

## SOUTH FLORIDA REGIONAL PLANNING COUNCIL

### Minutes

March 3, 2008

The South Florida Regional Planning Council met this date at the Miami-Dade County Commission Chambers, 111 N.W. 1<sup>st</sup> Street, Miami, Florida. The Chair, Councilmember Perez, called the meeting to order at 10:32 a.m.

#### AGENDA ITEM ONE: Pledge of Allegiance

Councilmember Moss welcomed everyone to the Miami-Dade County Commission Chambers.

#### AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff  
Councilmember Michael Blynn  
Councilmember Jay R. Chernoff  
Councilmember Morgan McPherson  
Councilmember Dennis Moss  
Councilmember George Neugent  
Councilmember Marta Perez  
Councilmember Jose Riesco  
Councilmember Joseph Scuotto  
Councilmember Sandra Walters

The following Ex Officio Member was present:

Mr. Tim Gray was present on behalf of Chad Kennedy representing the Department of Environmental Protection.

Councilmember Scott Brook arrived after roll call. Ex-officio members Elbert Waters and Gary Donn also arrived after roll call.

#### AGENDA ITEM THREE: Minutes of previous Meeting

Councilmember Riesco stated that page 8 of the minutes reflected a discussion regarding an investment advisory committee and his name was recommended. He stated that he would be glad to be a member of that committee. He informed the Council that he had received notification from the Governor's Appointment Office of the upcoming appointments in the queue, and the Council was on the list. The current members' names were listed as well as a couple of other names from the tri-county area.

Councilmember Asseff stated that she was up in Tallahassee for the recent Policy Board meeting and met with Pablo Diaz, from the Governor's Appointment Office. She stated that the Appointment Office is behind, but all of the current appointees' names were there, and they should be hearing something shortly.

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

Ms. Carolyn A. Dekle, Executive Director, informed the Council that agenda item #6c, City of West Miami, had been withdrawn.

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Moss moved to approve the Intergovernmental Coordination and Review Report. Councilmember Riesco 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

- Town of Bay Harbor Islands
- City of Tamarac
- City of Parkland
- City of Pompano Beach
- City of Oakland Park
- City of Deerfield Beach

Ms. Terese Manning, Council staff, reported that the Proposed Public Education Facilities Element Comprehensive Plan Amendments were received from Bay Harbor Islands, Tamarac, Parkland, Pompano Beach, Oakland Park and Deerfield Beach and have been submitted for a new Public Educational Facilities Element and text amendments to the Intergovernmental Coordination and Capital Improvement Elements. The amendments have been transmitted pursuant to the 2005 Growth Management legislation, which requires that each local government adopt a Public Educational Facilities Element and concurrency standards for public school facilities. Staff recommends a finding of General Consistency with the SRPP.

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

b) Town of Lauderdale-by-the-Sea

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

c) City of West Miami

Ms. Manning reported that this item was withdrawn due to a technical issue and will be resubmitted and reviewed at either the April or May Council meeting.

d) City of Pembroke Pines

Ms. Manning reported that the City of Pembroke Pines proposed amendment #08-1AR is being processed and reviewed under the Alternative State Review Process Pilot Program and includes 2 Future Land Use Map Amendments. Staff recommends a finding of General Consistency with the *SRPP*.

Councilmember Chernoff moved to approve the staff recommendation. Councilmember Moss 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

- Broward County
- City of Pembroke Pines
- City of Miami
- City of Coral Springs

Ms. Manning reported that the Adopted Public Education Facilities Element Comprehensive Plan Amendments were received from Broward County, Pembroke Pines, Miami and Coral Springs and have been submitted for a new Public Educational Facilities Element and text amendments to the Intergovernmental Coordination and Capital Improvement Elements. Staff recommends a finding of General Consistency with the *SRPP*.

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

b) City of Lauderhill

Ms. Manning reported that the City of Lauderhill adopted amendment #08-1 (formally #07-2) was reviewed at the October 1, 2007 Council Meeting and was found to be generally consistent with the *SRPP*. The amendment was adopted as proposed. Staff recommends a finding of general consistency with the *SRPP*.

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

c) Monroe County

Ms. Manning reported that the Monroe County adopted amendment #08-1 (previously amendment #07-2) was reviewed at the November 5, 2007 Council Meeting and was found to be generally inconsistent with the SRPP.

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

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Ms. Dekle informed the Council that the only action item that came out of the Executive Committee meeting was a request for an investment review committee. The committee will be created and the members will be Councilmember Riesco, Councilmember Perez and Councilmember Brook. She stated that the Council does not have a lot of discretionary funds for investment, so the meetings will be held over the phone. The State Board of Administration (SBA) has stabilized at this point. There will be discussion, at the first meeting of the committee, as to whether or not it is prudent to invest the Council funds back into the SBA or into other investment options.

Councilmember Brook arrived at the meeting.

Mr. Samuel S. Goren, Legal Counsel, stated that there was some question as to whether or not the Council has an investment policy or program. The answer is the Council does have such a policy in place, and staff is working with the financial director and others to meet statutory requirements.

b) Financial Report

Ms. Dekle informed the Council that the format of the financial report has been modified, as requested, to show the previous month for comparison purposes. Council staff is taking pretty serious action within our own administrative capacities inside the agency in terms of cost reduction. As a result, staff may come back with a revised budget.

Councilmember Blynn asked for clarification on the footnote at the bottom of page 2 regarding the RLF Loan Losses, which total up to \$242,149. He asked if this was from legal counsel advising the Council that these loans are not possibly recoverable any longer.

Ms. Dekle confirmed that that money was from RLF losses, but she reminded the Council that some of those were loans made by other entities and taken over by the Council. Ms. Dekle pointed out that a portion of the money in the Wilma Loan funds has been authorized for administrative costs. She stated that staff was in the process of scanning files so that there is less cost in terms of storage of these files. The Council's Federal agency partners have agreed to allow the Council to use some of the funds for that purpose.

Councilmember Blynn asked if the losses were bankruptcies.

Mr. Goren responded the RLF master list, which was provided as backup in the RLF report, shows that many of the loans are still performing, and there are some that may transition to a different level. Some of the more difficult loans were troubled to begin with and then became the Council's loans.

Councilmember Brook stated that pool A went down considerably, he asked if that was the SBA account.

Ms. Dekle stated that a majority of the Council's funds were taken out of the SBA fund when it was going through some difficulties and those funds were put into a money market account at the local level. This is one of the issues that the investment advisory committee will discuss at its first meeting. Ms. Dekle stated that she recommends that the money be moved back into the SBA account because the money earns more interest in that account. The discretionary funds, which are never more than \$1 million, need to be liquid, because those funds are used for payroll and other costs.

Councilmember Brook stated if it was all moved out to money market and some to checking, there is still a difference of about \$132,000 that is not accounted for in the report. He asked for an explanation of where that money is.

Ms. Dekle stated that the money would have gone into salaries, rent and other expenses. She pointed out that the accounts receivable went from \$368,959 last month to \$808,467 this month. What ends up happening, she explained, the Council fluctuates with grants and other payables from partners, and that money is used along with the money in the SBA account in order to pay ongoing requirements.

Councilmember Brook pointed out that liabilities went down by \$70,000, so, he said, I imagine that some of that went toward reducing the liabilities. He then asked if there was an extra payroll in January.

Ms. Dekle stated that she was not sure, but one of the things that staff has done is to look at how much there is, percentage wise, remaining and then how much there is remaining in each category. She uses that as a guide to see if staff is staying on point. It was determined that there were three payroll periods in January.

Councilmember Chernoff moved to approve the Financial Report for January. Councilmember Brook seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, reminded the Council that there will be a joint meeting with the Treasure Coast Regional Planning Council (TCRPC) immediately following the Council meeting in April. The meeting will be held at the International Game Fishing Association Hall of Fame on April 7, 2008 and lunch will be provided. She then informed the members that there was a Policy Board meeting and we are moving forward with looking at potential legislative issues. There are no new resources this year out of the Legislature. We are going to do everything that we can to hold on to our fiscal appropriation. The Council should be ok, it may take a hit, but it is prepared if that happens. Ms. Dekle stated that she was appointed to the Governor's Action Team for Energy and Climate Change. She then informed the Council that there will be a Regional Transportation Funding Summit in Broward County on March 14, 2008. She requested that a representative from Broward County attend the summit in order to advocate a regional perspective.

Councilmember Walters stated that all of the TCRPC members stayed after their meeting to attend the last joint meeting, she encouraged her fellow board members to stay for the meeting in April.

Ex-Officio Member Waters arrived at the meeting.

Councilmember Moss stated that the Miami-Dade Metropolitan Planning Organization (MPO) has been struggling with the issue of the \$2 charge on rental cars. It is supposed to be used to now fund other road projects and the Regional Transit Authority (RTA) has discussed taking the \$2 and applying that to TriRail. There has been a question about if that happens will the other road projects take a hit?

Mr. Waters requested some additional information on the Regional Transportation Funding Summit.

Ms. Dekle stated that there was an agenda item in this month's agenda packet, which outlines the initiatives that the SFRPC is moving forward with, but she will check to see if there is any additional information and will provide that to the Council members.

d) Legal Counsel Report

Mr. Goren informed the Council that at the last meeting the Council authorized intervention into the Florida Power and Light (FP&L) Turkey Point expansion project. Legal counsel did file a petition on behalf of the Council. As a matter of state law, the Councils are a party to the proceedings automatically. The Council is already in the proceeding unless it chooses to be out; it has chosen to take part in the proceedings. There is a parallel review process going on with the Department of Environmental Protection (DEP) which is very aggressively involved. He then updated the Council on the status of the Weston appeal, which has been deferred until April 11, 2008. Mr. Goren stated that the update on the RLF was provided in the backup. As mentioned earlier, there are several loans that came from other sources and frankly may not be collectible. Mr. Goren stated that legal counsel was also dealing with a personnel matter for the agency which he can brief the members on by separate memorandum.

Councilmember Moss asked what the Council's role would be in the FP&L matter down the road.

Mr. Goren responded from a legal point of view, state law identifies various parties to become part of the decision of the application. There are a number of different legal hurdles to get over to get there. The Council is working with other agencies to move in that direction. Staff is working with all of the parties involved. There is a parallel path here; there are additional administrative hearings in Tallahassee with a judge that has been assigned to hear the case, in the event that there is an issue that needs to be decided by the judge. From the standpoint of a process, it is actually handled by DEP, including documentation and analysis. Council staff is poised to assist in that regard and a finding will be made.

Councilmember Moss clarified, so information will be gathered, an analysis will be done and it will come back to the Council for action.

Mr. Goren stated that was correct.

Councilmember Moss asked about the loans that may not be collectible, he asked if the Council has looked at a process in order to dispense of those loans.

Mr. Goren stated that there are some generally accepted accounting principles that can be applied. At some point in time collection becomes futile, as does the cost of collection. There are several that are reaching that level. A bankruptcy note is not always a bar to collection. Since there are several that are reaching that point, legal counsel will advise as to whether or not to write them off.

Ex-Officio member Donn arrived at the meeting.

Councilmember Asseff asked what position the Council was in for collection on these loans.

Mr. Goren responded it depends on the circumstance of the loan. The Council is not typically first; it is typically second or third.

Councilmember Brook asked if legal counsel could provide a summary regarding legal fees, expenses and what has been collected.

Mr. Goren stated that a monthly letter is attached to the RLF status report.

Councilmember Brook stated that he has seen the letter, but would prefer to see it in summary form. He requested columns for money collected since inception, money loaned, money written off, attorneys' fees and costs.

Ms. Dekle stated that there is a separate status report for each RLF fund which illustrates what has been loaned out and what has been repaid, but it does not sort out the attorneys' fees for each one.

Councilmember Brook stated that he was not asking for specific fees for each loan, just a total or at least an estimate of the total. What he is looking for is a comparison, for example if the Council spent \$18,000 in attorneys' fees he is hopeful that at least \$30,000 was collected. If the Council can see that financial summary that can help it understand essentially the return on its investment. This will also help with the determination whether some loans should be uncollectible.

Mr. Goren explained when there is a settlement with a borrower; all of the settlement figures include fees, costs and expenses as part of the overall resolution. Legal counsel keeps track of all of those, and can be included on the form as well.

Councilmember Blynn stated that careful review should be done on any future loans made by the RLF due to the current instability of the economy.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Discussed earlier

b) Hurricane Wilma Bridge Loan Status Report

Mr. Goren stated that the Hurricane Wilma list was getting smaller. He added there are several that may reach the point of non-collection.

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

Information only

d) Broward County Cultural Division's Artist Micro-Credit Revolving Loan Fund Program

Information only

AGENDA ITEM TEN: Contracts

There were no contracts to discuss.

AGENDA ITEM ELEVEN: Highlights of Council Activities

Ms. Dekle stated that Mr. Manuel Cela, Council staff, is the contact for the Southeast Regional Domestic Security Task Force (SERDSTF) and has been recognized for his leadership in the program.

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program Update

Ms. Dekle stated that this report was provided for the Council's information. Staff wishes that the project was moving more quickly, but it is tied to work that is being done at the state level.

Councilmember Walters informed the Council that there are revised deadlines for specific deliverables and end products, which should be delivered by June 2009.

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

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

The next Joint meeting between the SFRPC and the TCRP will be on April 7, 2008 and will begin at noon.

AGENDA ITEM FIFTEEN: Other Matters for Consideration

a) Overview of Future Transportation Planning Activities

Ms. Karen Hamilton, Council staff, gave a brief overview of future transportation activities and four primary areas that the Council should emphasize for the remainder of FY2008-2009. These four areas are:

- Long Range Planning
- Energy Conservation
- Regional Corridor Transportation Planning
- Transit/Land Use Coordination

Councilmember Moss wanted to readdress his previous question regarding the \$2 rental car fee. He asked for some clarification from Mr. Donn.

Mr. Donn stated that the Florida Department of Transportation (FDOT) would divert 80% of the money that is being collected. The authority was given to FDOT, in 2000, to utilize the funds for transportation projects in the respective counties that it was collected in. FDOT gets about \$18 million a year, and is blended into its 100% state funded program. About 4% of that is from Monroe County, so 96% stays in Miami-Dade County. The impact of diverting the funds to the RTA would be a loss of about \$135 million worth of projects slated to begin in Miami-Dade County.



Councilmember Asseff stated that she met with the group that is redoing the S.R. 7/U.S. 441 corridor in Hollywood and they showed her their plan, but she did not see a transportation plan. She asked for clarification.

Mr. Donn stated that he would get back to her with information on that issue.

**AGENDA ITEM SIXTEEN:** Correspondence and Attendance Form

Information only.

**AGENDA ITEM SEVENTEEN:** Councilmember Comments/Public Comments

Mr. Charles Loeb, citizen representing North Miami Beach, expressed concerns regarding an article in the Miami Herald which discussed the increasing rate of storm damage every decade. He also expressed concerns regarding public transportation.

**AGENDA ITEM EIGHTEEN:** Upcoming Meetings

- a) April 7<sup>th</sup>, 10:30 a.m. (Joint SFRPC/TCRPC Meeting at IGFA, Dania Beach @ Noon)
- b) May 5<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)
- c) June 2<sup>nd</sup>, 10:30 a.m. (Marathon Government Center)
- d) July 7<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)

**AGENDA ITEM NINETEEN:** Adjournment

The meeting was adjourned at 11:27 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 March 3, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 7<sup>th</sup> day of April 2008.

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Jay Chernoff, Secretary

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Date