

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

April 7, 2008

The South Florida Regional Planning Council met this date at the IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida. The Chair, Councilmember Perez, called the meeting to order at 10:42 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

Councilmember Perez welcomed Paul Wallace back to the Council. She also welcomed Vice Mayor Thomas Dorsett from the City of West Park as well as Mr. Steve Martino, Southeast Regional Director for Senator Mel Martinez.

Mr. Martino stated that he wanted to inform the Council on the work that the Southeast Regional Office does. There are a total of seven regional offices across the state, and the southeast region covers Broward, Palm Beach, Martin, St. Lucy, and Okeechobee Counties. The main responsibility of this office, he explained, is outreach into those counties. He offered its services to the Council and the individual municipalities that may have any Federal issues that require assistance.

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Ilene Lieberman
Councilmember Dennis Moss
Councilmember Marta Perez
Councilmember Dixie Spehar
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Lois Wexler

The following Ex Officio Members were present:

Mr. Gary Donn, representing the Florida Department of Transportation
Mr. Elbert Waters, representing the South Florida Water Management District
Mr. Tim Gray was present on behalf of Chad Kennedy representing the Department of Environmental Protection.

Councilmember Carlton Moore arrived after roll call.

AGENDA ITEM THREE: Minutes of previous Meeting

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

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

The Intergovernmental Coordination and Review Report was approved 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

Ms. Carolyn A. Dekle, Executive Director, informed the Council that there is an ongoing mediation regarding the Davie Commons DRI, which will be discussed in more detail as part of the Legal Counsel Report. This is the first DRI mediation in quite some time. Jo Sesodia of Council staff has done a great job coordinating everything. The goal of the mediation is to bring the Council a set of conditions that the staff can recommend for the Council to move forward.

Councilmember Wexler asked if the mediation was focused on traffic issues.

Ms. Dekle responded yes.

Mr. Samuel S. Goren, Legal Counsel, informed the Council that there are several entities of government that are involved in this mediation, including the Town of Davie, the City of Weston, and the Council. The request to mediate was made by these parties. Under State Law under Chapter 160 and 380, Carolyn Dekle, as the Executive Director, has the prerogative to conduct the mediation on behalf of the SFRPC. Mediation is not required by law, but is voluntary. We are trying to overcome a couple of obstacles regarding Sunshine Law aspects as it pertains to the Council's future review of this application. Under Chapter 286 those public sessions of mediation, where all parties are together, may well be public. Private sessions with the mediator may not or should not be, with relation to this matter. We are working toward finding common ground to make sure that the process can continue protecting the rights, not just of those involved, but the Council's rights, and with regard to sunshine law making sure there is no violation.

AGENDA ITEM SIX: Proposed Local Government Comprehensive Plan/Amendment Reviews

Councilmember Walters asked if it was allowable for her to make a motion to approve the staff recommendations for all proposed and adopted comprehensive plans.

Mr. Goren stated that it was legally possible to do that, so long as the record was clear on the amendments that were being approved.

Councilmember Walters moved to approve the staff recommendations for all proposed and adopted comprehensive plans under items 6 and 7 on the agenda, and currently have recommendations for approval. Councilmember Gunzburger seconded the motion.

Councilmember Wallace requested discussion on the issue, stating that this should not be a precedent. Council staff is wonderful, but even the greatest staff is not beyond question. He stated that he has disagreed with staff recommendations in the past. Councilmember Wallace added that he wanted to ensure that there would always be an opportunity for discussion of items.

Councilmember Heyman stated that she agreed with the expedition of the agenda, however voiced concern with regards to the members of the audience. Those members of the public that attend with the plan to speak on an issue may miss their opportunity if it is not clear which items are being approved.

Councilmember Gunzburger stated that the County Commission uses this for public hearings. It is a very easy process, there is a consent agenda, and if any member of the public or the Commission wishes to discuss any of the items on the consent agenda, it is taken off the consent agenda and discussed as a separate agenda item.

Councilmember Lieberman stated that the commission does not do this at public hearings. She suggested that the chair state that the Council would be moving on to the comprehensive plan items and ask if there was anyone in the audience to speak on any of these issues. If there are then they are given an opportunity to speak after which time all items can be approved on consent. This would provide an opportunity for the public and the Council to raise any concerns with the items prior to a blanket approval.

Councilmember Asseff stated that the individual items should be named so that the members of the public would know what items were being approved.

Councilmember Walters stated that she did this to encourage discussion of the issue, adding that she had no intention of cutting out any public discussion. She stated that she could list the items being approved as part of her motion.

Councilmember Lieberman stated that the most appropriate way would be for the Chair, Councilmember Perez, to announce that the Council was moving on to the proposed comprehensive plans, list the items under that and ask if there was a motion. There will be a motion and a second at which time the chair can ask if there was anyone from the public to speak, if there is not then there is the motion, ready for a vote.

Mr. Goren stated if it is the wish of the Council to begin having this incipient policy discussion in regards to revising the policy, it may be very useful to do that.

Councilmember Walters removed her motion to allow for individual approval of all items.

- a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
- Town of Southwest Ranches
 - Town of Surfside
 - City of Homestead
 - City of Coconut Creek
 - Village of Pinecrest

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

b) City of Coral Springs

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

c) City of Marathon

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

AGENDA ITEM SEVEN: Adopted Local Government Comprehensive Plan/Amendment Reviews

a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments

- City of Miami Beach

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

b) City of Hollywood

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

c) City of Layton

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

d) City of West Park Plan

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

e) City of Dania Beach

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

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Ms. Dekle informed the Council that there were no recommendations from the Executive Committee. There was a discussion regarding the conference call among the members of the Finance Subcommittee; Council members Perez, Riesco, Brook and her to discuss the finance investment issue. At this time the

Council is meeting all of the standards that it needs to meet in order to meet fiduciary responsibilities with regard to funds. There were some ideas put on the table which will be researched.

Councilmember Moore arrived at the meeting.

Mr. Goren stated that the conference call which occurred with regards to the Finance Subcommittee was simply a fact finding mission by those who participated in the phone call. He stated that he was also a participant in the call. For the record, it was not a publicly noticed meeting; it was an exchange of data to provide data to the Council, not for the purpose of recommendation.

c) Executive Director's Report

Ms. Dekle informed the Council that Ms. Cheryl Cook, Council staff, was named Minority Small Business Champion of the Year, and the Council's Revolving Loan Fund (RLF) program has been chosen as one of four finalists for Best Revolving Loan Fund Program by the Council of Development Finance Agencies (CDFA). She took a moment to recognize all of the hard work done by Ms. Cook as well as the RLF Loan Administration Board, whose members include Councilmember Moore, Norman Taylor, Gabino Cuevas, and Barrington Wright.

Councilmember Moss stated that Ms. Dekle's announcement deserved a round of applause.

Ms. Dekle then announced that the work of the State Road 7 Collaborative had been accepted by the American Planning Association (APA) for one of its sessions at its annual conference in Miami. The session will take place on September 12, 2008 at 8:45 a.m. at the Intercontinental Hotel. Mr. David Dahlstrom, Council staff, will represent the Council at the session. She then informed the Council that the Palm Beach County Metropolitan Planning Organization (MPO) has indicated that it will join the SR 7 Collaborative, and the Miami-Dade County MPO and the Florida Department of Transportation, District 6 joined in March.

b) Financial Report

Councilmember Lieberman moved to approve the Financial Report for the month of February, with a comment.

Councilmember Lieberman stated that it is her understanding that the Florida Department of Community Affairs (DCA) is recommending no state funding for the Regional Planning Councils (RPCs), she asked for some clarification.

Ms. Dekle stated that DCA recommended the RPCs at \$3.4 million, then that recommendation was sent to the Legislature. At this point, Council staff is being told that the Senate has recommended \$2.4 million and should expect to be zeroed out on the House side. She wondered if it would be useful for the Council members to call their legislators, but at this point the legislators are getting several of those calls from other agencies and programs requesting support for funding. She stated that she has been hesitant to ask the Council members to use their political capital because she believed that the council would receive a reasonable number by the end of session. The Council's team in Tallahassee is saying that they believe we can get to a reasonable number.

Councilmember Lieberman stated that her concern is that they are hunting for money in Tallahassee and she does not feel as confident as Ms. Dekle. Session will be over by the next time that the Council meets, so whatever action is to be taken should be done now. She requested an email with the updated information, so that the Council can follow up on the issue.

Ms. Dekle stated that she would send the Council an email with updated information. She added that she would also send an email to the Tallahassee team to inform them that the issue came up in discussion at this meeting.

Councilmember Lieberman asked if the Council was covered by the Voice of the People Act that sailed through the Senate last week.

Mr. Goren responded that it is not clear, but the Council might be.

Councilmember Lieberman stated that it looks like it is going to pass, so Legal Counsel should find out if the Council is covered by this.

Councilmember Moore stated that he agreed that there were many different agencies calling legislators for support of funding, but it is still important that this Council contact the legislators for support. If you are not a part of the noise, then you are forgotten, he said.

Councilmember Asseff suggested that the discussion continue in the meeting with the Treasure Coast Regional Planning Council, and maybe do something jointly; it may have a greater impact. She then thanked Councilmember Moore for all of his hard work on the RLF Loan Administration Board.

Ms. Isabel Cosio Carballo, Council staff, stated that the House Bill and the Senate Bill that she has seen online regarding the Council appropriation is currently at \$2.5 million in the Senate and \$0 in the House.

Councilmember Lieberman stated that it was not a pretty picture.

Councilmember Wallace stated that he would be happy to sign a letter sent from the entire Council, it would probably have a greater impact.

Councilmember Heyman stated that would need to be turned around very quickly, because the budget discussions will begin soon.

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

d) Legal Counsel Report

Mr. Goren informed the Council that he had already provided information on the Davie Commons DRI mediation, which is a method suggested for resolving controversy before the DRI comes back to the Council for ultimate review.

The Weston DCA appeal report back is due this month and he will provide an update to the Council at the meeting next month. As for the Turkey Point matter, the Council is a part of this process as well, and has been working with the appropriate parties in Tallahassee and locally. There is some backup documentation regarding fees, costs and expenses which are part of the RLF memoranda and documents as requested at the last meeting. House Bill 991 is a bill of serious importance and was proposed by a former Commissioner and Mayor of Port Orange, and suggests that at public meetings there is some digression of procedures whereby the public is barred from being able to speak at public hearings. The consequence is in Florida Statute 286, which specifically would embrace requirements of public input during structured times during public meetings and for those who did not get to be heard during which

they divided the time, that person would have the right to come back to the next meeting with an unlimited amount of time for a presentation. There is also a posting requirement with regard to rules, regulations and procedures and a suggestion that if the bill passes, it would amend Chapter 286, the Sunshine Law, and would preempt the local rules regarding procedure. Both of these measures, if passed will have a significant impact on the Council.

Councilmember Moss asked if it had a response on both sides.

Mr. Goren responded yes.

Councilmember Moss then asked if it designated the amount of time.

Mr. Goren answered it designates 15 minutes at the beginning of every meeting, which is divided amongst the number of speakers. If each speaker does not get three minutes, then they can come back at the beginning of the next meeting with an unlimited amount of time.

Councilmember Moss asked if there was a feeling of which way this was going.

Councilmember Lieberman stated that it looks like it was going to pass.

Councilmember Moss asked about the Florida Association of Counties' position.

Councilmember Lieberman stated that it opposed it.

Councilmember Gunzburger asked about the Florida League of Cities.

Councilmember Lieberman stated that it opposes the bill as well. She then went on to say that there were two bills that cause her major concern. The first is the Voice of the People Act, which requires that the Council provide time at the beginning of the meeting for public comment. Members of the public could choose to speak about topics that have no relevance to the work of the Council. The second bill would require a host of governmental entities to post every contract over \$5,000 on their websites. In a time when Amendment 1 passed and all agencies are reviewing budgets to see how to balance them, plus the fact that the Council is zeroed out in the House, the staff time that would be required to accomplish this would be a great burden on a budget. She added that it might also be a good idea to include, in the letter to the legislators, the financial impacts that these proposed bills would have on the Council.

Mr. Goren stated that the Transparency Act does apply to the Council.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Councilmember Asseff complimented Mr. Goren on his hard work with regard to collections of loans. He made \$95,000, but brought the Council back \$3,130,571.

Mr. Goren stated that Council staff is a partner in all of the conversations and has been very active and aggressive in these matters.

Councilmember Moss asked if there had been any progress in developing a policy to write off loans that were no longer collectible.

Mr. Goren stated that he would be happy to meet with Ms. Dekle and Mr. Vernon Paul, Finance Director, on that issue and report back to the Council.

b) Hurricane Wilma Bridge Loan Status Report

Information only

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

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program Update

Councilmember Walters stated that the update this month was particularly thorough and very heartening in that it reports a whole number of things that are finally appearing to gel, including completed deliverables. It is looking favorable that there will be results from this process. She thanked staff for the report.

Ms. Dekle recognized Mr. Richard Ogburn and Ms. Loretta Cronk of Council staff for their work on the report.

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

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

Nothing to report

AGENDA ITEM FIFTEEN: Other Matters for Consideration

Nothing to report

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only.

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Councilmember Gunzburger asked why the month of August was chosen for the month when only the Executive Committee was required to meet. Broward County's break is during July. She stated that she was just wondering if any other entity was on break in July or if Broward was in the minority. She stated that she saw Councilmember Heyman shaking her head that Broward is in the minority. She stated that she would be unable to attend the July 7th Council meeting.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) May 5th, 10:30 a.m. (Council Offices, Hollywood)
- b) June 2nd, 10:30 a.m. (Marathon Government Center)
- c) July 7th, 10:30 a.m. (Council Offices, Hollywood)
- d) August 4th, 10:30 a.m. (Council Offices, Hollywood) - Executive Committee Meeting

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 11:34 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 7th, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 2nd day of May 2008.

Jay Chernoff, Secretary

Date