

SOUTH FLORIDA REGIONAL COUNCIL

Minutes

April 4, 2016

The South Florida Regional Council met on this date at its corporate office at 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021. Chair Asseff called the meeting to order at 10:35 a.m. and Councilmember Ross led the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

Chair Patricia Asseff
Councilmember Mario J. Bailey
Councilmember Margaret Bates
Councilmember Mark Bogen (absent)
Councilmember Frank Caplan
Councilmember Daniella Levine Cava
Councilmember Tim Daubert
Councilmember Beam Furr
Councilmember Cary Goldberg (absent)
Councilmember Nelson Hernandez (absent)
Councilmember Martin Kiar (absent)
Councilmember George Neugent (phone)
Councilmember David Rice (absent)
Councilmember Greg Ross
Councilmember Xavier Suarez
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Jimmy Weekley

Mr. Sam Goren, Legal Counsel was present.

The following Ex-Officio Members were present:

Ms. Laura Corry, representing the South Florida Water Management District
Mr. Dat Huynh, P.E. 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 absent:

Ms. Jennifer Smith, acting representative, the Florida Department of Environmental Protection

Chair Asseff welcomed new Councilmembers Broward County Commissioner Beam Furr and Dat Huynh from the Florida Department of Transportation.

II. Approval of Council Agenda

Approval carried by a unanimous consent.

III. Action Items

A. Minutes of Previous Meeting

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

B. Financial Report

Edward T. McGann, Director of Finance & Loans, informed the Councilmembers the Annual Audit Report would be delayed until the June meeting. The reason for the delay is a reporting rule change required by the Government Accounting Standards Board, which requires additional reporting and disclosure for pension assets and liabilities. The Council is a member of the Florida Retirement System (FRS), the plan sponsor of our staff pension benefits. In order to comply with the new reporting requirements, FRS needs to provide disclosure information to the Council. The information is expected to be received in May 2016. At that time it will be incorporated into the Annual Audit Report and the Annual Audit Report will be issued.

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

C. Intergovernmental Coordination and Review Report

Approval carried by a unanimous consent.

D. Consent: Comprehensive Plan Amendment Reviews

- Broward County 16-4ESR
- Monroe County 15-1ACSC
- City of Hialeah 15-5ESR
- City of Hialeah Gardens 15-1ER
- Islamorada, Village of Islands 16-2ACSC
- North Bay Village 16-1ESR
- Village of Palmetto Bay 16-2ER

Councilmember Weekley moved to approve Agenda Item III.D, Consent: Comprehensive Plan Amendment Reviews. Councilmember Ross seconded the motion, which carried by a unanimous vote.

Chair Asseff informed the Councilmembers that the Discussion Items will follow the presentations from Mark Woerner and Sam Goren. Approval carried by a unanimous consent.

V. Program Reports and Activities

A. Presentations

1) American Dream Miami/Graham Properties

Guest Speaker: Mark R. Woerner, AICP, Assistant Director for Planning, Miami-Dade County Department of Regulatory and Economic Resources

Mr. Woerner described the proposed American Dream Miami and the Graham Companies Comprehensive Development Master Plan Applications, the project location and transmittal

review process. He explained the development programs provided by the applicants including details regarding the various uses of the project and land use changes. Mr. Woerner explained the two cycles for filing applications, May and November. Miami-Dade County and the Applicant agreed to use the DRI model process to facilitate stakeholder engagement and review of American Dream Miami. This project is on the jurisdictional line of Miami-Dade and Broward Counties. As proposed, the project would meet the DRI criteria. It is important to engage the stakeholders of the surrounding municipalities and any other entity that could be impacted by this development. He informed the Council that prior to the filing in November 2015 the Council had organized meetings to discuss transportation and hosted a subsequent meeting in January 2016 to discuss transportation. Mr. Woerner pointed out the roadways and proposed changes to the roadways that will be affected by the traffic heading to the proposed American Dream Miami project. Agency stakeholders include, but are not limited to, the Council, the Turnpike, FDOT Districts IV and VI, Miami-Dade Expressway Authority, public works departments and all the jurisdictions in the vicinity. In November the transmittal included the transportation analysis from discussions that had been held in previous meetings.

Mr. Woerner shared the development plans for the proposed American Dream Miami which include: retail, entertainment (amusement and water park, indoor ski facility, recreational lake) hotel etc., and The Graham Companies: multi-family rental dwelling units, commercial space (shopping and regional retail centers), and Business Park (Office, flex, and distribution space, service and full service hotels). Both applications change the land use from Industrial and Office to Business and Office (American Dream Miami) and Industrial and Office and Business and Office/Employment Center (Graham Companies). He stated that the possible build out time frame for the American Dream Miami is 2019-2020 depending on approvals and The Graham Companies build out may be beyond 2030-2040 with very little development occurring prior to 2020. The original filing was in the November 2015 amendment cycle. The applicants have requested to move their application to the May 2016 amendment cycle. With this new cycle, it is expected that there will be a Miami-Dade County staff recommendation in late summer 2016 and transmittal with a public hearing in fall 2016. The Council would likely be taking action on a proposed comprehensive land use plan amendment in December 2016 – January 2017.

Mr. Woerner stated that the County asked both applicants to follow the DRI question process. At the end of the process there will not be a Development Order (DO) documenting the respective responsibilities of the applicant and local jurisdiction. The County is in discussions with both applicants to create Chapter 163 agreements which will document enforceable mitigation requirements.

Councilmember Walters inquired if the Chapter 163 agreement would protect the developer from changes in the local comprehensive plans and Land Development Review (LDR) like a DRI would have. Mr. Woerner stated that the Chapter 163 agreement will closely offer the same assurances for the local government and would give certain assurances on commitments that are made as long as those commitments are maintained. The fallback position for Miami-Dade County could be a list of restrictions that would be in a covenant. Mr. Woerner stated that Miami-Dade County is trying to get the best assurance for all involved including local government.

Chair Asseff inquired about the taxes on the unincorporated property. Would the taxes go to Miami-Dade County and would there be any monetary resources for surrounding municipalities to mitigate impacts? She inquired if there were any discussions with impacted municipalities regarding the side effects of this Development, such as local shopping centers losing business. The Chair requested the item be discussed at a future meeting to allow for Council input. There was conversation on the water issue in which Mr. Woerner stated the County is still reviewing the applications and informed the Councilmembers that Miami-Dade County will be responsible for the sewer portion. He stated that all the properties are wetlands and have been grazed pasture lands. The County is reviewing the stormwater and environmental impacts, and the impacts to threatened and endangered species. Councilmember Daubert stated that the County required the American Dream Miami applicants to undertake another traffic study showing the impacts of opening or closing 154th and 170th. Mr. Woerner stated they had not received that updated traffic study.

Councilmember Daubert stated that the meeting held at the Council Office with everyone present was fantastic and applauded those who attended. He thanked Ms. Cosio Carballo for hosting the meeting. Councilmember Daubert requested another meeting prior to the end of the year that would include municipalities in Miami-Dade and Broward Counties, planners and engineers, and local and state elected officials. Councilmember Daubert is looking to Miami-Dade County to protect all the cities and ensure that traffic issues are addressed.

Chair Asseff stated that this is a major project and as Chair of the SFRC, the Council would like to work with Miami-Dade County. Councilmember Cava informed the Council that she and Commissioner Suarez were 2 of the 13 Commissioners that voted against the land swap.

Mr. Goren explained that a Chapter 163 is an important planning tool, not just a contract signed between a governmental agency and the developer. It requires a public hearing or two, notification to affected parties, and has meaning and implications. The role of the Regional Council will be very useful in the process since the Council is an affected party in this process.

Councilmember Walters stated the DRI process not only gives us the opportunity to evaluate the impacts of a project, but the opportunity for the applicant to present and document the benefits of projects. It is important to keep in mind, heading into the next legislative session, that this is the poster child of a DRI and discussions should be held with our state legislators to revisit “some of these things” and for the development community to support this.

Chair Asseff thanked Mr. Woerner for his presentation.

2) SFRC Role in FPL Power Plant Discussion

Guest Speaker: Samuel S. Goren, Goren Cherof, Doody & Ezrol, P.A.

Councilmember Suarez informed the Council that the FPL Turkey Point presentation and legal opinion was per his request. He and his staff has conducted extensive research and produced a Memorandum on Sea-Level-Rise (SLR) issues in which FPL Turkey Point is included. Councilmember Suarez observed that many communities oppose the installation of overhead high voltage lines in their jurisdictions. He stated that the site approval from the Council is key to the process for the two new reactors and the concern of SLR and the flooding related to it,

not the entire plant. He referenced the Council's "Notice of filing stipulation between South Florida Regional Planning Council and Florida Power & Light Company" dated June 7, 2013. He thinks that Miami should vote on the circular wells considering everything FPL is doing at Turkey Point.

Sam Goren, Legal Counsel, stated that in 2009 FPL began seeking approval of power lines and the non-power plant associated facilities. He stated for the record that the SFRC had a role in that conversation. There was an exchange with the Department of Environmental Protection and other government agencies. The Council did not take a position with regards to the power lines. Mr. Goren read and explained the specifics of the April 1, 2013 Memorandum in great detail. He stated that the trial would have taken at least six weeks or more and the Council had to make a cost efficient decision to attend or not. The Council entered into a Stipulation, which is part of the backup from a June 2013 Council meeting. He stated that the Stipulation is an important document and was part of the trial process. It was admitted into evidence and was approved. The Final Order is now on appeal. He stated that the Council now has a different role.

There was discussion on a past violation issue regarding the salt water intrusion, the consent agreement, and the possibility of another violation to be issued by Lee Hefty, director of the Division of Environmental Resources Management. If issued there would be new negotiations.

Mr. Goren quoted sections of the Stipulation and stated the Stipulation is public record. Motions or conversations offered up today are public record and this is the forum in which to do this. There is no constraint, reservation or restriction to preclude the Council from making such a motion to open up a conversation. The Stipulation itself is a living document; it didn't end with the trial. He encouraged the Council to think about options pursuant to a motion to keep the dialogue open.

Councilmember Suarez motioned to keep the dialogue open with Miami-Dade County regarding the FPL Turkey Point issue. Councilmember Cava seconded the motion, which carried by a unanimous vote.

Mr. Goren stated that as Legal Counsel he will coordinate with professional staff to cooperate and collaborate with the County as much as possible. He stated this issue will not go away; it does require attention and appreciates that the Council raised the issue.

Chair Asseff thanked Councilmember Suarez for asking the Council for a report on Turkey Point. She stated that the Council would like to hear from any of the Councilmembers and their concerns.

Councilmember Daubert mentioned that once the wells are contaminated they cannot be brought back to life. He is concerned with FPL performing the testing in which the County and other entities rely on FPL's test results and suggested the County should collect test samples and send them to an independent lab.

Councilmember Daubert motioned that Miami-Dade County perform their own testing and send the samples to an independent lab. Councilmember Ross seconded the motion, which carried by unanimous consent.

Councilmember Suarez asked Ms. Cosio Carballo to make his report available to the Councilmembers. Councilmember Cava stated that there is a University of Miami Study and the County Study regarding the ammonia. Ms. Cosio Carballo stated she would forward the information to the Councilmembers.

Chair Asseff requested that a picture be taken at every meeting and the Councilmembers put the picture on their social media for their followers to know who the Councilmembers are.

IV. Discussion Items

A. Executive Committee Report: None

B. Executive Director's Report

Ms. Cosio Carballo thanked the Councilmembers for the help and support in getting the Council's appropriations request to Tallahassee. She explained the proposal for a statewide economic development analysis around target industry cluster supply chain analysis was vetoed by the Governor. The good news is that the Council has a statewide economic proposal and new relationships with the Department of Economic Opportunity (DEO) and the Governor's Office. She thanked the Councilmembers for their assistance throughout the process and recognized Councilmembers Bailey, Daubert, and Martell for their extra efforts. She recognized Senator Jack Latvala and Representative Jose Felix Diaz, the Chair of Miami-Dade County Delegation, for sponsoring the appropriation request and guiding it through. Senator Latvala, incoming Chair of Senate Appropriations, has offered to assist in the future. She informed the Council that council staff would be attending the upcoming Economic Development Administration Conference in DC. Councilmember Bailey suggested that the Council invite the Florida Department of Economic Opportunity (DEO) to participate in an upcoming meeting. Ms. Cosio Carballo stated she will invite Cissy Proctor, the new director of the DEO.

Ms. Cosio Carballo informed the Councilmembers that she is researching whether Council staff can participate in the state health insurance program. She stated that in some ways the Council is considered a state agency but not in other ways. Council staff is working on DEO proposals for submittal by May 1, 2016. A new information technology company has been engaged and thanked Deputy Director Cela for moving this forward.

Ms. Cosio Carballo thanked the Policy Board Members for their service and announced the next meeting will be July 7-8 in St. Petersburg, Florida. She requested that the Policy Board Members make their flight reservations early to reduce costs. She announced she is the new member of the Broward County Climate Change Task Force and thanked Commissioner Furr for inviting her to be on the Task Force. In the future, Council meeting agendas will have a new item called "Council Member Reports" during which Councilmembers will be asked to provide updates on issues of importance from around the region.

Councilmember Bailey commended Ms. Cosio Carballo on her "amazing" accomplishments in Tallahassee noting that she had developed proposals, found sponsors, and moved the

proposals through to inclusion in the final state budget in record time. Ms. Cosio Carballo thanked him.

Ms. Cosio Carballo informed the Council that May's Council meeting will be in Hollywood not in the Keys due to the Miami DRI DDA. The Keys meeting will be June 6, 2016.

C. Legal Counsel Report

Mr. Goren thanked everyone for listening to the Turkey Point FPL issue which is a complicated and appreciated the motion that the Council has adopted to maintain communication with Miami-Dade County on this issue. He stated that he will coordinate and collaborate with Ms. Cosio Carballo and professional staff to have that communication with Miami-Dade County which will be helpful to all involved. There will be a brief presentation highlighting the Sunshine Law and public records at the May Council meeting. He stated that he will continue to update the Councilmembers on any litigation or answer any questions regarding the RLF Program.

D. Ex Officio Reports – None

V. **Program Reports and Activities**

Presented after the Action Items

A. Presentations

1) American Dream Miami/Graham Properties

Guest Speaker: Mark R. Woerner, AICP, Assistant Director for Planning, Miami-Dade County Department of Regulatory and Economic Resources

2) SFRC Role in FPL Power Plant Discussion

Guest Speaker: Samuel S. Goren, Goren Cherof, Doody & Ezrol, P.A.

B. Revolving Loan Fund Reports

1) SFRPC Revolving Loan Funds Status Report

Councilmember Bailey inquired about Angela L. Dawson's two past due RLF Accounts and if Ms. Dawson had one Loan, was doing well, was given a second loan and now both loans are past due. r. McGann stated that he and Ms. Dawson have a meeting in the afternoon to discuss the alternatives.

Ms. Cosio Carballo informed the Councilmembers that Council staff is in conversation with the Economic Development Administration regarding the RLF Program. She mentioned that Mr. McGann met with a colleague regarding their RLF Program recently. Ms. Cosio Carballo stated that Council staff is working to reduce the cost to the SFRC and improve the performance of the RLF Program.

Councilmember Cava inquired about combining forces with the Urban League. Chair Asseff stated that there is discussion with the Urban League through the CDFI Program. They are still waiting for certification which should be happening soon.

C. Developments of Regional Impact

Ms. Cosio Carballo stated that Council staff is working on the Development Order for the Downtown Miami DRI Increment III and in discussion with Miami-Dade County, the City of Miami, Miami-Dade County School Board, the Miami Downtown Development Authority, and other key stakeholders.

Karen Hamilton of Council staff explained that staff is preparing the Regional Impact Report for the Downtown Miami Increment III DRI. The Report will include project impacts and proposed mitigation strategies. The Report will be brought to the May Council meeting for review and action. Staff will be facilitating two DRI related meetings next week. The first meeting is scheduled with Miami-Dade County School Board staff to discuss locating an elementary school in Downtown Miami. The second meeting will be held with the Applicant, affected municipalities, and FDOT staff to review the revised Development Order.

D. Emergency Preparedness Program Status Report

Manny Cela of Council staff updated the Council on the Emergency Preparedness Program. He described the two training sessions that took place February 10, 2016. Florida Division of Emergency Management (FDEM) Tallahassee staff presented the training for facilities that store chemicals. On March 17 and 18, 2016 Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) refresher training was offered at the Broward Emergency Operations Center. Mr. Cela explained this is becoming an annual event to bring training to the counties with two days in Broward and they expect to repeat the class in Miami-Dade County later in the year. Mr. Cela stated that a full scale exercise, Operation HeatShield, on February 6, 2016 was very successful. This was an active shooter exercise and went into detail regarding the various participants from the counties, municipalities and departments (Fire Rescue/EMS, SWAT, etc.), and the many staged activities and various locations. Councilmember Daubert and the Department of Homeland Security Secretary Johnson were present. Councilmember Daubert stated that it was great and was impressed with the coordination and communication between departments and had suggestions for future SWAT encounters.

Chair Asseff stated that this might be something that could be continued at City Hall.

E. Brownfields Program Update

Ms. Hamilton stated that the SFRC has a new addition to the Brownfields Economic Redevelopment Initiative. The SFRC, Treasure Coast RPC, and Palm Beach County received a Brownfields Coalition Assessment Grant to conduct Phase I and II assessments within the seven-county area. The Grant is part of the Continuum of Council funding which can take a Brownfield site from assessment to redevelopment, using the Assessment Grant, Brownfield Revolving Loan Fund, EDA RLF, and CDFI.

Councilmember Bailey and Chair Asseff would like this information distributed to the cities and/or the League of Cities. Ms. Hamilton is the contact for additional information.

VI. Announcements and Attachments

Councilmember Bailey suggested a monthly newsletter. Ms. Cosio Carballo replied there was one in the past and the SFRC is working on upgrading various means of communications. Ms. Cosio Carballo stated that at this point in time there are limited resources to create an active

social media presence. She stated this is part of the conversation moving forward and asked the Councilmembers to think of what they want the Council to be, and the investments that need to be made, to take us to the level the Council Board would like to see.

Chair Asseff announced there will be a Southeast Clean Cities Coalition meeting on Friday regarding electric charging stations and invited the Councilmembers to attend and gave a short explanation of the history, activities, stakeholders and members of the Coalition.

Councilmember Walters suggested that various water quality topics would be a perfect topic for regional convening at the June Council meeting in the Keys. Topics concerning FPL, rain issues in the Bay and the conversation should be engaging for the Monroe County Commissioners. She would like to get the news out ahead of time so people from the Keys will participate. She requested the SFWMD's participation along with the Everglades National Park, and Miami-Dade County to have an exciting and meaningful regional conversation. Chair Asseff stated this is a very good thought.

Councilmember Cava mentioned that on Saturday, April 9, 2016, she is co-sponsoring "The Water Summit" from 9 a.m. to noon with the Everglades Foundation at Palmetto Bay Village Hall. There will be discussion on sea level rise, climate change, and Everglades Restoration. She asked the Councilmembers to share the information.

A. Correspondence and Attendance Form

B. Upcoming Meetings

- 1) May 2nd, 10:30 a.m. (SFRC Offices, Hollywood)
- 2) June 6th, 10:30 a.m. (MENC, Key Largo)
- 3) July 11th, 10:30 a.m. (SFRC Offices, Hollywood)

VII. Councilmember Comments - None

VIII. Adjournment

The meeting was adjourned at 12:10 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL COUNCIL, and that the information provided herein is the true and correct minutes for the April 4, 2016 meeting of the SOUTH FLORIDA REGIONAL COUNCIL adopted the 2nd day of May, 2016.

Greg Ross, Secretary

Date

