



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: May 12, 2022
Time: 7:00 p.m.
Regular Meeting No. 2022-0512R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:02 p.m.

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
City Attorney Terrill C. Pyburn
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. City Attorney Terrill Pyburn explained the procedures for public participation and comment for the meeting.

Mayor Rydell welcomed City Clerk Joseph J. Kavanagh to the City and to the dais. He reviewed Mr. Kavanagh's biography briefly and thanked Deputy City Clerk Marianne Bowers and her team for managing the role in the interim.

PRESENTATIONS

1. **22-101** A PROCLAMATION RECOGNIZING MAY 2022 AS "MENTAL HEALTH AWARENESS MONTH."

Mayor Rydell read the proclamation into the record and presented it to Joseph Mustifer of the National Alliance on Mental Illness (NAMI) Broward County.

2. **22-033** A PROCLAMATION RECOGNIZING MAY 21, 2022, AS "NATIONAL KIDS TO PARKS DAY."

Vice Mayor Welch read the proclamation into the record and presented it to the City's Parks and Recreation staff.

INPUT FROM THE PUBLIC

City Clerk Kavanagh stated that no advanced public comments were received for Consent Agenda Items or Non-agenda Items, and two (2) members of the public were signed in to speak.

Mayor Rydell noted that he had corresponded via email with Linda Li. He stated her submitted materials would be distributed to the Commission and provided to the City Clerk for the record.

Linda Li, 4764 West Atlantic Boulevard, Apartment 202, Coconut Creek, introduced herself as a practitioner of the spiritual practice Falun Dafa. She discussed the practice and its benefits briefly and requested a proclamation recognizing the movement's founding on May 13, 1992.

Nancy Fry, 5341 Flamingo Place, Coconut Creek, thanked the Coconut Creek Police Department for their quick response to get involved in the SMART program related to children and guns. She discussed the City's cutoff for submitting advanced comments and suggested it would be more accessible to the public if the cutoff time was extended. She noted cities that had instituted childcare for public meetings and asked the City to explore that option to allow more young parents to participate.

City Manager Brooks stated staff would evaluate both of Ms. Fry's requests.

CONSENT AGENDA (Items 3, 4, 5, and 6)

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

- 3. **22-102** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2022-0414WS AND 2022-0414R)

- 4. **RES**
 2022-107 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE 2022 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY RELATING TO DISTRIBUTION OF THE BROWARD COUNTY THREE-CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL.

- 5. **RES**
 2022-108 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE 2022 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY RELATING TO DISTRIBUTION OF THE BROWARD COUNTY FIFTH-CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL.

- 6. **RES**
 2022-086 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED UPDATED MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PINELLAS COUNTY SHERIFF'S OFFICE TO CONTINUE TO PROVIDE THE CITY WITH ACCESS TO THE SHERIFF'S FLORIDA FACIAL RECOGNITION NETWORK.

MOTION: Tooley/Welch – To approve Consent Agenda Items 3, 4, 5, and 6.

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

REGULAR AGENDA

Police Department

- 7. **RES**
 2022-093 A RESOLUTION AUTHORIZING THE USE OF LOCAL LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000) TO PROVIDE A DONATION TO THE BROWARD VICTIM'S RIGHTS COALITION.

Mayor Rydell read the Resolution title into the record and noted the item was tabled at the April 28, 2022, meeting for additional information.

MOTION: Welch/Railey – To approve Resolution No. 2022-093.

Vice Mayor Welch suggested that if the Commission did not want to approve the funds because they were not restricted to Coconut Creek victims only, that the City locate another 501(c)3 that would be dedicated to assisting victims in Coconut Creek in order to make sure the Victim Advocate had the funds she needed.

Police Captain Fred Shelton stated the City wants to be a leader in the State in terms of supporting their Victim Advocate and her efforts in the community.

Mayor Rydell asserted he had no issue with funding for victims but wanted to know what other cities had donated and where the funds were going. He asked whether there was a way to earmark the funds for Coconut Creek residents. Police Captain Shelton responded that allocating the funds through this 501(c)3 was among the best ways to make sure funds went directly to victims.

Vice Mayor Welch stated the Coconut Creek Police Department has a 501(c)3 in the Do The Right Thing Organization. She asked whether the funds could go through that organization. Police Captain Shelton explained the concern was speed of access and availability of those funds. He noted how the funds were typically distributed for the immediate needs of victims. He provided additional detail on the program and the utilization of gift cards to assist those in need without giving direct cash gifts.

Discussion continued regarding the program and who it served.

Mayor Rydell discussed other opportunities to serve victims in Coconut Creek through food pantries and other programs, and stated he believed there was a better way to meet the needs. He asserted he was in support of being creative.

AMENDMENT: Tooley/Welch – To amend Resolution No. 2022-093 to make a \$2,500 donation to the Broward Victim's Rights Coalition and a \$2,500 donation to the Coconut Creek Police Department 501(c)3, which would be earmarked for victim support.

Commissioner Railey asked for clarification on how the funds of the Broward Victim's Right Coalition were allocated and what portion is paid by Coconut Creek. Police Legal Advisor Jeannette Camacho provided additional explanation and pointed out the funds could not be allocated as per the amendment as there were specific restrictions on how Local Law Enforcement Trust Funds (LETF) could be spent. She noted the Do The Right Thing Organization would need to request the money through the Police Chief, and the process would need to be followed.

Mayor Rydell asked whether General Funds could be allocated to purchase gift cards, which would be available in the Victim Advocate's office as needed. City Manager Brooks responded that it could be done and it would be using public tax dollars for victims instead of funds through the LETF.

Police Chief Butch Arenal stated he understood the Commission's message and if it was their desire, staff could come back with a series of options to support victims in the community. He noted the downside of utilizing City funds that must be requested is that these are typically funds

which are used in an emergency or in the middle of the night. Discussion continued regarding the options available for meeting needs on an emergency timeline.

Upon roll call, the Amendment passed by a 3-2 vote, with Vice Mayor Welch and Mayor Rydell voting nay.

City Attorney Pyburn clarified that there was a defect in the amendment, as Police Legal Advisor Camacho had explained funds could not be allocated in the manner requested. She stated that meant the motion was essentially to give the Broward Victim's Right Coalition \$2,500 in LETF dollars.

Commissioner Tooley stated she would rather keep the funds for Coconut Creek residents. She asked for clarification on the vote. City Manager Brooks provided additional detail.

Commissioner Railey asked why staff was recommending approval. Police Chief Arenal explained they had been utilizing the fund, along with neighboring communities, and that the Coconut Creek Victim Advocate is chair of the committee. He noted the concerns had been heard, and if the direction of the Commission was to find another method, staff could make that happen in a way best for the City.

Upon roll call, the Resolution, as amended, failed by a 0-5 vote.

Vice Mayor Welch asked that staff bring forward alternatives to the donation request. City Manager Brooks stated they would do so.

Utilities and Engineering

8. **RES 2022-112** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO WAIVE THE ENGINEERING PERMIT FEES FOR THE CITY OF MARGATE FOR PHASE 1A OF THE MARGATE WATER MAIN IMPROVEMENTS PROJECT LOCATED IN THE SOUTH CREEK AREA, SOUTH OF COCONUT CREEK PARKWAY AND EAST OF LYONS ROAD.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Railey – To approve Resolution No. 2022-112.

Utilities and Engineering Director Osama Elshami presented the item, explaining that the City of Margate, utility provider for South Creek, was ready to begin Phase 1A of a water main project, which would improve service to the residents and make the system more reliable. He stated the waiving of permit fees was a courtesy provided by other government agencies.

Commissioner Tooley asked whether the waiver was for Phase 1A or the entire project. Mr. Elshami explained individual waivers would be brought forward with each phase.

Commissioner Tooley asked when the project would start. Randy Daniel, Department of Engineering and Environmental Services (DEES) Assistant Director-Engineering for the City of Margate, provided an overview of the project and timeline, stating it was projected to be a nine (9) month project, beginning at the end of the month. Discussion ensued regarding the timing of the next phases.

Mayor Rydell referenced the State Statute which allows cities to surcharge customers and asked

whether it was true that the City of Margate was currently surcharging Coconut Creek residents in South Creek at the maximum value. Mr. Daniel stated he did not know the answer to the question. Discussion ensued as to the amount of surcharge and being better neighbors by reducing the surcharge.

Vice Mayor Welch asked whether the subsequent phases would take care of the homes east of the canal. Mr. Daniel explained the phases and referenced the map of the project provided in the meeting backup materials. He stated the area had not yet been contemplated, but this was the beginning of a long-term project that would begin in Coconut Creek.

Mayor Rydell clarified that if the City was doing work on its own utilities, it would not pay the engineering fee, and Mr. Elshami confirmed that this was correct.

Commissioner Tooley asked whether the project would have any impacts on the pipes underneath individual houses. Mr. Daniel stated new service lines would be run to the property, and there would be no changes from the meter to the house.

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

Sustainable Development

9. **ORD 2022-008** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY 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. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To approve Ordinance No. 2022-008 on first reading.

Sustainable Development Director Scott Stoudenmire presented the item, explaining the Ordinance was a complete rewrite of Chapter 14 of the City’s Code of Ordinances in relation to noise. He noted the subject had been workshopped by the Commission in February, and he reviewed the updates made since the workshop and the steps to be taken to address noise concerns.

Commissioner Brodie asked for clarification on the fee schedule for violations. Assistant City Attorney Eve Lewis provided an explanation and noted the applicable sections of the Code.

Commissioner Railey inquired regarding pickleball in close to proximity to residential buildings, and how noise complaints would be handled. Mr. Stoudenmire stated he would have to experience the noise level in order to know how they would respond and pointed out that the time of day would be a factor.

Vice Mayor Welch asserted her concern was that the Ordinance be applied equally.

Commissioner Tooley asked whether fireworks were covered by the noise rules. Assistant City Attorney Lewis shared research she had done on the issue and noted the issue which often comes up was locating the violator.

Mayor Rydell asked whether the Ordinance as drafted met all legal criteria, taking into account the history of cases on the subject. Assistant City Attorney Lewis responded that after hours of research, she believed it would pass legal muster. She provided additional detail on the elements involved and the specificity included.

Mr. Stoudenmire stated he had noticed the section on lawn mowers had inadvertently been left out in the process of rewriting and explained the reasons he believed it should be included.

Mayor Rydell opened the floor for public comment on the matter. City Clerk Kavanagh stated that no advanced public comments were received for the item.

Brian Radziwon, 6342 NW 42 Terrace, Coconut Creek, shared his experience with noise disturbances, as his home backed up to the Real Life Church and they recently installed a basketball court 35 feet from his back fence. He asked for clarification on usual and unusual sound, the reasonable person standard, and availability of staff to measure sound levels at night and on weekends. Assistant City Attorney Lewis and Mr. Stoudenmire provided additional detail on the Ordinance and enforcement.

Stella Schofield, 1911 NW 34 Avenue, Coconut Creek, asserted the fines were too low. She stated the amount would not be a deterrent to those who were violating the Ordinance. Assistant City Attorney Lewis explained the fine structure for ongoing versus intermittent noise disturbances as determined by the Special Magistrate. Discussion ensued regarding the limits of State Statute on fine amounts.

Commissioner Brodie asked how quickly the measurement devices would be implemented. Mr. Stoudenmire explained staff was ready to move on the issue but did not act in advance of the hearings for the Ordinance. Discussion continued regarding the logistics of metering.

AMENDMENT: Welch/Tooley – To amend Ordinance No. 2022-008 prior to second reading to include a section related to lawn mowers operating only between 8 a.m. and 9 p.m.

Discussion ensued regarding the applicability of the amendment to golf courses.

AMENDMENT: Tooley/Welch – To amend the amendment to include a section related to mowers without reference to operating times.

Upon roll call, the Amendment, as amended, passed by a 5-0 vote.

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

City Attorney

10. **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. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record. Mayor Rydell explained the item had been tabled on April 14 following a robust conversation.

MOTION: Tooley/Welch – To approve Ordinance No. 2022-005 on first reading.

City Attorney Pyburn presented the item, stating the purpose of the Ordinance was to comply with changes to State law that had gone into effect in 2021 with the passing of Senate Bill 2006. She outlined the updates briefly. City Manager Brooks noted the Ordinance also included a change for the designation of authority to issue emergency orders.

Mayor Rydell stated his position was that emergency orders should be made by the Mayor. Commissioner Tooley stated that she thought two (2) people should sign each type of emergency order, with the Mayor included in both. City Manager Brooks stated staff had done a survey of twenty (20) surrounding cities, and there were cities with each situation. Commissioner Railey added that she agreed with Commissioner Tooley regarding collaboration between staff and the Mayor. Vice Mayor Welch agreed but expressed concern that one (1) person may not be available. Discussion continued regarding in-person and electronic signatures.

Commissioner Brodie stated the Commission had a responsibility to its residents, and asserted the authority should be jointly held by the Mayor and designated City staff.

AMENDMENT: Tooley/Welch – To amend Ordinance No. 2022-005 to add the Mayor to each type of emergency declaration.

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

Mayor Rydell expressed concern the State Statute did not allow for both the Mayor and Chief of Police to be required for declaration of an emergency in cases of threats of violence. City Attorney Pyburn stated staff would verify between first and second reading that the change complied with State law.

Upon roll call, the Ordinance, as amended, passed on first reading by a 4-1 vote, with Mayor Rydell voting nay.

City Commission

11. **RES 2022-110** A RESOLUTION APPOINTING ONE (1) REGULAR MEMBER TO THE PLANNING AND ZONING ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2023.

Mayor Rydell read the Resolution title into the record.

Vice Mayor Welch made a motion to move the item for discussion, seconded by Commissioner Tooley.

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

Commissioner Brodie nominated Corinne Lajoie as a regular member of the Planning and

Zoning Advisory Board.

MOTION: Welch/Tooley – To approve the nomination of Corinne Lajoie to serve on the Planning and Zoning Advisory Board.

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

12. **RES 2022-111** A RESOLUTION APPOINTING ONE (1) REGULAR MEMBER AND ONE (1) ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2023.

Mayor Rydell read the Resolution title into the record.

Vice Mayor Welch made a motion to move the item for discussion, seconded by Commissioner Tooley.

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

Commissioner Brodie nominated Steven LaMay as a regular member of the Parks and Recreation Advisory Board.

Mayor Rydell passed the gavel to Vice Mayor Welch and nominated Alfred Delgado as the alternate member of the Parks and Recreation Advisory Board.

MOTION: Tooley/Railey – To approve the nomination of Steven LaMay and Alfred Delgado to serve on the Parks and Recreation Advisory Board.

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

13. **22-112** A MOTION TO CANCEL THE JULY 28 AND AUGUST 11, 2022, REGULAR CITY COMMISSION MEETINGS.

MOTION: Tooley/Railey – To approve the Motion to cancel the July 28 and August 11, 2022, Regular City Commission meetings.

City Manager Brooks provided a brief explanation of the August 11 cancellation, noting it was to allow attendance at the Florida League of Cities annual conference and commented that the Commission would be kept apprised of any urgent matters.

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

14. **22-111** A MOTION TO APPOINT A VOTING DELEGATE TO ATTEND AND VOTE AT THE FLORIDA LEAGUE OF CITIES (FLC) ANNUAL BUSINESS SESSION TO BE HELD DURING THE ANNUAL CONFERENCE ON AUGUST 11-13, 2022.

Commissioner Tooley made a motion to move the item for discussion, seconded by Vice Mayor Welch.

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

Mayor Rydell passed the gavel to Vice Mayor Welch and nominated Commissioner Railey as voting delegate to the Florida League of Cities annual business session, seconded by Commissioner Tooley.

MOTION: Welch/Tooley – To approve the Motion, nominating Commissioner Railey as voting delegate to the Florida League of Cities annual business session.

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

CITY MANAGER REPORT

City Manager Karen Brooks welcomed Commissioner Brodie and City Clerk Kavanagh to the dais.

CITY ATTORNEY REPORT

City Attorney Pyburn also welcomed Commissioner Brodie and City Clerk Kavanagh. She offered clarification of a statement she had made in response to a public comment at the last meeting made by Patricia Duaybes as to whether an appointed Commissioner could run for office as an incumbent in the March 2023 Municipal Election. City Attorney Pyburn explained she had verified that someone appointed to a position could not use the term “re-elect” on any campaign materials.

COMMISSION COMMUNICATIONS

Commissioner Tooley stated she appreciated the Commission Training on May 10. She thanked the Parks and Recreation staff for the job they did on the Dog Expo, and noted it was a great event. She stated she would be attending the Florida League of Cities conference.

Commissioner Brodie commented on his first meeting as a Commissioner. He spoke about his excitement to serve the City and his positive interactions with the employees.

Commissioner Railey welcomed Commissioner Brodie and City Clerk Kavanagh and stated they would be a great asset to the City. She agreed the Dog Expo was amazing and said she would like to see the Commission Training more than once a year. She shared that she had been receiving comments regarding residents having issues with Republic Services and stated it was becoming a health issue. She commented on the Public Service recognition event hosted by Human Resources and encouraged residents to be prepared for hurricane season.

Vice Mayor Welch shared that she received an email from a resident wondering if there was a Do The Right Thing recognition for adults. She noted the resident had highlighted a resident picking up litter each day on his morning walk and stated she had brought him a bag of goodies from the City. Vice Mayor Welch asked if there was a date for rollout of the Ambassador Program, and City Manager Brooks stated the program was set to kick off on June 9 with the topic of emergency preparedness. She noted staff was working on logistics. Vice Mayor Welch thanked the Parks and Recreation Department for their partnership with Friendship Journey on special needs programs. She shared that she had attended the children’s theater program and they had made Coconut Creek shine. She commented on the Commission Training and stated it would have a valuable return on investment.

Mayor Rydell agreed with the comments on the theater program and stated a commendation should be sent to the organizer of the production. He stated he would like to see a public relations rollout to advise residents of the upcoming state tax breaks and tax holidays. He noted he would like to see some

conceptual thought on preserving the equestrian life of Coconut Creek as an asset and a draw. Vice Mayor Welch commented regarding previous plans to create an equestrian park in the Vinkemulder area. Mayor Rydell addressed Ms. Fry's comments from the beginning of the meeting and stated they wanted to be as transparent as possible in taking public comment.

ADJOURNMENT

The meeting was adjourned at 8:59 p.m.

Joseph J. Kavanagh, City Clerk

Date