

SOUTH FLORIDA REGIONAL COUNCIL

Minutes

June 6, 2016

The South Florida Regional Council met on this date at the Murray E. Nelson Government & Cultural Center, 102050 Overseas Highway, Key Largo, FL 33037. Chair Asseff called the meeting to order at 10:32 a.m. and the Pledge of Allegiance was said.

I. Pledge of Allegiance and Roll Call

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

Isabel Cosio Carballo, Executive Director and Mr. David Tolces, representing Sam Goren as Legal Counsel were present.

The following Ex-Officio Members were present:

Ms. Laura Corry, representing the South Florida Water Management District
Mr. Dat Huynh, representing the Florida Department of Transportation, District VI

The following Ex-Officio Member was on the phone:

Ms. Jennifer Smith, representing the Florida Department of Environmental Protection

The following Ex-Officio Member was not present:

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

Chair Asseff requested that the attendees and Councilmembers introduce themselves. Chair Asseff started the process and passed the microphone to the audience. There were representatives from the Monroe, Miami-Dade, and Broward counties; municipalities; private and public sectors; as well as

Council staff. Chair Asseff welcomed Florida State Representative Holly Raschein and Senator Anitere Flores.

Chair Asseff announced that the Meeting will start with the presentations.

IV. Program Reports and Activities

A. Presentations

- 1) *Florida Bay and Everglades Restoration Initiatives* - a joint presentation by Robert Johnson, Director of the South Florida Natural Resources Center/Science Advisor to the Office of Everglades Restoration Initiatives and Kimberley Taplin, Strategic Program Manager and Tribal Liaison at the Jacksonville Office of the U.S. Army Corps of Engineers

Ms. Taplin presented a Power Point on Ecosystem Restoration in South Florida. She explained the system-wide perspective, restoration progress, and the restoration path moving forward. The Central Everglades Planning Project (CEPP) proposes to increase operational flexibility in the system and restore the remnant ecosystem to its natural state in terms of water levels, timing, and distribution. This will give relief to estuaries and increase water flow to the Everglades and Florida Bay. Ms. Taplin provided a restoration overview including storage, treatment, seepage management and operational changes for the Foundation Projects, 1st and 2nd Generation Comprehensive Everglades Restoration Plan (CERP), and the Central Everglades Planning Project (CEPP). There were informational slides on the various Foundation Projects, the CERP components, the various Reservoirs, Storm Treatment Areas, and Modified Water Deliveries explaining their purpose, progress, and funding.

Mr. Johnson had a Power Point on the South Florida's Freshwater and Coastal Ecosystems and the regional linkages. He explained that our ecosystem is connected with freshwater flow from the Everglades and the various fresh and salt water circulation patterns. Mr. Johnson explained the inadequate water deliveries to Everglades National Park/Shark River Slough and Florida Bay, and how the system changed over time. He talked about the salinity problems in response to low rainfall and insufficient freshwater flow that occurred in the Florida Bay in 2015. This is one of the issues the Everglades Restoration is focused on. There were slides describing the water deliveries to Everglades National Park depicting the current system, modified water deliveries as constructed, and the future Central Everglades Project. Mr. Johnson explained the water flow into Everglades National Park and the concern for flooding areas near US 41 / Tamiami Trail. The International Biosphere Reserve combines the unique ecosystems and high cultural values of the Big Cypress National Preserve, Everglades National Park, Biscayne National Park, Florida Key National Marine Sanctuary, and Dry Tortugas National Park. This is a core zone and highly protected with federal, state, and private lands and water. He stated that the current area is not producing the types of conservation values that are sustainable with the times. He stated this is a good issue to bring before the Council; to talk about restoration and land use and how these should work together.

There was conversation on the length of time to treat the water, releasing the water, and the quantity of water, water levels, the flow of the released water, dike rehabilitation, and the future of more surge tanks and storage. Federal and state funding for CERP and other projects

were discussed. In discussing the funding, every year Congress has to give appropriations specific for the programs.

2) *Florida Keys Stewardship Act* - The Honorable Holly Raschein, Florida State Representative, 120th District

The Honorable Holly Raschein updated the Council on activities and issues in Monroe County. She informed the Council that the Monroe County wastewater mandate from the 90's is almost completed. Monroe County is an Area of Critical State Concern (ACSC) with build out issues. Last year various entities met to discuss a comprehensive piece of legislature, the Florida Keys Stewardship Act (House Bill 447 / Senate Bill 770). This Bill will move the Florida Keys and Monroe County forward. Representative Raschein and Senators Simpson and Flores supported the Bill. Representative Raschein explained the Florida Keys Stewardship Act is a ten (10) year comprehensive public policy plan for the Florida Keys. This will assist in addressing land acquisition and water needs. Stormwater is another issue that will be focused on in order to protect the reefs and sanctuaries. Other issues of focus are flooding and canal clean-up restoration. There was an explanation on the funding regarding Florida Forever and Amendment 1 and how they interrelate with the Florida Keys Stewardship Act. Chair Asseff offered the Council's assistance at anytime.

3) *Florida Senate Review Process: Turkey Point Cooling Canal System* – The Honorable Anitere Flores, State Senator, 37th District

State Senator Flores updated the Council on FPL's Nuclear Power Plant / Turkey Point's cooling canal system. There was a brief history on the Nuclear Power Plant, the cooling canal system, and the technology available in the 1970s. As a result of Miami-Dade County's research and the reporting by the Miami Herald, a few months back, it was discovered that regulators at the state and national levels, and FPL knew there was another discharge - a hyper saline plume. The plume had escaped the cooling canal system and is moving east and westward. At this time it does not pose a threat to our drinking water but if not contained there will be a problem with the water system. Senator Flores requested that the Senate President convene a special hearing in South Dade in order to hear from FPL, Florida Department of Environmental Protection (FDEP) and Miami-Dade County regarding the "who knew what" "when" and "now what are we going to do about it". The hearing was well attended by various entities and Senators from across the State of Florida. As a result of the hearing, it became apparent that regulators, FDEP, and FPL knew the plume was a problem for some time. Miami-Dade County had entered, a few weeks prior to the hearing, into a consent decree with FPL to solve the cooling canal system in order to continue to operate in Miami-Dade County. For the first time, FDEP issued a notice of violation to FPL to come up with a plan to solve the issue within 60 days (June 24, 2016). Senator Flores suggested that if anyone is interested please send a letter or call FDEP or Secretary Steverson on this issue, because once the decree is agreed upon the only way to change it is through litigation. Miami-Dade County's consent decree's solution to this problem is to have a series of extraction wells in-between the cooling canal system and the fresh water. The long term solution is to require FPL to have cooling towers with modern technology. There was information regarding the financing of the improvements, the postponement of the expansion of Turkey Point, and the Public Service Commission (PSC) decision on the cost, if any, and who

will pay for the clean up. The PSC will meet on June 27, 2016, at the Miami-Dade County Auditorium for those who have concerns on the increase on rates at FPL's request.

Senator Flores informed the Council that there is an opening on the PSC Board. This is an opportunity to have a voice at the table from South Florida. There was information given regarding the nominations requested. Senator Flores sent a letter to the Nominating Council regarding the number of nominations and the lack of representation of South Florida. It was requested that the nominations should be reopened. The request was denied, but the Nominating Council has not met again for any decision making. Senator Flores suggested letters be sent asking to reopen the nominations to have the chance for South Florida representation on the PSC.

Councilmember Cava informed the Board that she has a Resolution before the Miami-Dade County Commission to not approve passing on the cost of improving the cooling canals to the public. She stated she would forward it to them.

Ed Swakon, EAS Engineering, Inc. 55 Almeria Ave. Coral Gables, FL 33134 is representing a private property owner located 10 miles west of the cooling canals. He thanked Senator Flores for her work and requesting the hearing in Homestead. He thanked Miami-Dade County and Monroe County Commissioners for taking on this issue and dealing with FPL. He commented on FPL's submission of information and their recommended alternative. He does not believe the alternative will stop the advancement of the hyper saline plume or the western edge of the plume in the 10 year period that they modeled. He stated there are solutions that allow for the extraction of the hyper saline plume and stop the advancement of the western edge and the plume. He requested that people call or write to anyone with influence and encourage the State and Miami-Dade County DERM to convince FPL to address this problem in a meaningful way. He thanked the Council for the opportunity to speak.

Councilmember Wallace made a motion to draft an official communication from the SFRC Board strongly asking that the financing of the clean up of the cooling canals not be passed on to the public. Councilmember Daubert seconded the motion.

Councilmember Furr motioned to table this discussion to the end of the meeting. Councilmember Daubert seconded the motion, which carried by a unanimous vote.

- 4) *Miami-Dade County MPO Strategic Miami Area Rapid Transit (SMART) Plan*, Aileen Bouclé, AICP, Executive Director of the Miami-Dade Metropolitan Planning Organization (linked to III.G)

Ms. Bouclé' acknowledged the Boardmembers and especially Councilmembers Cava and Suarez who are on the Board of the Miami-Dade County Metropolitan Planning Organization (MPO). The Strategic Miami Area Rapid Transit (SMART) Plan is a transit consensus plan that was approved by Miami-Dade MPO. It is considered a SMART regional plan that consists of six new urban rail lines; five of which are light rail, in Miami-Dade County. Ms. Bouclé' explained that four of the six corridors extend beyond Miami-Dade County to Monroe and Palm Beach counties and are funded by various entities. The Bus Express Rapid Transit (BERT) service will connect the

SMART Plan corridors with the MetroRail System. The SMART Plan is a program of six projects. Ms. Boucle' presented examples of other states with the similar transit projects. Ms. Boucle' presented a video on the SMART Plan that provided greater detail. The video included the entities that will support the SMART Plan. Ms. Boucle' explained the process and funding of the SMART Plan. There was a handout depicting the corridors, funding, and FYs 2017 and 2018 Unified Planning Work Program (UPWP) implementing the SMART Plan.

There was discussion on the use of the FEC in Broward County. Ms. Boucle' stated that she is working with the FEC, Broward County MPO director Greg Stuart, and Palm Beach County. The Miami-Dade County MPO is working with the FEC in Miami-Dade County. There was conversation on funding, operation, and maintenance. There was discussion regarding various modes of transportation as well as the various corridor links. Councilmember Furr stated that this Council should prioritize this project since it connects to all the counties. Chair Asseff agreed. Ms. Boucle' explained that there is a regional MPO structure, the Southeast Florida Transportation Council (SEFTC) that has representation from Palm Beach, Broward and Miami-Dade Counties. SEFTC discusses regional projects and coordination. Ms. Boucle' offered to attend any of the Commission or Council meetings.

Councilmember Ross made a motion to approve Resolution 16-01. Councilmember Suarez seconded the motion, which carried by a unanimous vote.

Councilmember Suarez talked about the cost, the use of a perpetual easement, the use of FEC, TriRail and All Aboard Florida lines, passenger cost, and the cities paying for their own stations. Councilmember Furr suggested the negotiations should include all three counties. Chair Asseff stated the Council needs to continue to be more proactive on this issue.

II. Approval of Council Agenda

Motion was 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 Caplan seconded the motion, which carried by a unanimous vote.

B. Financial Report

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

C. Intergovernmental Coordination and Review Report

Councilmember Ross moved to approve Agenda Item III.C, Intergovernmental Coordination and Review Report. Councilmember Caplan seconded the motion, which carried by a unanimous vote.

D. Consent: Comprehensive Plan Amendment Reviews

- Broward County 16-1ESR
- Broward County 16-4ESR

- Broward County 16-6ESR
- Monroe County 15-3ER ACSC
- Monroe County 15-4ACSC
- City of Doral 16-1ER
- Islamorada, Village of Islands 16-5ACSC
- Town of Miami Lakes 16-1ESR
- City of Miramar 16-1ESR
- City of North Miami 15-2ER
- Village of Palmetto Bay 16-1ESR
- Village of Palmetto Bay 16-2ESR
- Village of Palmetto Bay 16-3ESR
- City of Pembroke Pines 16-2ESR
- City of South Miami 15-3ESR
- City of Sunny Isles Beach 16-1ESR

Councilmember Daubert questioned whether he had a conflict of interest regarding the Town of Miami Lakes 16-1ESR amendment. It was later determined that he did not.

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

E. Regional Issues: Comprehensive Plan Amendment Reviews

- Village of Palmetto Bay 16-3ESR

Bob Cambric, SFRC Consultant, explained the standard for the transportation concurrency and school siting. The Village Planner contacted Ms. Cosio Carballo and stated the Village will be in conversation with the School Board for the 90 day review and will proceed to adopt the proposed amendment with consideration of the other entities' comments.

Councilmember Neugent moved to approve the staff's recommendation on Agenda Item III.E, Regional Issues: Comprehensive Plan Amendment Reviews. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

F. Downtown Miami DRI Increment III Regional Impact Report

Karen Hamilton of Council staff introduced the Downtown Miami Increment III Development of Regional Impact (DRI) Application of Development Approval (ADA). Increment III is the final phase of the Downtown Miami area-wide DRI. This application has been processed through the pre-application stage, Sufficiency of Information Needed (SIN) 1 and 2 review, and analysis of potential impacts and mitigating strategies, outlined in the Regional Impact Report. Ms. Hamilton introduced the two presenters Bob Cambric, Council Consultant and Joseph Goldstein, Applicant Counsel and recommended approval of the ADA.

Mr. Cambric shared the detailed criteria that guides the Development of Regional Impact (DRI) Program. The Council is the lead convener of the process and makes a determination regarding

whether or not the DRI creates adverse and significant state and regional impacts. Mr. Cambric acknowledged that several members of the audience were engaged in the DRI process and thanked those involved for their hard work. The Impact Assessment Report identifies project-related issue areas and the state standards that define if the proposed development will impact a state and regional resource and facility. With the exception of schools, the proposed increment does not generate any state or regional impact based on the state standards. The School District projections of the estimated school aged children based on the proposed 18,000 new units, applied existing and planned facility capacities (using the concurrency methodology adopted through the ILA), and determined that there would not be sufficient student stations at the elementary and middle school levels. An Inter-local agreement between Miami-Dade County Public Schools (MDCPS) and local governments guides school concurrency and school mitigation in Miami-Dade County. The City of Miami, City of Miami Downtown Development Authority, Miami Dade County Public Schools, and Miami-Dade County staffs are exploring innovative opportunities to address school capacity.

Council staff recommends in the Regional Impact Report that they continue to work together to develop and implement innovative solutions. On page 23, paragraph four of the report states “there is no plan in place for a school in the downtown area”. The School Board communicated on Friday that they have initiated the process and added to their plan for approval “a facility for that area” and would like the final report to reflect the change in strategy. Mr. Cambric reiterated that other than schools there is no regional impact based on the state standards. The Developer, the City of Miami, and the Downtown Development Authority will voluntarily address affordable housing units in Downtown Miami serving extremely-low, very-low, low and moderate populations. The Applicant provided a voluntary contribution of over \$6.3 million for transit and turn-lane improvements. The Applicant also addressed potential Sea Level Rise impacts.

Joe Goldstein, Attorney at Holland and Knight, is special Counsel to the Miami Downtown Development Authority (DDA). He acknowledged Ines Marrero-Priegues, Tracy Slavens, Alyce Robertson, (Executive Director of the DDA), Eric Riel, (the DDA Team leader), Luciana Gonzalez, Dan Goldberg and other staff from the City of Miami, consultants from Kimley Horn, and Miami-Dade County staff. Mr. Goldstein stated that the Applicant accepts and supports staff’s recommendation and thanked Council staff for their hard work. Although DRIs are no longer required by state statute, the Applicant chose to submit a new ADA because the DRI process allowed the Applicant to successfully accomplish their goals. Mr. Goldstein gave a brief history of the Growth Management Act and the previous phases of the Downtown Miami DRI. Both the DDA and the City of Miami wanted the Increment III ADA to take a more comprehensive approach to potential impacts and agreed to answer more questions than required. Conditions that seek to address Sea Level Rise (SLR) were included in the Development Order. The City will continue to move forward in implementing the suggestions of the Compact and in the Comprehensive Plan; implement the information provided by Miami-Dade County; and, as the City goes through its EAR process, it will look at the establishment of Adaptation Action Area. Mr. Goldstein reiterated that other issues of note were affordable housing, transit and turn-lane improvements and elementary and middle school capacity.

Councilmember Neugent moved to approve the staff's recommendation on Agenda Item III.F, Downtown Miami DRI Increment III Regional Impact Report. Councilmember Caplan seconded the motion. Councilmember Ross voted nay.

The discussion on the school issue continued with Mr. Goldstein informing the Council about existing schools and capacity. School concurrency is designed to ensure that there are sufficient school seats for new residential development. Building permits are not granted under the Interlocal Agreement if school concurrency is not met. There was a brief discussion on impact fees and how they would be applied. The DDA and the City have met, and will continue to meet, with MDCPS staff and other stakeholders to address school capacity beyond what the Interlocal Agreement requires. The Applicant continues to work with MDCPS to identify potential locations for a downtown school facility and develop comprehensive Development Order conditions.

There was discussion about Climate Compact, building codes and raising the buildings. He reminded the Council that the Adaptation Action Area is being explored through the City of Miami's Comprehensive Plan's Evaluation and Appraisal process.

Ms. Cosio Carballo received (via email) the Resolution from Councilmember Cava and proceeded to read the Resolution that urges the Florida Public Service Commission (PSC) to deny FPL the ability to recover costs for remediating environmental impacts from the Turkey Point Power Plant at additional cost the ratepayers. This Resolution will be presented to the Miami-Dade County Board of County Commissioners on June 7, 2016.

Legal Counsel Representative David Tolces informed the Council that the Board would be authorizing a letter to be sent by the Chair to support Miami-Dade County's concern.

Ms. Cosio Carballo stated this Resolution going before the Miami-Dade County Board of County Commission (MDCBCC) is in draft language. It may not be approved by the Commission. She would like to create something from the Council, in Council format that can be voted on and passed. If MDCBCC does pass this Resolution it would show our support.

There was further discussion on the cooling canal system and the cooling towers being retrofitted. Councilmember Suarez suggested the motion be tabled in order to consider the Resolution at the County Commission first.

Councilmember Wallace motioned to withdraw the motion, Councilmember Ross seconded the motion, which carried by a unanimous vote.

Ms. Cosio Carballo reiterated Senator Flores' request to contact Senator Richter and Senate President Negron to reopen the Public Service Commission Nominating Council's search process to allow for more nominees, some of which would potentially be from South Florida. She stated that she would draft that letter.

Councilmember Neugent stated that the SFRC would endorse candidates from the region. There is a need for representation from South Florida at the PSC. Once the search has been reopened the Council can make its' recommendations.

Councilmember Suarez moved to approve the staff's recommendation to send a letter to the PSC Nominating Council to reopen the search for more nominations. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

G. Proposed SFRC Resolution supporting the Strategic Miami Area Rapid Transit (SMART) Plan
Voted on at the beginning of the meeting.

H. SFRC/EDA Revolving Loan Fund Plan
To be presented at the July 11, 2016 Council Meeting.

IV. Program Reports and Activities

B. Presentations

Moved to the beginning of the meeting.

- 1) *Florida Bay and Everglades Restoration Initiatives* - a joint presentation by Robert Johnson, Director of the South Florida Natural Resources Center/Science Advisor to the Office of Everglades Restoration Initiatives and Kimberley Taplin, Strategic Program Manager and Tribal Liaison at the Jacksonville Office of the U.S. Army Corps of Engineers
- 2) *Florida Keys Stewardship Act* - The Honorable Holly Raschein, Florida State Representative, 120th District
- 3) *Florida Senate Review Process: Turkey Point Cooling Canal System* – The Honorable Anitere Flores, State Senator, 37th District
- 4) *Miami-Dade County MPO Strategic Miami Area Rapid Transit (SMART) Plan*, Aileen Bouclé, AICP, Executive Director of the Miami-Dade Metropolitan Planning Organization (linked to III.G)

C. Revolving Loan Fund Reports

- 1) SFRPC Revolving Loan Funds Status Report

C. Development of Regional Impact Status Report

V. Discussion Items

A. Council Member Reports

B. Executive Director's Report

Ms. Cosio Carballo stated that the Annual Audit will be presented at the July 11, 2016 Council Meeting. She requested to assign a Boardmember to review the Audit with staff before the July meeting. Councilmembers Caplan and Ross volunteered to be part of the review process.

Motion was carried by a unanimous consent.

C. Legal Counsel Report

Mr. Tolces received confirmation that the second amendment of the Interlocal Agreement for the name change from the South Florida Regional Planning Council to the South Florida Regional Council was approved and has been recorded in Broward, Miami-Dade and Monroe Counties.

D. Ex Officio Reports

VI. Announcements and Attachments

- A. Correspondence and Attendance Form
- B. Upcoming Meetings
 - 1) July 11th, 10:30 a.m. (SFRC Offices, Hollywood)
 - 2) August 1st, 10:30 a.m. (SFRC Offices, Hollywood) – Executive Committee
 - 3) September 12th, 10:30 a.m. (FDOT, Miami)

VII. Councilmember Comments

VIII. Adjournment

Councilmember Ross moved to adjourn. Councilmember Walters seconded the motion, which carried by a unanimous vote.

The meeting was adjourned at 1:20 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 June 6, 2016 meeting of the SOUTH FLORIDA REGIONAL COUNCIL adopted the 11th day of July, 2016.

Greg Ross, Secretary

Date