

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

February 4, 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 Perez stated that Councilmember Moss would not be present because his father passed away, the Council took a moment of silence.

Councilmember Patricia Asseff
Councilmember Michael Blynn
Councilmember Scott Brook
Councilmember Jay R. Chernoff
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Ilene Lieberman
Councilmember Carlton Moore
Councilmember Marta Perez
Councilmember Joseph Scutto
Councilmember Sandra Walters
Councilmember Lois Wexler

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

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Gunzburger moved to approve the Intergovernmental Coordination and Review Report. Councilmember Wexler 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 Perez stated that there were two time-certain items that would be discussed next on the agenda.

AGENDA ITEM FOURTEEN: Other Matters for Consideration

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

Mr. Joe Giulietti, South Florida Regional Transit Authority, thanked the South Florida Regional Planning Council (SFRPC) for its support during this Legislative Session. The South Florida Regional Transportation Authority (RTA), for the last eight years, has gone forward to the Legislature with everything from a car rental fee to car registration fee and license fees, and was never successful. Two years ago it was successful, for the first time, by jumping on an Orlando bill for a \$2 car rental fee. The bill, which was passed overwhelmingly in the House and Senate, was rejected by then Governor Jeb Bush who called it an unfair tax on tourists. Since that time it has come out that the \$2 rental fee has been collected since 1990 on every car rental in the State. That fee also had a sunset provision that in this fiscal year coming up the money was supposed to be returned into the districts in which the fees were collected. When the RTA board discovered this, the Chair came forward with a recommendation, which has been supported by several of the legislators including the Speaker of the House. The recommendation was that the fee be used as a dedicated revenue source for the RTA. This is critical on two fronts, the first, the Secretary of Transportation has told the RTA that it has until October to come up with a funding plan to take over dispatch and maintenance. The problem is the RTA has had the highest ridership growth in history. The other issue is because of the tax situation. The three counties that the RTA works with are all looking at potentially cutting the funding to the transit agency. This is also critical because come July, if that cut happens, the RTA just reached the bare minimum that it needs to match the pledge from the Federal Government. The Federal Government has threatened lawsuits if the RTA does not maintain the 48 trains per day, which is the minimum needed in order for the RTA to get this funding. There is a major problem facing the RTA, how to get the funding. The Broward County Commission is going to take up a motion on Tuesday, Mayor Wexler and Commissioner Eggelton sponsored a motion to go after the existing \$2 fee and move it over to the RTA. The chair, in an effort to reduce the impacts on the Department of Transportation (DOT) said that if the RTA got the \$2 fee, it would relieve both the County and the State of their contribution to the RTA. It doesn't put the RTA in great economic shape going forward for capital projects, but the State has pledged to be there on all of the capital projects. The RTA has met with the Regional Business Alliance, the Speaker of the House, and the RTA Chair will be meeting with the President of the Senate. This is not without controversy, since this was announced, the DOT has put out a list to the Metropolitan Planning Organizations (MPO) showing that the RTA would be getting \$40 million. This is not entirely true; the RTA is getting \$40 million, but is reimbursing the DOT \$20 million. There are issues with this, the DOT is not happy with the RTA going after the fee. All three county representatives on the RTA board have said that they want it to go after the fee as the funding source for the RTA.

Councilmember Brook asked what the DOT's objections were.

Mr. Giulietti stated DOT has claimed that the money, which has been going into the trust fund, becomes part of its budget, and it is looking at budget cut backs. From the DOT's perspective, on top of looking at budget cut backs, this would increase that exposure at this time. There is another part of the DOT issue that has not been addressed in the funding end of it, and that is that it is also looking at funding coming in from the managed lanes project by July or August, which it has told the RTA that a percentage of that would be available to it, but there was no acknowledgment of the effect of that on the overall. The DOT states that it is an unfair hit to its budget at a bad time.

Councilmember Lieberman arrived at the meeting.

Councilmember Wexler moved to approve the resolution. Councilmember Brook seconded the motion, which carried by a unanimous vote.

Mr. Giulietti thanked the Council for its support.

AGENDA ITEM EIGHT: Reports

h) FY 2006-2007 Audit Report

Councilmember Gunzburger moved to approve the FY 2006-2007 Audit Report. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

Ms. Carolyn A. Dekle, Executive Director thanked Mr. Vernon Paul, Financial Director, for all of his good work throughout the year.

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 North Miami Beach
- Town of Davie
- City of Sunny Isles Beach
- City of Hollywood

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

b) City of City of Cutler Bay

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

c) Miami-Dade County

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

d) Village of Miami Shores

Councilmember Wexler moved to approve the staff recommendation. Councilmember Lieberman 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 Hollywood

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

Ex-officio member Waters arrived at the meeting.

b) City of Cooper City

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

c) City of Florida City

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

d) Islamorada, Village of Islands

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

e) City of North Miami Beach

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

f) City of Oakland Park

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

g) City of Sunny Isles Beach

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

h) City of North Bay Village

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

i) City of Pembroke Pines

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

j) City of Marathon

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

k) City of Coral Springs

Councilmember Brook moved to approve the staff recommendation. 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 Blynn moved to approve the Financial Report for December. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, congratulated Councilmember Asseff on being elected as a City of Hollywood Commissioner. She indicated discussion by the Executive Committee of the Council pursuing the Malcolm Baldrige Quality Award. Ms. Dekle stated that the idea was raised by the Chair, and staff will begin the process after the March Council meeting. Also requested by the Chair, was a discussion of how charter schools should be counted for concurrency and for the Council's review system. Ms. Dekle stated that staff would be in contact with stakeholders to solicit input during the next *Strategic Regional Policy Plan (SRPP)* update. She informed the Council that Council staff was working with MPO staffs of Broward and Palm Beach as well as DOT on the University Drive issue. Staff is also reviewing the Florida Power and Light (FPL) upgrades to the Turkey Point plant, which the Council will hear more about from Mr. Goren. The RBA Fly-In was a great success, Isabel Cosio Carballo, Council staff, and Kareen Boutrous, the Broward Workshop, did a great job ensuring that the RBA members met with all of the key partners in Tallahassee on issues that were important to the business community. Ms. Dekle reported that the next Joint SFRPC/Treasure Coast Regional Planning Council (TCRPC) meeting is scheduled for April 7, 2008, at the International Game Fish Association (IGFA) Hall of Fame. There will be a Policy Board meeting in February and the three Policy Board members are as follows: Councilmember Perez, Councilmember Lieberman and Councilmember Asseff.

Councilmember Brook asked what the Policy Board was.

Ms. Dekle stated that the Policy Board is made up of three members from each Regional Planning Council (RPC) in Florida and meets twice a year. Generally speaking the members include a county commissioner, a Governor's appointee and a municipal appointee on the board.

Councilmember Lieberman stated that normally she would have rotated off, but she is scheduled to become chair of the Statewide Policy Council this year so she asked Councilmember Perez if she could stay on for one more year.

Councilmember Brook asked if members of the Council go through Strategic Planning.

Ms. Dekle stated that staff has, but the Council members have not participated in a few years.

Councilmember Brook requested that the Council members participate.

Councilmember Lieberman stated that there would be a conference for the Malcolm Badridge or the Sterling Process the last weekend of May. It might be a good idea to designate a staff member to go to that conference to bring back information. Last Tuesday the voters of the State chose to reduce local government revenues significantly. There needs to be some discussion as to financial issues for the Council, because every local government will be looking to significantly reduce budgets based on that vote.

Councilmember Gunzburger also requested that the Council look at the dues structure.

Councilmember Brook suggested that the Council look into finding partners and different ways to accomplish certain goals. The City of Coral Springs, for example, is tapping into the community to ask for help. The Council probably has the same opportunity.

Councilmember Asseff stated that one of the initiatives of all of the RPCs was to get the public and the private sector to work together.

Councilmember Walters stated as was explained by the presenter at the last Joint meeting, when there is a clear and coherent understanding of where a municipality wants to go with its area it carries a lot of political weight in Tallahassee and Washington. She suggested that the members plan enough time on their schedules to be able to attend the Joint meeting in April. Another thing, which will resonate with all of the elected officials, is the unfunded mandates question. Monroe County is right behind the eight ball on trying to reduce local taxes when it has to meet State mandates. The Council needs to reach out again to the business community and the private sector community to join hands and get the point across to where State elected officials understand that this is a path that has to go both ways.

Councilmember Lieberman asked if the Council was precluded by State law from charging a review fee.

Mr. Goren stated that there are, in the Council rules now, fees assessed for Development of Regional Impact (DRI) reviews.

Councilmember Lieberman asked if the Council could charge fees for reviews other than DRIs.

Mr. Goren stated that it was a matter that he would like to look into in more detail.

Ex-officio member Donn arrived at the meeting.

Ms. Dekle reminded the Council that dues are paid by counties only.

Councilmember Wexler requested an update on the State Board of Administration (SBA) situation. There was an agreement made at the December meeting to put together an investment committee. She asked if anything was ever done.

Ms. Dekle stated that it had been discussed at the December meeting and was discussed at the Executive Committee meeting in January. The Executive Committee has decided that the Council did not need an investment committee at this time. Staff has moved the majority of the Council's dollars out of the SBA and left what needs to be there in order to keep the account open. The Council is in fine shape now.

Councilmember Wexler stated that the fact that there was no mechanism for direction on investment left her needing more discussion and wanting to know more for the future. This aligns itself so nicely with the Sterling discussion, Strategic planning, how we move forward, it's all part of the operation of the organization itself. The idea of having an investment committee was approved by the entire board.

Ms. Dekle stated that an investment committee could be put together if the Council wishes to do so. She stated that she raised the issue at the Executive Committee along with some recommendations for whom she thought would be appropriate to be on the committee. The Executive Committee felt that it was not necessary.

Councilmember Wexler then asked how the Council invests its dollars, what is being done.

Councilmember Brook stated not only is there public scrutiny on what is being done with public dollars, but because things are so tight, there needs to be more scrutiny. Without having a committee and without the full Council developing a true investment policy that gives guidance, the Council is failing.

Councilmember Wexler stated that in the future if there are motions made by the body as a whole and the Executive Committee thinks that it is not necessary, that needs to be part of the Executive Committee report to the Council.

Councilmember Blynn explained that he made a motion two months ago not to develop the committee, because he thought that the crisis was over, that it was just a once in a lifetime situation and didn't require any further scrutiny.

Councilmember Wexler stated that it should be done for future investments and there should be some policies in place.

Councilmember Blynn stated that there should be an investment policy in place, because lower interest rates are creating less interest earned on the Council's monies.

Mr. Goren stated that there is a State Statute that governs how governmental agencies can invest their funds. He stated that he believed that there was a resolution drafted years ago by the Council that sets the parameters, but it was a long time ago and there have been changes to the Statute since that time.

Councilmember Brook stated that he was the Chair of the Financial Advisory Committee for the City of Coral Springs, and the City has a triple A credit rating. He added that he has an MBA from Tulane and he would like to put his name in the hat to be appointed to the investment advisory committee. He also recommended that financial professionals from the community serve on the investment advisory committee, at least in an advisory capacity.

Ms. Dekle stated that Councilmember Riesco was a CPA and she recommended that he also be a member of the Advisory committee.

d) Legal Counsel Report

Mr. Goren informed the Council that Turkey Point was a project that was petitioned by FPL for an expansion. Initially it was just simply a ground level review, but the Council has been notified as a potential party intervener in the proceedings. In the recent past, where there has been development of FPL's plans for Turkey Point, the Council has been a part of that by petition for intervention. He stated that the Council should have a place at the table and the only way to do that is to petition the judge. If that is to be done, it needs to be done by February 18, 2008. By his recollection, although the work being done right now by FPL is preliminary in nature, it is a possibility that it will expand the nuclear plant, which may have regional impacts.

Councilmember Chernoff moved to direct Legal Counsel to petition for the Council to be an intervener in the FPL Turkey Point matter. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

Mr. Goren gave an update on the Weston matter stating that the Administrative Law Judge has postponed or abated until April. There is still continuing discussion among the Broward County School Board, the City of Weston and the South Florida Water Management District, who have been aggressively trying to resolve the issues regarding locations. Legal Counsel is now in the monitoring stage on this issue and will seek direction from the Council when needed.

e) SFRPC Revolving Loan Funds Status Report

Mr. Goren informed the Council that the Legal Counsel's report on the Revolving Loan Program is provided in the backup.

Councilmember Lieberman stated that Dedicated Transportation Incorporated would be selling its warehouse. She asked if there was a lien in place so that the Council would get its money back.

Ms. Cheryl Cook, Council staff, stated that there was a lien that was perfected and she had spoken to the closing agent to confirm that the Council will be getting a pay off.

1) Resolution to Adopt the SFRPC Revolving Loan Fund III Plan

Councilmember Gunzburger moved to approve the resolution. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

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

Information only

g) Evaluation and Appraisal Report (EAR) Status Report

Information only

h) FY 2006-2007 Audit Report

Discussed earlier on the agenda.

AGENDA ITEM NINE: Contracts

a) Interlocal Agreement between the Miami-Dade MPO and the SFRPC

Councilmember Gunzburger moved to approve the Interlocal Agreement between the Miami-Dade MPO and the SFRPC. Councilmember Walters seconded the motion, which carried by a unanimous vote.

AGENDA ITEM TEN: Highlights of Council Activities

Information only

AGENDA ITEM ELEVEN: Special Projects

a) Statewide Regional Evacuation Study Program Update

Ms. Dekle stated that this report was provided for the Council's information.

Councilmember Walters asked if the Florida Department of Community Affairs (DCA) was implementing the critical facilities inventory as mentioned in the report.

Mr. Richard Ogburn, Council staff, stated that the process that is in place will engage state agencies and local governments to compile the information in a systematic database. Depending on the specific components of the overall process, it will sometimes initiate from the State level, where the State now has an existing compilation. The State will send it out for validation by local communities. In other cases it will come from the bottom up because the State does not at this time have a compiled list. The critical facilities list is made up of a mixture of both. The State is currently preparing and will send to the RPCs this list to then articulate with each of the local counties the review of the components of that database. The Florida Division of Emergency Management will be providing that to the RPCs.

Councilmember Walters stated that she would like to keep this project moving, and not be reactionary. She stated that she was disappointed that the project was not moving more effectively. She recommended that the issue be discussed at the next Policy Board meeting.

Ms. Dekle stated that she would request that the item be added to the agenda.

AGENDA ITEM TWELVE: Strategic Regional Policy Plan (SRPP)

None.

AGENDA ITEM THIRTEEN: 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 FOURTEEN: Other Matters for Consideration

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

Discussed earlier on the agenda.

b) SFRPC Resolution Regarding State Funding for Affordable Housing

Councilmember Lieberman moved to approve the SFRPC Resolution Regarding State Funding for Affordable Housing. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FIFTEEN: Correspondence and Attendance Form

Information only.

AGENDA ITEM SIXTEEN: Councilmember Comments/Public Comments

Councilmember Lieberman stated that the Council is short one member, a Governor's appointee. She requested that the Chair send a letter to the Governor.

Councilmember Perez stated that the Council is actually short several members, because some have not yet been reappointed.

Mr. Goren stated that the Governor has a brand new staff, and they are re-reviewing the appointments.

AGENDA ITEM SEVENTEEN: Upcoming Meetings

- a) March 3rd, 10:30 a.m. (Miami-Dade County Commission)
- b) April 7th, 10:30 a.m. (Joint SFRPC/TCRPC Meeting at IGFA, Dania Beach @ Noon)
- c) May 5th, 10:30 a.m. (Council Offices, Hollywood)
- d) June 2nd, 10:30 a.m. (Marathon Government Center)

AGENDA ITEM EIGHTEEN: Adjournment

The meeting was adjourned at 11:14 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 February 4, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 3rd day of March 2008.

Jay Chernoff, Secretary

Date