



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: May 26, 2022
Time: 7:00 p.m.
Regular Meeting No. 2022-0526R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:04 p.m. He explained that Agenda Item 9 had been removed from the agenda at the request of the vendor and would not be heard.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Rebecca A. Tooley
Commissioner Jacqueline Railey
Commissioner John A. Brodie
City Manager Karen M. Brooks
Assistant City Attorney Eve M. Lewis
City Clerk Joseph J. Kavanagh

Mayor Rydell asked all to rise for the Pledge of Allegiance.

Mayor Rydell noted that the meeting was being conducted live with a quorum physically present, and explained that, in light of the pandemic, accommodations were made to allow the public to provide advanced comments without the need to attend the meeting. Assistant City Attorney Eve M. Lewis explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

**1. 22-127 A PRESENTATION FROM BROWARD COUNTY PROPERTY APPRAISER
MARTY KIAR**

Broward County Property Appraiser Marty Kiar gave a presentation regarding the responsibilities and programs of his office, including tax saving exemptions and fraud prevention. He reported on taxable values, stating that taxable values were significantly up throughout Broward County, and Coconut Creek had seen an 8.35 percent increase over 2021 values. He explained that as a result, if the City adopted a flat millage rate for Fiscal Year 2022-2023, the City budget would see an increase of \$2.58 million. He reviewed the breakdown of property types, market values, and exemptions in the community. In closing, Mr. Kiar discussed the Owner Alert program created to protect residents from title fraud.

Mayor Rydell asked Mr. Kiar about the proposed amendment to the State Constitution regarding additional homestead exemptions for teachers and first responders. Mr. Kiar responded briefly regarding the potential impacts. Discussion ensued regarding the Owner Alert program and the County Property Appraiser's mobile exemption education unit.

**2. 22-130 A PRESENTATION RECOGNIZING MONARCH HIGH SCHOOL BOYS' TENNIS
TEAM PLAYERS COREY CRAIG AND TAI LE FOR THEIR OUTSTANDING
ACHIEVEMENTS IN TENNIS DURING THE 2022 SEASON.**

Mayor Rydell presented Corey Craig and Tai Le with certificates recognizing their outstanding achievements in tennis.

3. **22-131** A PRESENTATION RECOGNIZING MONARCH HIGH SCHOOL PRINCIPAL JIM NEER FOR HIS YEARS OF SERVICE.

Mayor Rydell presented Monarch High School Principal Jim Neer with a crystal butterfly in recognition of his years as an educator. Mr. Neer spoke briefly.

4. **22-107** A PROCLAMATION RECOGNIZING JUNE 3, 2022, AS “NATIONAL GUN VIOLENCE AWARENESS DAY.”

Mayor Rydell asked for a moment of silence for the many senseless deaths due to gun violence. He read the proclamation into the record and presented it to representatives of Moms Demand Action for Gun Sense. Nancy Fry spoke on the tragedy of gun violence in the United States and its impact on young people.

INPUT FROM THE PUBLIC

Sherri McGlynn, 854 Banks Road, Coconut Creek, spoke on Consent Agenda Item 6. She asked how the opioid settlement funds would be dispersed and whether there were related regulations in place.

Mayor Rydell explained the funds from a series of settlements were to be used in the community for substance abuse treatment and support. City Manager Brooks stated this settlement would be utilized for NARCAN supplies.

City Clerk Kavanagh stated that no advanced public comments were received for Non-agenda or Consent Agenda items.

CONSENT AGENDA (*Items 5, 6, and 7*)

Mayor Rydell read each of the titles of the Consent Agenda Items into the record.

5. **22-118** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2022-0428WS AND 2022-0428R)
6. **RES**
 2022-128 A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND RELEASE REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS FROM WALGREENS CO. AS PART OF THE FLORIDA ATTORNEY GENERAL ACTION REGARDING THE OPIOID LITIGATION; AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY AGREEMENTS.
7. **RES**
 2022-126 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A PARKING LICENSE AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY IN ORDER TO PROVIDE FOR A NONEXCLUSIVE LICENSE FOR THE PARTIES TO UTILIZE EACH OTHER’S PARKING LOTS GENERALLY LOCATED AT 5460-5480 JOHNSON ROAD AND 5400 JOHNSON ROAD.

MOTION: Tooley/Welch – To approve Consent Agenda Items 5, 6, and 7.

Upon roll call, the Motion passed by a 5-0 vote.

REGULAR AGENDA

Police Department

8. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO
2022-097 EXECUTE THE INTERAGENCY AGREEMENT WITH THE CITY OF CORAL SPRINGS POLICE DEPARTMENT FOR CRIMINAL JUSTICE INFORMATION (CJIS) EXCHANGE AND USE.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Tooley – To approve Resolution No. 2022-097.

Police Chief “Butch” Arenal presented the item.

Upon roll call, the Resolution passed by a 5-0 vote.

Public Works Department

- ~~9. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO
2022-129 EXECUTE AN AGREEMENT WITH BIG DOG CONSTRUCTION SERVICES, INC. FOR THE CITY HALL LOBBY AND FACILITY RENOVATIONS PROJECT PURSUANT TO BID NO. 03-23-22-3 IN THE AMOUNT OF \$827,480.36.
(WITHDRAWN AT THE REQUEST OF THE VENDOR.)~~

Utilities and Engineering

10. **RES** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
2022-125 WITH WEEKLEY ASPHALT PAVING, INC., THE LOWEST BIDDER, FOR THE CONSTRUCTION OF THE COMPREHENSIVE STREET IMPROVEMENT PROJECT (PHASE II), SURTAX PROJECT NUMBER BC-CCREEK-FY2020-00001 PURSUANT TO BID NO. 04-05-22-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2022-125.

Utilities and Engineering Director Osama Elshami presented the item. He stated the project would be funded by Broward County Surtax funds, with a City contribution of \$667,567, and would begin after 10 days from notice to proceed. He noted there was an opportunity to recover up to an additional 11.9 percent from Broward County following completion of the project. Justin Morgan with Weekley Asphalt Paving, Inc. was present to answer questions.

Vice Mayor Welch commented on the attention to detail she had seen in other projects by the vendor.

Upon roll call, the Resolution passed by a 5-0 vote.

Sustainable Development

11. **ORD** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY
2022-008 AMENDING CHAPTER 14, “OFFENSES,” ARTICLE II, “NOISE,” BY REPEALING

SECTIONS 14-26 THROUGH 14-40 IN THEIR ENTIRETY AND ENACTING SECTIONS 14-26 THROUGH 14-34 TO SERVE AS THE CITY'S UPDATED NOISE REGULATIONS THAT ESTABLISH REASONABLE SOUND TOLERANCE STANDARDS THROUGHOUT THE CITY. (SECOND READING) (PUBLIC HEARING)

Assistant City Attorney Lewis read the Ordinance title into the record.

MOTION: Welch/Tooley – To adopt Ordinance No. 2022-008.

Sustainable Development Director Scott Stoudenmire presented the item. He highlighted changes that had been made between first and second reading of the Ordinance, including the addition of a section regarding lawn mowers with clarification of an exemption for golf courses. Vice Mayor Welch asked if golf courses could start mowing at 7:00 a.m. and Sustainable Development Director Stoudenmire confirmed this information as accurate. Commissioner Railey thanked Sustainable Development Director Stoudenmire for working on the exemption language to have it done legally.

Mayor Rydell opened the public hearing. City Clerk Kavanagh stated that no advanced public comments were received for the item, and no one had signed in to speak. Mayor Rydell closed the public hearing.

Mayor Rydell asked for an update on decibel readings. Sustainable Development Director Stoudenmire explained that upon approval, staff was prepared to move forward with the most cost-efficient way of reading decibels. He stated meters would be purchased, and in the interim, consultants could be called on an as-needed basis to conduct the readings. He noted the consultant was under contract to train on the operation of the meters.

Upon roll call, the Ordinance passed by a 5-0 vote.

12. **ORD 2022-006** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 18, "TAXATION," ARTICLE I, "IN GENERAL," SECTION 18-1, "DEFINITIONS," AND ARTICLE II, "BUSINESS TAX RECEIPTS," SECTION 18-36, "HOME BASED BUSINESSES," IN ORDER TO UPDATE DEFINITIONS AND REGULATIONS APPLICABLE TO COTTAGE FOOD OPERATIONS AND HOME BASED BUSINESSES CONSISTENT WITH STATE LAW. (FIRST READING)

Assistant City Attorney Lewis read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2022-006 on first reading.

Assistant City Attorney Lewis presented the item, explaining the changes would bring the City Code in compliance with State law and reviewed the updates briefly.

Vice Mayor Welch inquired as to enforcement. Assistant City Attorney Lewis responded briefly regarding past efforts of Code Enforcement.

Upon roll call, the Ordinance passed on first reading by a 5-0 vote.

City Attorney

13. **ORD 2022-005** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE II, “CITY COMMISSION,” SECTION 2-25, “DECLARATION OF CITY-WIDE STATE OF EMERGENCY,” TO PROVIDE A DEFINITION OF PUBLIC HEALTH EMERGENCY, UPDATE NOTICE REQUIREMENTS, CLARIFY AUTHORITY CONSISTENT WITH PRACTICES AND EMERGENCY NEEDS, AND REVISE THE PERMITTED DURATION OF CERTAIN EMERGENCY MEASURES, WHICH LIMIT THE RIGHTS OR LIBERTIES OF INDIVIDUALS OR BUSINESSES WITHIN THE CITY TO SEVEN (7) DAY PERIODS WITH RENEWALS NOT TO EXCEED FORTY-TWO (42) DAYS PURSUANT TO STATE LAW. (SECOND READING)(PUBLIC HEARING)

Assistant City Attorney Lewis read the Ordinance title into the record.

MOTION: Tooley/Railey – To adopt Ordinance No. 2022-005.

Assistant City Attorney Lewis presented the item. She reviewed changes that had been made between first and second reading of the Ordinance to include authority of the Mayor in each type of emergency declaration.

Mayor Rydell opened the public hearing. City Clerk Kavanagh stated that no advanced public comments were received for the item and no one had signed in to speak. Mayor Rydell closed the public hearing.

Mayor Rydell asserted that he did not believe the City Manager should be signing emergency declaration orders.

Upon roll call, the Ordinance passed by a 4-1 vote, with Mayor Rydell voting nay.

CITY MANAGER REPORT

City Manager Brooks wished everyone a happy Memorial Day.

CITY ATTORNEY REPORT

Assistant City Attorney Lewis wished everyone a happy Memorial Day. She reported on research she had been asked to conduct regarding the process for a potential amendment to the City Charter. She explained an ordinance with ballot language would need to be approved by the City Commission by the end of October to have an item on the ballot for the March Municipal Election.

Mayor Rydell asked for consensus to move forward with ballot language to put it to the voters that the City remove the appointment process for filling a City Commission vacancy and replace it with a special election. Discussion ensued and the consensus was to direct staff to move forward.

COMMISSION COMMUNICATIONS

Commissioner Tooley shared that she had attended the funeral of James Leonard, father of former Police Captain John Leonard, the week before. She asked others to say a prayer for the family. She

reported on the Women’s Club’s recent award of 14 scholarships of \$1,000 each. She stated she was on the committee and the award ceremony was fantastic.

Commissioner Brodie commented on the discussion regarding the appointment process to fill a vacancy on the City Commission and commented that he agreed the process was not what the residents deserve. He suggested creating a challenge coin to allow City Commissioners to recognize residents for doing the right thing. Discussion ensued and consensus was given to move forward with the idea.

Commissioner Railey discussed the impacts of gun violence and the tragedy in Uvalde, Texas that occurred during the week. She stated anything that could be done to stop it needed to be done. She recognized Police Chief Arenal for his efforts to step up security at the schools and spoke about her experience visiting the schools.

Vice Mayor Welch expressed her deep gratitude to the first responders who had been involved in responding to an incident the prior week. She reported on topics discussed at the County Climate Change Task Force meeting, including electric fleet vehicles and ocean-friendly straws. She provided a brief background regarding the process for community input in hiring Mr. Neer’s replacement as Principal of Monarch High School and received consensus from the Commission to allow her to address the School District to encourage them to move the hiring process forward.

At Commissioner Railey’s invitation, Ms. Fry shared details of the Vigil for victims of the Buffalo and Uvalde shootings at the Sunrise Amphitheater on Saturday, May 28, with the program beginning at 10:00 a.m.

Mayor Rydell discussed the regulation of artificial turf for residential homeowners and stated the City should address the policy. City Manager Brooks expressed concern regarding drainage and stated staff would explore the issue. Sustainable Development Director Scott Stoudenmire explained staff was evaluating a proposal regarding artificial turf and other hardscapes in rear yards. He outlined some of the concerns that had come up in the process. Discussion continued. Mayor Rydell shared regarding a project by a local Iraq War Veteran for a memorial to those lost in Iraq and Afghanistan. He stated he would circulate further information for discussion at a later date.

ADJOURNMENT

The meeting was adjourned at 8:38 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date