact Statement (EIS) submitted by the Federal Railroad Administration on the All Aboard Florida Project. He stated that the SFRPC is continually involved by attending the public hearings and working with local governments and transportation agencies. Comments will be prepared for the December 1, 2014.

Councilmember Bailey moved to approve Agenda Item III.C, Intergovernmental Coordination and Review Report. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

Councilmember Wallace questioned if the Council will be taking action on the All Aboard Florida Project.

Mr. Murley stated that there are draft comments from the staff, which will include the Counties' comments, which will be filed with the Federal Railroad Administration; this is an official action. He explained the reason for the EIS is because All Aboard Florida is requested funding. Mr. Murley stated that the various agencies can comment up until December 3, 2014.

D. Consent: Comprehensive Plan Amendment Reviews

- Broward County 14-7ESR
- Broward County 14-9ESR
- Miami Dade County 14-3ESR
- Monroe County 14-2ACSC
- City of Aventura 14-1ER
- City of Coral Springs 14-1ER
- City of Doral 14-4ESR
- Islamorada, Village of Islands 14-3ACSC
- City of Lauderdale Lakes 14-1ESR
- City of Miami Beach 14-1ESR
- City of Pembroke Pines 14-3ESR

- City of Plantation 14-2ESR
- City of Plantation 14-3ESR

Councilmember Bailey recused himself from voting on the City of Lauderdale Lakes, 14-1ESR amendment due to a conflict of interest.

Councilmember Weekley moved to approve Agenda Item III.D, Consent: Comprehensive Plan Amendment Reviews, City of Lauderdale Lakes 14-1ESR not included. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

Councilmember Rice moved to approve Agenda Item III.D, Consent: Comprehensive Plan Amendment Reviews, City of Lauderdale Lakes 14-1ESR. Councilmember Weekley seconded the motion, which carried by a unanimous vote. Councilmember Bailey did not vote.

E. Regional Issues: Comprehensive Plan Amendment Reviews - None

#### IV. Discussion Items

A. Executive Committee Report-None

B. Executive Director's Report

Mr. Murley stated there is a print out of the All Aboard Florida presentation from the Federal Railroad Administration that is used for their public hearings.

Mr. Murley recognized Ranger Fowler from the Everglades National Park (ENP), Key Largo Office. He is present at the request of the ENP Superintendent and Councilmember Suarez regarding the Everglades Restoration, specifically the Cape Sabal issues. He stated that the ENP is aware of Councilmember Suarez's concerns.

Councilmember Suarez stated he is concerned with Agenda Item V.A.1) Sea Level Rise (SLR) Report. He stated that our interest and concern, having confluence, has to do with Cape Sabal and sea level rise. He stated that there are different places where the issues can be created for the environment by the various models of SLR, including the ones in Miami, Miami Beach, and in particular, Virginia Key where there is a water treatment plant. He stated that Cape Sabal is a good test case because it does not take much of a sea level rise before the effects are felt, since it is basically at sea level; it is the cutting edge, physically and rhetorically of this issue. He thinks the Council should concentrate on seeking some of the funding from Amendment 1 that will address issues in Monroe, Miami-Dade and Broward Counties' involvement in maintaining the environmental quality of places like Cape Sabal.

Mr. Murley stated that the Council will be monitoring the statewide vote and that the Councilmembers and the Florida Regional Council Association recognizes and will want to be involved in the implementation of this statewide important issue. (Amendment 1 passed on November 4, 2014 with 75% of the popular vote).

Acting Chair Walters stated that she served four years on the Acquisition Restoration Council appointed by Governor Bush. She explained the Board oversees the Florida Forever Program where she did many applications for purchase of land for preservation and well over 100 state land management plans. She stated that because of this experience she wrote a guest commentary to the Monroe County newspapers supporting Amendment 1, focusing on management and restoration. She stated there is one valiant man

in Monroe County who manages hundreds of acres of state conservation lands that were purchased through the great state programs. She stated that he is like the poster child of the funding that is needed for management. She stated that Amendment 1 is so important. Acting Chair Walters understands from coordinating with some of the people who are directly involved with the state level effort that focus on the Everglades is a major component of what is intended and it would be a tremendous benefit for all our counties.

Councilmember Suarez alerted everyone that Miami-Dade County will be seeking funding from the same source beginning as early as tomorrow, before the vote is even counted. He has a Sunshine Law meeting with Chairwoman Sosa on the Ludlam Trail and extended an invitation to Councilmember Monestime. He stated there is a controversy over some development and would like to see if that would be eligible under the renewed funding source. He stated that it is not necessarily a preference of Monroe County vs. Miami-Dade; it is a need to rush to get these things for South Florida so the funding does not go to the other parts of the State.

Mr. Murley reiterated that the Council will receive updated information on Amendment 1.

Mr. Murley stated that Agenda Item V.B.3) is regarding the progress of Community Development Financial Inc. certification process that was previously authorized by the Board. He stated the Southeast Florida Community Development Fund, Inc. (SFCDFI), a 501(c)(3), is in the process of being approved by the Internal Revenue Service and working through additional requirements for the U.S. Treasury Department to be fully formed and certified to be active in all four Counties. He stated that the three private Boardmembers of the SFCDFI who are also the Revolving Loan Boardmembers are requesting Councilmember Asseff to serve as the Council's voting member on the SFCDFI Board. He stated that this would give the Council a direct line and accountability. Councilmember Asseff accepted the nomination.

Councilmember Wallace moved to approve Councilmember Asseff to serve on the Board of the SFCDFI. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

Mr. Murley informed the Council that there will also be an Advisory Committee and the Advisory Committee will be reaching out to the Councilmembers for nominations.

Mr. Murley announced that this may be the last meeting for Councilmember Gunzburger and would like to recognize her service. Acting Chair Walters formally requested Councilmember Gunzburger attend the December 1, 2014, Meeting to thank her for her service. Councilmember Gunzburger stated that it would be her pleasure to attend the December Meeting.

### C. Legal Counsel Report

Mr. Goren, Legal Counsel, gave an update on the Southeast Florida Community Development Fund, Inc. (SFCDFI), a 501(c)(3) designation. He stated that there is time remaining to engage in a relationship that would allow the Council to provide some seed money of existing revenues to the SFCDFI for the purpose of engaging in third party relationships with either the Urban League or another party that may engage in the funding commitments that were contemplated by the creation of the this organization. He stated that this entity, a separate 501(c)(3), is not the Councilmembers, it is comprised of members that are appointed by the Council that was approved at the last Council Meeting. He explained the various loan relationships between the SFCDFI, 501(c)(3) and other entities. The objective today would be to get a conceptual review and approval by the Board to allow administration at the Regional Council to provide up to \$10K of existing RPC undesignated funds, for purposes of using the word loan, only in the context of this discussion, as assistance to the new entity for the purposes of beginning its loan program, as well

as, beginning the loan processes that requires a timeframe through the 24<sup>th</sup> of November. He stated his initial reaction was that not until you have the initial 501(c)(3) in place can you begin to think about utilizing undesignated Council monies for that particular relationship. If it were for a solely private party the answer would be no but under this situation it would be legally permissible but it cannot be done independently of your authority or authorizing Mr. Murley to engage in the discussions or paperwork to make it happen between now and the end of November. There will not be another Council Meeting until December and the window would be lost that was discussed earlier.

Acting Chair Walters stated that the timing and purpose of this is to hit the ground running because these other entities are the very ones that asked us to form the 501(c)(3) in the first place and funding is needed for staff time to support the new organization to get it going.

Ms. Cheryl Cook, Council staff, stated that one of the things that needs to be done before applying to the U.S. Treasury for certification for the technical assistant grant is to have some loans on the books in which these funds will be used before the time period.

Councilmember Bailey stated that Councilmember Asseff will be on the SFCDFI Board and questioned if any other Councilmember will be part of that SFCDFI Board. The answer was no.

Ms. Cook stated that the SFCDFI Boardmembers are from the Revolving Loan Administrative Board (LAB) in the private sector: Chair, Norman Taylor, for 20 years he was the Economic Development Director for Broward County and now has a consulting firm; Secretary/Treasurer, Gabino Cuevas, Chair of the Loan Administrative Board and Executive Vice President for Cherokee Enterprises, Inc. out of Miami; Vice-Chair, Barrington Wright, Senior Vice President, First Colonial Realty and Councilmember Asseff. She stated that there will be an Advisory Board to help map out the vision as well as investments for the SFCDFI.

Mr. Goren explained that this is an initial preliminary monetization of the organization. He stated the term would be for a year or less at a market interest rate of 1%.

Councilmember Gunzburger commented on the Big Chef loan amount. She stated that in the Rules only \$300K is the maximum to lend. She stated that Big Chef went over that limit and is now in bankruptcy. She stated that \$300K was the initial loan and \$75K was an additional loan. Councilmember Gunzburger stated that there should be better control. She commented on the 25% of the loans that have been given out go to default and it should be decided what is an acceptable level of default.

Ms. Cook confirmed Councilmember Gunzburger's comments regarding Big Chef. She stated that at the last LAB meeting there was discussion on ways to improve the review of upcoming loans.

Acting Chair Walters requested that Ms. Cook review and address the item later in the Agenda.

Councilmember Asseff stated the RLF has a very good track record and Big Chef going into bankruptcy was a surprise to all involved. She stated that Big Chef was on TV and is a high profile company. She stated that they made a transition.

Councilmember Asseff stated that for all the loans that have been made those loans have been good. She stated that there is always going to be a few; considering the loans that we have, we have great results from those existing loans. She explained that Ms. Cook follows up on those loans that are having trouble and most of the loans try to pay something towards their loan. She stated that these people were rejected

from bank loans and this is what our Revolving Loan Program is all about. She stated that if you look at the whole picture there are better statistics than some loans or the other loan funds.

Ms. Cook stated that when this loan claimed bankruptcy the LAB and Council felt that this was a big hit to the Loan Portfolio.

Acting Chair Walters returned to the previous discussion on the SFCDFI and reiterated the details are one year or less with a 1% interest rate. She inquired about the source of the funding.

Mr. Murley stated the Council had a Loan Fund with the City of Fort Lauderdale that closed out with remaining funds and the City has agreed that those funds can be released to the Council; these funds have never been put into the budget and will be the source. He stated that Council Chair Ritter, Mr. Goren and himself would have the authority to make the decision between now and the submission to the U.S. Treasury Department.

Councilmember Bailey inquired about approving criteria for the use of the funds today if approved.

Acting Chair Walters stated that the Councilmembers will be delegating the responsibility to Chair Ritter and Mr. Murley to work out the details. Mr. Murley stated that the Acting Chair is correct and the guidelines for dispensing the funds will be the same as the guidelines for the RLF.

Councilmember Wallace explained the history of this non-profit. He is concerned that we don't have oversight are there controls in place to manage the funds to be audited and rules of distributing the funds, are there expectations that are well founded. He stated that the most important thing is that this organization is able to reach out to the community and we should encourage the new 501(c)(3) to reach out, particularly the members of the Advisory Board, to economically disenfranchised groups. He stated that banks are responsible for putting money out into under privileged or needy communities and this could be a great vehicle or outlet for these people. But in order to do that we are going to have to be sure we get the right kind of people on the Board that have access to those folks.

Mr. Murley stated that the four Boardmembers are focused on getting that type of Advisory Committee and that our legal advice comes from Mr. Goren's law firm.

Mr. Wallace inquired if this was legal.

Mr. Goren stated that his office has not given advice yet because the entity is being formed. He stated that the end result is that in some point in time, his office cannot provide both entities with advice and not have a conflict, a potential conflict or an appearance of a conflict. He stated that at the Council's direction formed the corporation, assisted staff with the 501(c)(3) application and at this point Legal Counsel will stand aside. He stated that he has not been asked to perform any legal functions of any kind for that entity. His conversation this morning relates to the Council being asked by that entity through whatever means to be given some kind of bridge loan that would assist it in proceeding forward which is his obligation to you as Legal Counsel. He stated that he is not representing the SFCDFI until I am engaged to represent them and if he did there would be an obvious conflict that could be waived or not depending upon the circumstance.

Mr. Murley stated that the motion would be because of the timing of this meeting and the Executive Committee Meeting and the timeline of interacting with the US Department of Treasury is that you authorize the Chair, legal counsel on behalf of the Agency and Mr. Murley to address this issue with the

CDFI and see if we can find an outcome that is in the interest of the Council and for the CDFI to move forward. He stated that there will be a full report December 1, 2014.

Councilmember Rice motioned that Chair Ritter and Mr. Murley make decisions regarding the SFCDFI certification. Councilmember Weekley seconded, which carried by a unanimous vote.

Ms. Cook stated that the request is for the Council to loan the CDFI the \$10K to get things going and those funds are coming from the City of Fort Lauderdale Smart Watts Program.

Councilmember Asseff inquired if we can do a bridge loan from the RLF to start the CDFI. Ms. Cook stated that it is not allowable.

Mr. Goren reiterated that this loan is a maximum of \$10K, the seed money, and that the loan is for one year and a market rate of 1%. He stated that this needs to be added to the motion.

Acting Chair Walters accepted the addition to the motion. It was approved unanimously.

Mr. Murley stated that there will be a quarterly report at the Meeting similar to the Revolving Loan Agenda Item.

Mr. Goren stated that the nominating committee needs to be formed under the Council's Rules. Past Chair Wallace will serve as the Chair of the Nominating Committee and Chair Ritter will to appoint two Councilmembers from the other counties and they will have to meet in person or via phone in December.

D. Ex Officio Reports-None

## V. **Program Reports and Activities**

Mr. Murley stated, in October, Southeast Florida Regional Climate Compact had a very successful Climate Change Summit in which the Council was asked to assist.

### A. Council Mission - Climate Resilience Activities

- 1) Presentation on Sea Level Rise Modeling Efforts in the Keys -  
Rhonda Haag, Sustainability Program Manager, Monroe County

Ms. Rhonda Haag the Sustainability Program Manager for Monroe County presented a PowerPoint regarding sustainability and climate milestones throughout Monroe County. She stated that they have a Comp Plan amendment for a climate and sustainability item added to our regular Comp Plan, it has been forwarded and under approval. She explained the Monroe County Climate Action Plan, recommended the development of a Sustainability Action Plan. Consultants have been retained to produce by the end of this year the Sea Level Rise Community Modeling and by the beginning of 2015 there should be a complete Sustainability Plan. She had slides of the various regions in the Keys of the past, present and future effects on SLR on County assets.

- 2) Presentation on Adaptation Action Areas -  
Keren Bolter, Geosciences PhD Candidate, Florida Atlantic University Center for  
Environmental Studies and South Florida Regional Planning Council

Dr. Keren Bolter, Contract Employee for the Council, presented information on Adaptation Action Areas (AAA), on the correlating FDEP/FDEP/NOAA Grant, and on how to support and promote the policy. AAA is an optional designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme

high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning (Section 163.3164(1), Florida Statutes). She explained the themes of being practical, prioritizing, and creating partnerships that work at the local level. Dr. Bolter explained the different adaptation actions such as protection (natural and man-made), accommodation (flood proofing, drainage improvements), managed retreat/relocation (relocate vulnerable structures) and avoidance (redirecting development and population densities away from the high risk areas). She explained some of the criteria that would be considered for an AAA and the purpose of prioritizing funding for infrastructure needs and adaptation planning on a local level. She stated that the Project, at the SFRPC, consists of working with the Department of Economic Opportunity, Broward County, Fort Lauderdale and the Regional Climate Compact to produce a suite of resources including a policy options report, a guidebook, a Fort Lauderdale case study, and a set of 6 videos. These resources offer support to any local government in Florida interested in AAAs. Flexible AAA Projects may be tailored to each local government in a way which maximizes opportunities and community resilience.

3) Presentation on Climate Health Impacts -

Roderick King MD, MPH, Chief Executive Officer, Florida Institute for Health Innovation  
Ms. Mirine Dye, MPH, CHES, IBCLC is the Project Manager with the Florida Institute for Health Innovation formerly the Florida Public Health Institute. She stated that they are working on a grant with FAU identifying the health impacts on various infrastructure and geographical changes in areas of sea level rise. She stated it is visible along the coastal community and how the environment can disrupt the balance of health. She stated that they are studying areas from Palm Beach to Key West.

Mr. Murley informed Council that Isabel Cosio Carballo is working on this project and Manny Cela is contributing with his GIS expertise.

B. Revolving Loan Fund Reports

1) SFRPC Revolving Loan Funds Status Report

Councilmember Gunzburger stated that when you first look at the outstanding principle it is over \$6 million, 30 are current, 7 are past due and 5 are in default, so 12 out of 42 is almost 25%. She stated that on page 5 is the first \$300K loan to Big Chef and on page 6 is the second \$75K loan. She stated that this was something she didn't understand this since the Rules state the maximum to lend is \$300K aggregate.

Ms. Cook stated that is correct. She explained the LAB from time to time will make an exception to the \$300K Rule and they made that exception with Big Chef thinking that the additional funds would assist the company with their expansion, not knowing that a year later that the company would go bankrupt. She stated that the exceptions made previously to Big Chef were successful.

Councilmember Gunzburger stated that she is delighted that there will be an overseer. She understands the reasoning but some people don't get through even with technical help which is unfortunate. And we should be careful.

Ms. Cook stated that this the first and only time that the RLF Program had such a high default rate. She stated that the LAB realized this and in October agreed to review their process.

Councilmember Gunzburger stated that she was glad to hear this was the first time.

Councilmember Wallace inquired if there was a loan for \$300K and the loan was paid off can that borrower receive another loan.



Ms. Cook stated that if the borrower paid the loan off, they can still reapply. She stated that Big Chef has a balance slightly higher than \$300K at this time.

Councilmember Wallace questioned if this is a violation.

Ms. Cook stated that the policy states that the maximum amount is \$300K and they cannot go over that.

Councilmember Gunzburger stated that she wants us to make new businesses to succeed but we have to be extra careful.

Ms. Cook stated this has been realized and there are steps being taken to improve the review process.

Acting Chair Walters stated this blind sided everyone and the record of our Loan Programs has always been substantially better on repayments than anywhere else that does the same type of administration.

- 2) Smart Watts Home Energy Retrofit Loan Fund Status Report
- 3) Southeast Florida Community Development Fund, Inc. Update
- C. Emergency Preparedness Program Status Report
- D. Florida Regional Councils Association
  - 1) FRCA Monthly Accomplishments

#### **VI. Announcements and Attachments**

- A. Correspondence and Attendance Form
- B. Upcoming Meetings
  - 1) December 1st, 10:30 a.m. (Executive Committee Meeting, SFRPC Office, Hollywood)
  - 2) January 5th, 10:30 a.m. (SFRPC Office, Hollywood)
  - 3) February 2nd, 10:30 a.m. (Executive Committee Meeting, SFRPC Office, Hollywood)
  - 4) March 2nd, 10:30 a.m. (City of Miami Commission Chambers, Miami-Dade County)

#### **VII. Councilmember Comments**

#### **VIII. Adjournment**

The meeting was adjourned at 12:20 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the November 3, 2014 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 1<sup>st</sup> day of December, 2014.

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David Rice, Secretary

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Date