

# SOUTH FLORIDA REGIONAL PLANNING COUNCIL

## Minutes

February 27, 2017

The South Florida Regional Planning Council met on this date at its corporate office at 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021. Chair Daubert called the meeting to order at 10:34 a.m. and led the Pledge of Allegiance.

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

Councilmember Patricia Asseff  
Councilmember Mario J. Bailey  
Councilmember Margaret Bates  
Councilmember Frank Caplan  
Councilmember Daniella Levine Cava (absent)  
Chair Tim Daubert  
Councilmember Beam Furr  
Councilmember Steve Geller  
Councilmember Cary Goldberg  
Councilmember Nelson Hernandez (absent)  
Councilmember George Neugent (absent)  
Councilmember David Rice (via phone)  
Councilmember Greg Ross  
Councilmember Michael Udine  
Councilmember Sandra Walters  
Councilmember Jimmy Weekley

Isabel Cosio Carballo, Executive Director, and Sam Goren, Legal Counsel, were present.

#### The following Ex-Officio Members were present:

Lisa Colmenares was in attendance for Dat Huynh, representing the Florida Department of Transportation, District VI

The Honorable Roberto Martell, representing the Florida Department of Economic Opportunity / Mayor of the Town of Medley

#### The following Ex-Officio Member was on the phone:

Laura Corry, representing the South Florida Water Management District

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

Jennifer Smith, representing the Florida Department of Environmental Protection

Chair Daubert thanked everyone for attending his first meeting as Chair.

Chair Daubert introduced Justin Sayfie.

**III. Presentations – “Understanding America New Political Disorder: How We Got Here and Where We Are Going.” – Justin J. Sayfie, Esquire, Managing Partner, Ballard Partners, Fort Lauderdale Office**

Mr. Sayfie stated that he grew up and went to school in Hollywood. He is grateful for the service of the South Florida Regional Planning Council and the important work that is being done. He invited the Councilmembers to the Sayfie Review Florida Leader’s Summit that will take place at the Biltmore Hotel in Coral Gables on September 14-15, 2017. All previous Summits have been held in Orlando. Mr. Sayfie gave a PowerPoint presentation along with a handout. He explained in detail and showed examples of how the internet and social media have fundamentally upended the traditional business models of the entertainment industry, business, government, politics, and the media.

**II. Approval of Council Agenda**

Councilmember Bates moved to approve the Agenda. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Chair Daubert requested a modification of the Council Agenda to review Agenda Item VI.E after Agenda Item IV. H. The modification was carried by unanimous vote.

**IV. Action Items**

A. Minutes of Previous Meeting

Councilmember Ross moved to approve the previous minutes. Councilmember Furr seconded the motion, which carried by a unanimous vote.

B. Financial Report - None

C. Intergovernmental Coordination and Review Report

Councilmember Weekley moved to approve Agenda Item IV.C. Intergovernmental Coordination. Councilmember Ross seconded the motion, which carried by a unanimous vote.

D. Consent: Comprehensive Plan Amendment Reviews

**Proposed**

- Broward County 17-1ESR
- City of Miami 17-1ESR
- City of Miami Gardens 17-1ESR
- City of Plantation 17-1ESR
- City of Pompano Beach 17-1ESR

**Adopted**

- City of Margate 16-2ESR

Councilmember Bailey recused himself from voting on the Cities of Miami Gardens, 17-1ESR and Pompano Beach, 17-1ESR amendments due to a conflict of interest.

Councilmember Ross moved to approve Agenda Item IV.D, Consent: Comprehensive Plan Amendment Reviews, Proposed and Adopted, not including the Cities of Miami Gardens and Pompano Beach. Councilmember Walters seconded the motion, which carried by a unanimous vote.

Councilmember Ross moved to approve Agenda Item IV.D, Consent: Comprehensive Plan Amendment Reviews, Proposed and Adopted, for the Cities of Miami Gardens and Pompano Beach. Councilmember Weekley seconded the motion, which carried by a unanimous vote. Councilmember Goldberg recused his vote on the City of Pompano Beach.

E. Regional Issues: Comprehensive Plan Amendment Reviews – none

F. Resolution 17-02 - A Resolution amending Sections 7.0 and 16.0 of the South Florida Regional Planning Council's Statement of Organization to expand the Membership of the Executive Committee with the creation of a Second-Vice Chair Position

Legal Counsel Sam Goren explained Resolution 17-02 which will add a sixth member to the Executive Committee. The Executive Committee will be comprised of the Immediate Past Chair, Chair, First Vice-Chair, Second Vice-Chair, Treasurer and Secretary. It creates a new position of a second Vice-Chair. It also clarifies the membership to provide for balanced representation.

There was an inquiry regarding a Governor's Appointee for each of the counties on the Board. Mr. Goren explained the representation is per municipality / county and can include a Governor's Appointee.

Councilmember Udine moved to approve Agenda Item IV.F, Resolution 17-02. Councilmember Ross seconded the motion, which carried by a unanimous vote.

G. Nominating Committee Report – Proposed Membership of the newly expanded Executive Committee

Councilmember Walters presented the recommended slate for the 2017 Board:

Immediate Past Chair – Councilmember Asseff

Chair – Councilmember Daubert

First Vice Chair – Councilmember Caplan

Second Vice Chair – Councilmember Ross

Treasurer – Councilmember Weekley

Secretary – Councilmember Levine Cava

Councilmember Furr moved to approve Agenda Item IV.G, Nominating Committee Report. Councilmember Asseff seconded the motion, Councilmember Bailey opposed in which the Agenda Item carried by majority vote.

H. Appointments to the SFRPC Revolving Loan Fund Loan Administration Board

Executive Director Isabel Cosio Carballo explained the details of the proposal to expand the Revolving Loan Fund Loan Administration Board from five to seven. This will add a business owner position, a banking/finance position, thereby making it possible for a Councilmember to fill the "At large" position. Councilmembers Bates, Goldberg and Ross have expressed interest to be part of the Revolving Loan Fund Administration Board. The banking/finance candidate is Lisa Mooney from Bank United.

Councilmember Geller moved to approve Agenda Item IV.H. Appointments to the SFRPC Revolving Loan Fund (RLF) Loan Administration Board to expand the Board Members from five to seven. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Ms. Cosio Carballo suggested the vote for the Councilmember election be deferred to the March 27, 2017 meeting so the Councilmembers can review the RLF meeting dates. Ms. Cosio Carballo will send out the information and the Councilmembers will then decide how to choose the candidate.

Councilmember Udine moved to approve Agenda Item IV.H. Appointments to the SFRPC Revolving Loan Fund (RLF) Loan Administration Board to appoint Lisa Mooney from Bank United. Councilmember Ross seconded the motion, which carried by a unanimous vote.

VI. E. May 2016 CDMP / Miami-Dade County Amendment 5 (American Dream Miami) and Amendment 6 (Graham Properties)

Several Council members expressed concern about receiving the amendment package the Friday before the meeting, and the lack of sufficient time to review and discuss the Agenda Item with their staff. Questions arose about whether the late notice constituted a possible violation of the Sunshine Law (public notification).

It was suggested the Agenda Item be deferred to the next meeting. Councilmember Walters explained that Florida Statutes governed the timeline for the Council's review and comment and that Council comments would not be "on the record" if submitted after the 30-day window. It was suggested that a Special Meeting be held for this Agenda Item.

Mr. Goren, Legal Counsel, clarified the Sunshine Law was not in violation. He referred to State Statutes Chapter 286 and explained the Statutes and Council staff's notice of Agenda Item VI.E. in detail. The issue was the time constraint, the State imposed law regarding the 30-day timeframe, in which the Council must respond. Mr. Goren and various Councilmembers offered several different options in which a discussion ensued.

The Councilmembers expressed interest in having a Special Meeting in which a final decision can be made for a preliminary transmittal. It was requested that those involved with the CDMP amendment return for the Special Meeting to answer any questions. Chair Daubert requested this CDMP amendment be forwarded to everyone available, counties, municipalities, and agencies, for their comments. The Councilmembers decided not to vote on the item and used the meeting to listen to Council staff's comments, audience testimony, and presentations from the applicants and Miami-Dade County Staff.

Ms. Karen Hamilton of Council staff gave a general description of the amendment, the location of the Projects, and the changes made since January's Agenda Item. The amendment process and the timing of receiving the amendment was explained. She shared information from the Miami-Dade County Commission Meeting. Karen explained the Special Meeting would need to take place within the following week to allow Council staff sufficient time to revised the report before the March 18, 2017, when the 30-day comment period ends. It was noted that present at this meeting are representatives from both projects, Miami-Dade and Broward county staff, several affected

municipalities, and the Florida Department of Transportation. Ms. Hamilton explained both projects and their impacts in greater detail, and noted Council staff comments in at least four areas of regional importance: transportation; economic; housing; and education.

There was a discussion about the potential transportation impacts. Councilmember Furr expressed his concern over transportation impacts in Broward County and asked whether an economic analysis had been conducted by the Council. Ms. Cosio Carballo stated that an economic analysis has been prepared by Miami-Dade County staff using the REMI economic forecasting model which is the same model used by the Council and the Southeast Florida Demographic Forecasting Partnership.

Discussion continued regarding the four impact issues and the reasoning behind the Council staff's decision to consider the amendment consistent with the *Strategic Regional Policy Plan (SRPP)*. Ms. Hamilton explained this is a proposed application, the first reading in which concerns are raised. She then recapped the amendment process. There is an understanding that Miami-Dade County will address SFRPC and other agency comments through a 163 Agreement between the County and Applicant, before the projects are built. Council staff recommends transmittal of the proposed amendment with the understanding that enforceable mitigation strategies and investments will be identified, negotiated, and memorialized in the 163 Agreement prior to the final adoption of the amendments.

There have been a series of meetings over the past year with the applicant representatives, county, municipal, transportation, and review agency representatives to discuss transportation impacts, methodologies, and mitigation strategies such as roadway improvements, transit, and mobility features.

Ex-Officio Board Member Laura Corry, representing the South Florida Water Management District (SFWMD), stated that the District will have comments to Miami-Dade County and Department of Economic Opportunity (DEO) by March 17, 2017. DEO should issue their comments by March 19, 2017.

Chair Daubert suggested that the Special Meeting be held on Friday, March 10, 2017 at 2:00 p.m. It was mentioned that this decision should include Miami-Dade County Councilmembers. Ms. Cosio Carballo explained that as of today only Councilmember Levine Cava is representing the Miami-Dade Commission. There are two Miami-Dade County vacancies. Ms. Cosio Carballo will contact the Miami-Dade County Commission Chair with the request that he please fill those vacancies. Councilmember Bates excused herself from the March 10, 2017 meeting due to an engagement in Washington, DC.

Councilmember Geller moved to hold a Special Meeting on Friday, March 10, 2017 at 2:00 p.m. Councilmember Caplan seconded the motion, which carried by a unanimous vote.

Miguel Diaz de la Portilla, Attorney, of Arnstein & Lehr LLP, 200 S. Biscayne Boulevard, Suite 3600, Miami, Florida 33131 and Mr. Bob Gorlow, Principal of the American Dream Miami project rearranged their schedules to attend the Council Meeting after learning the amendment was added to the agenda late Friday afternoon. Mr. de la Portilla informed the Councilmembers that

this Project has been around for 18 months or longer with continual meetings, some coordinated by the SFRPC and located at the Council Office. Staff from all affected municipalities, counties, transportation and review agencies were involved in the transportation discussion. Mr. de la Portilla agreed with staff's recommendations which were similar in nature to the recommendations of the Miami-Dade County's Local Community Zoning Appeals Board (6-0 vote), Planning Advisory Board (11-1 vote), and a strong recommendation from the Miami-Dade County Board of County Commissioners (January 25, 2017, 10-1 vote) to transmit and recommend adoption. Mr. de la Portilla asked that the Applicant's comments and presentation be reserved for the March 10, 2017, Meeting.

Mr. Joe Goldstein, Attorney at Holland and Knight, 701 Brickell Avenue, Suite 3300, Miami, FL 33131, representing the Graham Properties, stated these are great projects. They are working through the issues brought up by the review agencies in the planning, land use, and zoning context. The presentation for the Graham Properties will be deferred to March 10, 2017.

It was requested that the presentations be available to the Councilmembers prior to the March 10, 2017 Meeting, especially for those Councilmembers who cannot attend. Ms. Cosio Carballo stated that a link to the Miami-Dade County Commission Meeting, which includes the presentations and all public comments, would be shared.

Mr. Robert M. Gorlow, Principal at Triple Five, 7485 Fairlane Drive, Miami Lakes, Florida, thanked everyone for attending. He stated that the applicant has been working with Miami-Dade County staff and suggested the Councilmembers review the Miami-Dade County Commission Meeting link.

Mr. Jerry Bell, Miami-Dade County Planning Department, welcomed any questions. Mr. Mark Woerner, Assistant Director of Planning at Miami-Dade County gave a history of the Application, the transmittal process, and meetings. This Project needed to move forward with enough cooperation between the two counties, municipalities, transit agencies, and the SFRPC to ensure the impacts were understood. He explained Miami-Dade County's amendment processes and opportunities for public input. He shared the potential transportation and transit issues and suggested mitigation strategies including a proposed transit center. The Planning Division is working with Miami-Dade County Transit and other transportation agencies. Miami-Dade County is working with both Applicants on the 163 Agreement which will read like a Development Order. It will specify certain improvements regarding infrastructure issues that need to be in place including fire and police. Miami-Dade County's Department of Environmental Resource Management (DERM) has a list of issues such as storm water management on both sites, wetland resources, natural resources (endangered species), etc., that are still being discussed. The 163 Agreement will be populated with conditions that need to be addressed. Without these conditions being met it would be difficult to find issues consistent with the Regional Plan or the County's Comprehensive Plan. He informed the Councilmembers that the Regional Economic Models, Inc. (REMI) was run and confirmed the range of total number of people being employed, income ranges, and other socio-economic data. Miami-Dade County staff and Commission have the same concerns as Council staff, as well as funding issues. Ms. Cosio Carballo stated she would provide the Councilmembers the link to the backup information given at the Miami-Dade County Commission. Mr. Woerner believes that the American Dream Miami, Application #5, would be a

one-phase project possibly opening in 2022. The Graham Properties Project, Application #6, will be a multi-phased, long-term development slated for completion by 2040.

Councilmember Geller wanted time to discuss with his staff, after they review the amendment, before making any decision. He was concerned that the 163 Agreement would only exist between Miami-Dade County and the Applicant. Councilmember Geller asked what role would the Council have? Mr. Goren stated the Council is not part of the 163 Agreement but comments from the March 10, 2017 Meeting will be recorded. Mr. Woerner stated there will be ample opportunity to address the issues before adoption. Mr. Woerner provided background information on the project area and the Urban Development Boundary (UDB). Councilmember Udine requested a five-minute presentation to the Broward County Board of County Commissioners so the Broward County Commissioners can understand the Project and its development.

Mr. Woerner stated this may be his last Council Meeting before his retirement and he enjoyed working with the SFRPC, the work the Council has done over the years, and its professional staff.

Mr. Jeff Bercow, an Attorney at Bercow, Radell, Fernandez and Larkin, 200 S. Biscayne Boulevard, Suite 850, Miami, Florida 33131, and with the South Florida Taxpayers Alliance, expressed his concern regarding this application. He detailed the establishment of the South Florida Taxpayers Alliance. The Alliance wants to make sure the American Dream Mall is approved and will compete on a level playing field. He referred to the *Strategic Regional Policy Plan* in identifying areas of concern. One of his concerns is the Infrastructure that will attract millions of visitors per year and the traffic impact. There is a traffic impact study, but there is no draft covenant agreeing to mitigate impact, no draft 163 Development Agreement, and there are no conditions in the County Commissions' transmittal resolution. Another concern is the natural resources: to preserve, protect, and restore natural resources of regional significance including adequate buffer zones. The application is part of the Save Our Rivers Lands and potential natural areas. He considers these applications inconsistent with Goals 4 and 14 and therefore inconsistent with the *Strategic Regional Policy Plan*. However, they are willing to withdraw their objections if the applicants proffer covenants to include in the Chapter 163 Development Agreement that public funding will not be accepted for the Projects.

Councilmember Goldberg questioned if the environmental agencies reviewed the application.

Mr. Bercow stated that Miami-Dade County Department of Environmental Resource Management expressed concerns. He does not know if the SFWMD or the Department of Environmental Protection (DEP) have reviewed but knows that DEP will look at it at transmittal.

Ms. Jo Sesodia, Broward County Director of Planning and Development Management, stated for the record the concerns of Broward County staff. The traffic analysis is incomplete. Broward County did participate in the meetings and did submit comments that were included in the back up for the Miami-Dade County Commission Meeting. Broward County does not feel that those comments have been addressed. Her concerns (for the record) are that the developer adequately mitigate traffic impacts in Broward County, coordinate with Broward County transit to provide transit services from south Broward into the site interconnecting to the Broward County transit services, and for the developer to provide a legal mechanism for an agreement to ensure the

mitigation outside Miami-Dade County is implemented. As for the Chapter 163 Agreement, Broward County is not part of that Agreement and the Broward County issues should be adequately addressed. She thanked Miami-Dade County for their staff's professional courtesy for including Broward County in the process.

Mr. de la Portilla reiterated that Miami-Dade County's vote was 10-1 on January 25, 2017 to transmit and adopt the application. The Traffic Impact Analysis is over 500 pages. Comments are continually coming from the public and various agencies and are being addressed throughout the process. His client wants to create this economic development engine for the region and wants traffic and other concerns to work. The Applicant is engaged, compliant, and will respond to comments as the process continues.

There was discussion between Mr. Bercow and Mr. de la Portilla regarding the lack of mitigation, proffer of a recordable covenant, the Miami-Dade County Commission's comments for transmittal, and the timeline of enforcing the comments from other agencies before transmittal. Mr. de la Portilla stated that they did proffer a covenant. Mr. Bercow reiterated that there are, to date, no enforceable commitments regarding any kind of transportation mitigation or environmental mitigation, nor are there any conditions in the County Commission's Resolution of Transmittal. Mr. de la Portilla stated that at this stage nothing is enforceable until after adoption. He stated that they will be working closely with the SFRPC. Mr. Bercow clarified that, at this time, there is no proffer of anything that is enforceable, and that is what should be given with a transmitted application. A proffer of a recordable covenant. There are no conditions from the governing board that would require it. These are just promises. Mr. de la Portilla stated that they did proffer a covenant.

Ms. Lisa Colmenares, FDOT, District VI, stated that District IV, and District VI had received the amendment from Miami-Dade County and are preparing comments. The Districts, the Center Office, the Turnpike Enterprise, and the Federal Highway Administration have concerns with the interchange modifications and conceptions. They are working with the Applicants and Miami-Dade County to resolve these issues.

Chair Daubert asked if anyone else had any comments on this Amendment. There was no reply.

It was requested that the 2015 FDOT comments be sent to the Councilmembers. Ms. Cosio Carballo stated this will be done.

Mr. Eric Silva from the City of Miramar and Jo Sesodia from Broward County were recognized as being present.

## **V. Discussion Items**

A. Executive Director's Report – via email

B. Legal Counsel Report

Mr. Goren, Legal Counsel, asked the Councilmembers to review the handout on the FPL Siting Issue.

C. Ex Officio Reports - none

**VI. Program Reports and Activities**

- A. Revolving Loan Fund Reports
  - 1) SFRC Revolving Loan Funds Status Report
- B. Development of Regional Impact Status Report
- C. Comprehensive Economic Development Strategy Plan Update
- D. Metropolitan Planning Organization Coordination and Planning Area Reform – deferred
- E. May 2016 CDMP / Miami-Dade County Amendment 5 (American Dream Miami) and Amendment 6 (Graham Properties) Discussed previously in the Agenda
- F. December 16, 2016 Tri-Rail Coastal Link Meeting Update
- G. Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation Settlement Update
- H. SFRPC Technology Update

**VII. Announcements and Attachments**

- A. Attendance Form, Correspondence, and Articles
- B. Upcoming Meetings
  - 1) March 27, 2017, 10:30 a.m. (SFRPC Offices, Hollywood)
  - 2) April 24, 2017, 10:30 a.m. (SFRPC Offices, Hollywood)
  - 3) May 22, 2017, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)

**VIII. Councilmember Comments - none**

**IX. Adjournment**

The meeting was adjourned at 12:48 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 February 27, 2017 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 27<sup>th</sup> day of March, 2017.

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Daniella Levine Cava, Secretary

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Date