



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: August 27, 2020
Time: 7:00 p.m.
Regular Meeting No. 2020-0827R**

CALL TO ORDER

Mayor Sarbone called the meeting to order at 7:00 p.m.

PRESENT UPON ROLL CALL:

Mayor Lou Sarbone
Vice Mayor Joshua Rydell
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere (virtually)
Commissioner Sandra L. Welch
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

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

Mayor Sarbone explained that Governor Ron DeSantis' Executive Orders 20-52 and 20-69, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting was being conducted live with a quorum physically present and participation by one commissioner using communications media technology consistent with the Governor's Orders and State law. City Attorney Pyburn explained the procedures for public participation and comment for the meeting.

INPUT FROM THE PUBLIC

City Clerk Leslie May stated there were no voicemail public comments received for non-agenda items.

She read an email comment submitted by Marilyn Frisch, 3949 Cocoplum Circle, Unit C, Coconut Creek, regarding drop-off ballots for the November election. She asked the City to pursue the option of additional drop-off spots for ballots and spoke in support of allocating any funds required. A copy of the email is attached hereto as Exhibit 1, and made a part hereof these minutes.

CITY MANAGER REPORT

City Manager Brooks wished Commissioner Tooley a happy birthday.

CITY ATTORNEY REPORT

City Attorney Pyburn also wished Commissioner Tooley a happy birthday.

COMMISSION COMMUNICATIONS

Commissioner Welch followed up on the expansion of ballot drop-off locations and asked City Manager Brooks for an update. City Manager Brooks stated staff was pursuing the avenue with the Broward County Supervisor of Elections and would do it, if possible. Commissioner Welch stated 19 economic development grants were still available. She asked if there was a list of businesses that had closed due to COVID-19. Deputy City Manager Sheila Rose asserted that as business tax receipts became due and were not renewed, the information on which businesses had closed would become available. Commissioner Welch commented on the racial equity and cultural awareness town hall she attended, and stated it was powerful. She noted that she hoped some of the action items would be incorporated in future plans in Coconut Creek. Commissioner Welch stated she had received a call from a resident regarding TRIM and special assessments and she had walked the resident through the tax rates. She spoke about the Climate Change Taskforce, and noted that much of the discussion at their recent meeting was surrounding COVID-19.

Commissioner Tooley thanked the staff and administration for a great job during the pandemic.

Commissioner Belvedere stated she had gone to the Florida League of Cities meeting virtually, and a new president was installed. She noted the League was assisting with the Census, lobbying Congress for assistance with COVID-19 expenses, reauthorizing the flood assistance program to keep insurance at an affordable rate, and urging Congress to work toward affordability and local control in broadband. Commissioner Belvedere announced that City Government Week begins on October 19 and commented on the racial equity forum she attended. She expressed support for the continuation of the Multicultural Circle and encouraged residents to acquaint themselves with the November ballot.

Vice Mayor Rydell thanked Community Relations Director Yvonne Lopez for a social media post regarding COVID-19 numbers going up and stated he thought it was one of her most effective in reaching residents. He thanked Police Chief Albert “Butch” Arenal and highlighted that Coconut Creek was one of the only municipalities allowing residents to come in for fingerprinting. He stated the City had been on the frontline of providing a service the County was unable to provide. Vice Mayor Rydell stated that after recent experiences, he questioned the value of additional secured ballot drop boxes. Discussion ensued regarding drop-off locations and questions surrounding drop-off balloting by proxy.

Mayor Sarbone stated he was proud of City residents and staff for following COVID-19 protocols and asked people to continue with their efforts to be vigilant. He encouraged people to “Keep the cash in the Creek” and support local businesses.

CONSENT AGENDA (*Items 1-7*)

Mayor Sarbone read each of the titles of the Consent Agenda items into the record.

1. **20-151** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-0723R)

2. **RES**
 2020-161 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH REPUBLIC CONSTRUCTION CORP FOR IMPROVEMENTS TO THE ROWE COMMUNITY CENTER PURSUANT TO BID NO. 07-14-20-10.

3. **RES**
 2020-165 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH PLAYPOWER LT FARMINGTON, INC. C/O PLAYWORX PLAYSETS, LLC TO DESIGN, FURNISH, AND INSTALL A PLAYGROUND AT SABAL PINES PARK PURSUANT TO RFP NO. 07-01-20-10.

4. **RES**
 2020-170 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY BROWARD COUNTY OF THE CITY OF COCONUT CREEK’S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FISCAL YEARS 2017-2018, 2018-2019, AND 2019-2020 FUNDS.

5. **RES**
 2020-163 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED URBAN COUNTY COOPERATION AGREEMENT WITH BROWARD COUNTY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE ACTIVITIES FUNDED THROUGH THE U.S. DEPARTMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG) PROGRAM FUNDS FOR FEDERAL FISCAL YEARS 2021-2023.

6. **RES**
 2020-167 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED SUBRECIPIENT AGREEMENT BETWEEN THE FLORIDA HOUSING FINANCE CORPORATION AND THE CITY FOR THE DISBURSEMENT AND EXPENDITURE OF CARES ACT FUNDS (DESIGNATED AS THE “CORONAVIRUS RELIEF FUNDS OR CRF FUNDS”) FOR THE PURPOSES AUTHORIZED IN AGREEMENT.

7. **RES**
 2020-068 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH BROWARD COUNTY FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM AND REGIONAL INTERLOCAL AGREEMENT (RILA).

MOTION: Tooley/Welch – To approve Consent Agenda Item Nos. 1-7.

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

REGULAR AGENDA

Sustainable Development

City Attorney Pyburn read aloud the City’s quasi-judicial procedures that would be applied to Agenda Items 8-11. City Clerk May confirmed that the public notice requirements had been met for Agenda Items 8-11 and swore in the witnesses. Mayor Sarbone asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 8-10 together as they were all related, and there were none.

8. **ORD**
 2020-008 AN ORDINANCE VACATING, RELEASING, AND ABANDONING A WATER AND WASTEWATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS JOHNSON TECHNOLOGY PARK III LOCATED WITHIN JOHNSON TECHNOLOGY PARK III WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

9. **ORD 2020-009** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A WATER AND WASTEWATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS JOHNSON TECHNOLOGY PARK III LOCATED WITHIN JOHNSON TECHNOLOGY PARK III WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

10. **RES 2020-058** A RESOLUTION APPROVING THE SITE PLAN REQUEST FOR JOHNSON TECHNOLOGY PARK III TO DEVELOP A 52,994 SQUARE FOOT BUILDING FOR MANUFACTURING WITH AN ADDITIONAL 6,691 SQUARE FEET OF OFFICE SPACE TO BE GENERALLY LOCATED ON THE NORTH SIDE OF JOHNSON ROAD, EAST SIDE OF STATE ROAD 7, WEST OF LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

City Attorney Pyburn read the titles for Ordinance Nos. 2020-008 and 2020-009 into the record, and Mayor Sarbone read the title for Resolution No. 2020-058 title into the record.

Vice Mayor Rydell made a motion to hear Agenda Item 8, seconded by Commissioner Welch.

Commissioner Tooley made a motion to hear Agenda Item 9, seconded by Commissioner Welch.

Vice Mayor Rydell made a motion to hear Agenda Item 10, seconded by Commissioner Tooley.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for the items, and there were none.

Sustainable Development Director Scott Stoudenmire gave a brief presentation on the items. He noted the first two (2) items cleaned up easements no longer necessary, which were in the way of the footprint of the proposed building, and the third item was the site plan for the building. He explained the Planning and Zoning Board had recommended approval of the applications.

Vice Mayor Rydell asked that Mr. Stoudenmire address the Development Review Committee (DRC) comments regarding the building. Mr. Stoudenmire stated all comments had been addressed and signed off on by the DRC members.

Attorney Dick Coker presented on behalf of the applicant. He stated this was the third installment of the expansion of the fold out rigid temporary structure (FORTS) project for Elite Aluminum and noted the disaster-related impact of the structures. He shared a *PowerPoint* presentation showing the first two (2) buildings in the project and the site plan.

Jeff Strohecker, Elite Aluminum Vice President, thanked the City staff and Commissioners for their support and outlined the ways FORTS were utilized as an essential service in support of hospitals and drive-up testing centers throughout the country.

Commissioner Welch thanked Elite Aluminum for being a business with a vision. She asked about the number of jobs that would be created and whether they would be skilled or unskilled laborers. Mr. Strohecker stated since the virus had begun, the company had hired 75-100 people in both skilled and unskilled positions. He stated an additional 35 people would be hired to staff the new building, and they would continue to hire as demand increased.

Mayor Sarbone opened the public hearing on Agenda Items 8-10.

City Clerk May stated there were no advanced public comments received on the item. There were no further questions or comments from the public, and Mayor Sarbone closed the public hearing.

MOTION: Rydell/Welch – To approve Ordinance No. 2020-008 on first reading.

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

MOTION: Rydell/Tooley– To approve Ordinance No. 2020-009 on first reading.

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

MOTION: Rydell/Tooley – To approve Resolution No. 2020-058.

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

11. **ORD 2020-018** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF THE CITY OF COCONUT CREEK FOR A TEMPORARY FIRE STATION GENERALLY LOCATED ON THE SOUTH SIDE OF WILES ROAD, EAST SIDE OF STATE ROAD 7, WEST OF LYONS ROAD, PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S CODE OF ORDINANCES. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Commissioner Tooley made a motion to hear Agenda Item 11, seconded by Vice Mayor Rydell.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for the item, and the Commission discussed what constituted a disclosure for a staff-initiated item. City Attorney Pyburn noted an assumption that conversations had been held with staff as it was a staff-initiated item, and there were no further disclosures.

Mr. Stoudenmire requested a waiver to the right for a full quasi-judicial hearing on behalf of City staff, and there were no objections from the City Commission. Mr. Stoudenmire proceeded with a brief *PowerPoint* presentation reviewing the request for a special land use for a temporary fire station on Wiles Road. He noted the property was zoned Planned Commerce District (PCD) and did not provide for community facilities, resulting in the need to ask for special land use. Mr. Stoudenmire noted that the Planning and Zoning reviewed the item in September 2019 and recommended approval. He shared images of the site plan and stated the proposal was for one (1) engine, one (1) rescue, and one (1) Battalion Chief vehicle to be housed at the temporary station.

Commissioner Welch pointed out the location for the temporary fire station was not necessarily the location for the permanent station, and Mr. Stoudenmire confirmed the permanent location had not yet been determined.

Mayor Sarbone opened the public hearing. City Clerk May stated there were no advanced public comments received on the item. There were no further questions or comments from the public, and Mayor Sarbone closed the public hearing.

Vice Mayor Rydell asked if additional rezoning would be necessary if this were the permanent

location and if there was any detrimental impact of the zoning change. Mr. Stoudenmire asserted the property was providing for a special land use, not rezoning. He stated eventually staff anticipates the property would eventually become a Planned MainStreet Design District (PMDD).

MOTION: Welch/Rydell – To approve Ordinance No. 2020-018 on first reading.

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

12. **ORD 2020-013** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AND AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” ARTICLE I, ADMINISTRATION, REGULATION, AND PROCEDURES,” DIVISION 3, “IMPLEMENTATION AND PROCEDURES,” SECTION 13-41, “REQUESTS FOR ACCOMODATION, IN ORDER TO UPDATE REQUIREMENTS AND PROCEDURES FOR ACCOMODATION FROM THE CITY’S LAND DEVELOPMENT CODE, PROVIDE FOR REVOCATION OF A REASONABLE ACCOMODATION UNDER CERTAIN CIRCUMSTANCES AND PROVIDE FOR ANNUAL RECERTIFICATION. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Rydell/Tooley – To adopt Ordinance No. 2020-013.

Mr. Stoudenmire explained the item was an amendment to the reasonable accommodation procedures adopted in 2015 and outlined the changes briefly.

Mayor Sarbone opened the public hearing. City Clerk May stated there were no advanced public comments received on the item. There were no further questions or comments from the public, and Mayor Sarbone closed the public hearing.

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

City Attorney

13. **ORD 2020-019** AN ORDINANCE SPECIFICALLY ADOPTING THE PROVISIONS OF SECTION 8-56 OF THE BROWARD COUNTY CODE OF ORDINANCES AND THE BROWARD COUNTY EMERGENCY ORDERS PROMULGATED THEREUNDER TO ADDRESS THE CITY-WIDE STATE OF EMERGENCY CREATED BY THE COVID-19 PANDEMIC. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2020-019.

City Attorney Pyburn explained the Ordinance provided for the authority to go up to the fine amount in the County Code in case it was necessary as a temporary measure while emergency orders were in effect during the COVID-19 pandemic.

Mayor Sarbone opened the public hearing. City Clerk May stated there were no advanced public comments received on the item. There were no further questions or comments from the public, and Mayor Sarbone closed the public hearing.

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

14. **ORD 2020-010** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” ARTICLE II, “SUBDIVISION REGULATIONS,” DIVISION 1, “GENERALLY,” SECTION 13-142, “UNDERGROUND UTILITIES: REQUIRED,” TO REMOVE THE CITY-WIDE REQUIREMENT FOR THE UNDERGROUNDING OF ALL UTILITIES WITHIN AND ALONG THE PERIMETER ROADS OF THE MAIN STREET REGIONAL ACTIVITY CENTER (RAC) AND REMOVAL OF LANGUAGE PERTAINING TO WAIVERS OF SAME; ADDRESSING STATUS OF CURRENT APPLICATIONS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To approve Ordinance No. 2020-010 on first reading.

Deputy City Manager Sheila Rose explained the item was tabled at the July 23 meeting. She stated the amendment before the Commission was necessary to comply with State law, and noted staff had not given up on the idea of improving the City through utility undergrounding. She stated that the power lines being discussed were on arterial roads where lines had mostly been hardened by Florida Power & Light (FP&L), making it cost prohibitive to move them underground.

Discussion ensued regarding the conflicts with State law and how the City could promote the concept of undergrounding. Deputy City Manager Rose asserted the Public Service Commission (PSC) was the place to start. She noted the item needed to be on the City’s Legislative Agenda. Discussion ensued regarding sending correspondence on behalf of the Commission to the PSC, legislators, and the Broward League of Cities. The Commissioners agreed by consensus to send letters and to add the item to the legislative priority list.

Mayor Sarbone asked if there were any advanced public comments received for the item, and City Clerk May stated there were none.

Fred Lorenzo, 2900 NW 42 Avenue, Coconut Creek, asked for clarification on the Ordinance, and Mayor Sarbone explained that undergrounding utilities would not be required outside of the MainStreet Project Area.

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

15. **RES 2020-168** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY, ON BEHALF OF THE CITY, TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO FILE AN APPEAL REGARDING THE FEDERAL COMMUNICATIONS COMMISSION’S NEW DECLARATION RULING UNDER WT DOCKET NUMER 19-250, ENTITLED “IMPLEMENTATION OF STATE AND LOCAL GOVERNMENTS’ OBLIGATION TO APPROVE CERTAIN WIRELESS FACILITY MODIFICATION REQUESTS UNDER SECTION 6409(A) OF THE SPECTRUM ACT OF 2012,” AND TO JOIN THE COALITION OF CITIES AND COUNTIES NATIONWIDE SEEKING RELIEF FROM THE OVERREACHING AND BURDENSOME RULING ADOPTED THEREBY, IN ORDER TO PRESERVE THE CITY’S RIGHTS AND REMEDIES THEREUNDER.

Mayor Sarbone read the Resolution title into the record.

MOTION: Rydell/Tooley – To approve Resolution No. 2020-168.

City Attorney Pyburn provided details on the request to contract with Kissinger and Fellman, P.C. to join a Class Action Lawsuit challenging the FCC’s recent rule regarding wireless communications. She noted the City was working with the same firm on a prior challenge and stated the FCC rule usurps Home Rule Authority, impacting the ability to provide for reasonable regulations on a local level.

City Clerk May stated there were no advanced public comments received on the item.

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

City Manager

- 16. **RES 2020-158** A RESOLUTION APPROVING THE CONCEPTUAL PLAN FOR DISTRIBUTION OF CARES ACT FUNDING AMONGS THE MUNICIPALITIES LOCATED IN BROWARD COUNTY AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE INTERLOCAL AGREEMENT (ILA) WITH BROWARD COUNTY TO EFFECTUATE THE SAME; PROVIDING FOR FUTURE AMENDMENTS TO THE ILA.

Mayor Sarbone read the Resolution title into the record.

MOTION: Rydell/Tooley – To approve Resolution No. 2020-158.

City Clerk May stated there were no advanced public comments received on the item.

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

ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

Transcribed by: C. Parkinson, Prototype

Leslie Wallace May, MMC
City Clerk

Date