



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: December 14, 2023
Time: 7:00 p.m.
Meeting No. 2023-1214R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:11 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Jacqueline Railey
Commissioner John A. Brodie
Commissioner Jeffrey R. Wasserman
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.

City Attorney Pyburn noted that the meeting was being conducted live with a quorum physically present and explained the procedures for the meeting.

PRESENTATIONS

- 23-203** A PRESENTATION OF THE COCONUT CREEK MAYOR'S AWARDS FOR FLAG FOOTBALL, RECREATIONAL CHEERLEADING, CO-ED INSTRUCTIONAL BASKETBALL, GIRLS BASKETBALL, AND VOLLEYBALL LEAGUES.

Parks and Recreation Director Wayne Tobey recognized the following players, who exemplified outstanding sportsmanship and promoted a positive experience for all participants during league play:

2023 Flag Football League Mayor's Award Recipients

- 7 and under Flag Football League - S'Jon My'kel (Giants team)
- 9 and under Flag Football League - Jordan Lemin (Bills team)
- 11 and under Flag Football League - Santiago Silva (Browns team)
- Middle School Flag Football League - Noah See (Browns team)
- High School Flag Football League - Arthur Dias (Cowboys team)

2023 Recreational Cheerleading Mayor's Award Recipients

- 7 and under Cheerleading - Shannon Hitchens
- 9 and under Cheerleading - Hannah Acero
- 11 and under Cheerleading - Lillian Ostrowe

2023 Co-ed Instructional and Girls Basketball Leagues Mayor's Award Recipients

- Co-ed Instructional Basketball League - Zayne Russell (Roadrunners team)
- 10 and under Girls Basketball League - Rowen Baecht (Alabama team)
- 16 and under Girls Basketball League - Nicole Ivanesciuc (Alabama team)

2023 Volleyball League Mayor's Award Recipients

- 10 and under Volleyball League - Emma Busekrus
- 12 and under Volleyball League - Jezelle Dixon
- 14 and under Volleyball League - Mya El-Haj
- 17 and under Volleyball League - Alessandra Borges

2. 23-211 A PRESENTATION BY ETC INSTITUTE, PROVIDING AN ANALYSIS OF COCONUT CREEK'S EMPLOYEE SURVEY RESULTS.

Ryan Murray, Assistant Director of Community Research, ETC Institute, summarized the analysis of the Coconut Creek employee survey results. He reviewed the purpose and methodology, response rates, performance in comparison to U.S. and Florida averages, and focus areas for improvement. He shared potential next steps identified and recommended a follow-up survey to measure progress.

Commissioner Brodie stated the City had gotten a B plus, but he did not want to take lightly the negative feedback that had been provided.

INPUT FROM THE PUBLIC

City Clerk Kavanagh stated no one had signed in to speak on Non-agenda or Consent Agenda items.

Mayor Rydell reopened Input from the Public following Agenda Item 13.

Maria Lacson, 4131 NW 9 Street, Coconut Creek, petitioned the Mayor to put a stop to the City of Margate restricting the diameter of incoming water pipes and asked for an investigation of the destruction of homes due to the material and associated electromagnet issues. She commented on fracking in Broward County and the resulting red tide. She stated that pressurizing the stormwater system would kill the coral.

CONSENT AGENDA (Items 3, 5, 7, and 8)

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

Agenda Item 4 was pulled from the Consent Agenda by Mayor Rydell, and Agenda Item 6 was pulled from the Consent Agenda by Vice Mayor Welch. Both items were heard before the Regular Agenda.

- 3. 23-214** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2023-1026R AND 2023-1109R)
- 5. RES 2023-199** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMERCE FOR SUNSHINE DRIVE PARK IMPROVEMENTS.
- 7. RES 2023-202** A RESOLUTION ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FY2024 SUBGRANT FUNDING FOR THE CITY OF

COCONUT CREEK WORK ZONE SAFETY ENFORCEMENT PROJECT IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS (\$45,000); AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE GRANT AGREEMENT WITH FDOT NECESSARY TO RECEIVE FUNDING FOR WORK ZONE SAFETY ENFORCEMENT.

8. **RES 2023-198** A RESOLUTION SUPPORTING THE APPLICATION FOR FUNDING FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SHARED-USE NONMOTORIZED (SUN) TRAIL PROGRAM FOR THE SEAGRASS TO SAWGRASS PEDESTRIAN/BICYCLE BRIDGE AND MULTI-USE PATH PROJECT ALONG THE STRANAHAN RIVER/CYPRESS CREEK CANAL FOR INCLUSION IN THE WORK PROGRAM DEVELOPMENT CYCLE THROUGH FISCAL YEARS 2029/2030.

MOTION: Welch/Railey – To approve Consent Agenda Items 3, 5, 7, and 8.

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

City Attorney

4. **RES 2023-197** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A USE AGREEMENT WITH SEMINOLE TRIBE OF FLORIDA D/B/A SEMINOLE INDIAN CASINO-COCONUT CREEK IN ORDER TO PROVIDE FOR THE CONTINUED TEMPORARY AND NON-EXCLUSIVE OVERFLOW PARKING USE OF CITY PROPERTY.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2023-197.

Mayor Rydell asked for clarification on a temporary lease agreement for the Infiniti dealership. Deputy City Manager Sheila Rose stated the agreement allows for a sub-lease and the Infiniti dealership was currently reviewing an agreement with the City of Coconut Creek.

Mayor Rydell inquired as to whether that agreement would also come before the Commission. City Attorney Pyburn explained that typically any use of City land for more than a year would come before the Commission for approval.

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

Police Department

6. **RES 2023-203** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RENEW THE ATTACHED BROWARD COUNTY MULTI-AGENCY HOMELESS OUTREACH TASKFORCE MUTUAL AID AGREEMENT.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Brodie – To approve Resolution No. 2023-203.

Vice Mayor Welch stated the City had received bad press related to how they handle or interact with persons without a home, and asked staff to speak to the multiple services and agency

collaborations, including the proactive ways that the City provides services.

Police Chief Albert “Butch” Arenal stated in addition to other services and partnerships, the City had been revamping and reenergizing its Homeless Education Assistance Resource Team (HEART) as part of a larger strategy to address the growing issue with homelessness on Coconut Creek Parkway.

Mayor Rydell shared that he and Sustainable Development Director Scott Stoudenmire had met with representatives of Investments Limited the previous day, and they had sent members of their charity to the Greystar property to try to make connections and provide resources to the population in that area.

Vice Mayor Welch highlighted that the resources utilized by the Police Department in their response far exceeded what was included in a brochure.

Commissioner Railey shared that in recent months, the Police Department had been able to reunite a woman with her family in South Carolina, and she commented on services provided to homeless veterans.

Police Chief Arenal clarified that he had not had any residents or news media come to him and express concern that the Police were not doing enough to assist the homeless.

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

REGULAR AGENDA

City Commission

9. **RES 2023-204** A RESOLUTION ADOPTING THE REVISED “GENERAL RULES OF CONDUCT AND PROCEDURES – CITY OF COCONUT CREEK CITY COMMISSION MEETINGS” POLICY.

Mayor Rydell read the Resolution title into the record.

MOTION: Railey/Brodie – To approve Resolution No. 2023-204.

City Clerk Kavanagh advised that at the September 28, 2023, Commission Meeting, the Commission directed staff to review the general rules and procedures for City Commission meetings and update as needed for the safe, secure, and efficient operation of City Commission meetings and a return to pre-COVID-19 procedures. He explained the item before the Commission updated procedures consistent with State and Federal law, as well as best practices to ensure open government and public participation. He stated the proposed policy promoted civility, respect, and inclusivity while safeguarding the rights of everyone involved.

Vice Mayor Welch offered edits to clarify procedures surrounding Consent Agenda items. Discussion ensued briefly and consensus was to remove the reference to the timing of hearing input for Consent Agenda Items. Vice Mayor Welch asked that “their” be replaced with “his/her.” Mr. Kavanagh asked that staff be given authority to make the change throughout the policy document. Vice Mayor Welch suggested the cutoff time for requiring a vote to extend the meeting be changed from midnight to 11 p.m. City Attorney Pyburn clarified that if the Commission were in the middle of hearing an item, they would complete the current item and

then take a vote as to whether to proceed with any remaining business on the agenda at that time. Discussion continued and consensus was to make the change to 11 p.m.

Mayor Rydell opened the floor for public input.

Resident Jorge Mederos noted the removal of the option for residents to provide *PowerPoint* presentations during Input from the Public. He asked how a group or organization was defined in order to determine if they would be limited in their comments on quasi-judicial items.

Mayor Rydell stated there was a legal description for what constitutes an affected group, and City Attorney Pyburn explained further.

AMENDMENT: Welch/Wasserman – To amend Resolution No. 2023-204 to change Section II.H. from 12:00 a.m. (midnight) to 11 p.m., elimination of the last sentence in Section III.A.2, and changing the use of the word their throughout to his/her.

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

MOTION: Railey/Brodie – To approve Resolution No. 2023-204, as amended.

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

Police Department

10. **RES 2023-200** A RESOLUTION AUTHORIZING THE USE OF FEDERAL LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000) FROM THE FEDERAL FORFEITURE JUSTICE FUND FOR THE PURCHASE OF A CRIME SCENE VAN AND ACCESSORIES AND NIGHT VISION GOGGLES FOR THE SWAT TEAM, TEN THOUSAND DOLLARS (\$10,000) FROM THE STATE FORFEITURE FUND FOR A DONATION TO THE POLICE EXPLORER POST, AND ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM THE FEDERAL FORFEITURE TREASURY FUND FOR SCHOOL RESOURCE OFFICERS' SALARIES FOR FISCAL YEAR 2024.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2023-200.

Police Chief Arenal explained the allotment of Federal Law Enforcement Trust Funds requested was for four (4) items, including a crime scene van and accessories, night vision goggles, an annual donation to the Police Explorers Post to fund their State competition trip, and School Resource Officer salaries. Discussion ensued regarding the SWAT team equipment and importance of night vision assistance.

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

Sustainable Development

11. **RES 2023-201** A RESOLUTION APPROVING THE AMENDED NEIGHBORHOOD ENHANCEMENT GRANT PROGRAM GUIDELINES, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A."

Mayor Rydell read the Resolution title into the record.

MOTION: Railey/Brodie – To approve Resolution No. 2023-201.

Sustainable Development Director Scott Stoudenmire explained the changes proposed, including the addition of universal gate access to meet the Broward County Fire Prevention Code.

Mayor Rydell asked for clarification between the universal gate access and Knox-Box entry systems. Fire Chief Jeffery Gary explained the access provided by each system. He advised that the universal gate access did not require replacement of the gate, but addition of a transmitter. Mayor Rydell asked how many gates there were in the City. Mr. Stoudenmire stated there were roughly 30. Fire Chief Gary noted there were also five (5) City-owned gates, which would be discussed during the Fiscal Year 2025 budget process.

Vice Mayor Welch asked whether gates with non-resident entry would also need the change. Fire Chief Gary clarified that the requirement applied to unstaffed gates that were automatically activated. Vice Mayor Welch inquired as to how the Homeowners Associations (HOAs) were being notified. Fire Chief Gary stated the Fire Marshall would be sending a letter, and other agencies had also contacted property managers.

Mayor Rydell asked whether additional funds should be allocated in response to the unfunded mandate and the City facilitate the upgrade. City Manager Brooks pointed out the Neighborhood Enhancement Grant required matching funds. Mayor Rydell asked whether the process could be streamlined to assist communities in coming into compliance with the requirement. City Manager Brooks stated staff could administratively look at opportunities to streamline the process. Discussion continued. Mr. Stoudenmire highlighted that everyone in Broward County was required to use the same vendor, Click2Enter, which would facilitate a streamlined process.

Commissioner Railey asked about gates that were part-time manned. Fire Chief Gary stated he would research the question and report back.

Mayor Rydell sought and received consensus to earmark funds to assist HOAs in meeting the requirement, to direct staff to inform the associations of availability of funds, as well as to forego the Neighborhood Enhancement Grant time constraint on applications for this eligible project type. Mayor Rydell passed the gavel to Vice Mayor Welch.

AMENDMENT: Rydell/Railey – To amend Resolution No. 2023-201 to add that the City, regardless of the timeframe of previous Neighborhood Enhancement Grants awarded, would pay half the cost of compliance with the unfunded Broward County mandate to install Click2Enter emergency access control transponders on unmanned gates.

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

MOTION: Railey/Brodie – To approve Resolution No. 2023-201, as amended.

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

12. **RES 2023-189** A RESOLUTION APPROVING THE VICTORIA VILLAGE “H” NEIGHBORHOOD ASSOCIATION APPLICATION FOR MATCHING GRANT FUNDS FROM THE NEIGHBORHOOD ENHANCEMENT GRANT PROGRAM FOR SECURITY ENHANCEMENTS.

Mayor Rydell read the Resolution title into the record.

Commissioner Railey recused herself from the item and abstained from the vote due to her position on the Wynmoor Community Council.

MOTION: Brodie/Wasserman – To approve Resolution No. 2023-189.

Mr. Stoudenmire explained the application was for matching funds in the amount of \$4,378.54 for a security enhancement project. He advised this was an eligible project and staff recommended approval. He noted this was the second Neighborhood Enhancement Grant project of Fiscal Year 2024 (FY24).

City Clerk Kavanagh stated no one had signed in to speak on the item.

Upon roll call, the Resolution passed by a 4-0 vote, with Commissioner Railey abstaining, a copy of which Form 8B is attached hereto and incorporated herein.

13. **RES 2023-190** A RESOLUTION APPROVING THE PORTOFINO POINT II NEIGHBORHOOD ASSOCIATION APPLICATION FOR MATCHING GRANT FUNDS FROM THE NEIGHBORHOOD ENHANCEMENT GRANT PROGRAM FOR SECURITY ENHANCEMENTS.

Mayor Rydell read the Resolution title into the record.

Commissioner Railey recused herself from the item and abstained from the vote due to her position on the Wynmoor Community Council.

MOTION: Wasserman/Welch – To approve Resolution No. 2023-190.

Mr. Stoudenmire explained the application was for matching funds in the amount of \$7,628.54 for a security enhancement project. He advised this was an eligible project and staff recommended approval. He noted this was the third Neighborhood Enhancement Grant project of FY24.

City Clerk Kavanagh stated no one had signed in to speak on the item.

Upon roll call, the Resolution passed by a 4-0 vote, with Commissioner Railey abstaining, a copy of which Form 8B is attached hereto and incorporated herein.

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to Agenda Items 14, 15, 16, 17, and 18, as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Items 14, 15, 16, 17, and 18 on tonight's agenda, that are to be treated differently than other items considered by the Commission. In these quasi-judicial applications, the Commission is applying existing rules and policies to a factual situation and is therefore acting like a Judge and Jury do in a trial held in the courtroom. In such cases, the courts have decided that due process and fundamental fairness require that more formal procedures be followed.

The City Commission's decision must be based on the evidence and information that is presented at the public hearing including the agenda materials, Planning and Zoning Board recommendation, testimony presented at the public hearing, and the deliberations of the City Commission. The quasi-judicial procedures require that the Commission consider the evidence presented to it and base their decision

on the applicable law and primarily on credible evidence presented whether by staff, the applicant, or members of the public.

In a quasi-judicial proceeding, the City Commission is not allowed to take into consideration public sentiment or the popularity of a particular development proposal or application. The City Commission may only consider competent substantial evidence. This means testimony or other evidence that a reasonable mind would accept as credible and adequate to support a conclusion. Florida courts have made it clear that mere generalized statements of opposition are to be disregarded, but fact-based testimony can be considered competent and substantial evidence. This can include eyewitness observation testimony about relevant facts and documentary evidence, including photographs, aerials, and maps. Citizens who want to participate in a quasi-judicial hearing can testify as to factual matters and any element of the case that would not require specialized training or specific academic degrees. Their testimony will be considered provided their testimony is backed up by established facts, studies, or evidence that is not conjecture or just based on a feeling. The quasi-judicial hearing process is not a popularity contest. The strict rules of evidence do not apply during the public hearing, but any comments must be relevant to the agenda item.

Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications to be considered tonight, you will be sworn in before your testimony is taken. Please know if you speak, you may be subject to cross examination; the City Commission may comment or ask questions of persons addressing the Commission at any time. If you refuse to either be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross exam witnesses, but may request that the Commission direct questions on their behalf to the applicant or staff.

City Clerk Kavanagh confirmed the public notice requirements for Agenda Items 14, 15, 16, 17, and 18 had been met and swore in the witnesses.

- 14. RES 2023-098** A RESOLUTION APPROVING THE SITE PLAN APPLICATION FOR THE RENOVATION AND EXPANSION OF LAKESIDE PARK, AN EXISTING CITY PARK FACILITY LOCATED AT 5555 REGENCY LAKES BOULEVARD, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Rydell read the Resolution title into the record.

Commissioner Wasserman made a motion to move Agenda item 14 for discussion, seconded by Commissioner Railey.

City Attorney Pyburn asked if there were any disclosures or ex-parte communications of behalf of the Commission for Agenda Item 14, and there were none to disclose.

City Attorney Pyburn explained that the City's quasi-judicial procedures allowed for a waiver of the full procedure in the case of staff items. Consensus was to move forward under the waiver process.

Mr. Stoudenmire advised that this site plan was tabled in June 2023 to allow for resolution of issues related to phasing, budget constraints, and community outreach. He stated staff believed those issues had now been resolved.

Mayor Rydell opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Commissioner Wasserman requested a brief presentation, and Nicholas Marchan, CPZ Architects, provided a *PowerPoint*, outlining proposed renovations of the existing Lakeside Park facility and plans for the expansion, including an overview of the existing park, scope of the project, and site plan developed through the public outreach process.

Commissioner Wasserman asked if there were plans for quick charging stations for electric vehicles. Mr. Marchan advised that he was not sure of the electrical capabilities of the park, but at this time, what was planned was standard chargers. Discussion continued.

Mayor Rydell commented on the branding on the stage and suggested removing the words Coconut Creek on the back, potentially replacing them with a butterfly. Vice Mayor Welch added that if the branding was removed completely, they could use the stage as a screen for a projector.

Mayor Rydell stated he believed the residents of Regency Lakes were happy with the additional outreach regarding the park and the changes made as a result.

MOTION: Brodie/Welch – To approve Resolution No. 2023-098.

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

15. **ORD 2023-036** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY LUNA CHRISTIAN ACADEMY, LLC TO OPERATE A PAROCHIAL SCHOOL FOR KINDERGARTEN THROUGH EIGHTH GRADE TO BE LOCATED AT 3720 COCONUT CREEK PARKWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(FIRST READING)(FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Commissioner Railey made a motion to move Agenda Item 15 for discussion, seconded by Commissioner Wasserman.

City Attorney Pyburn asked if there were any disclosures or ex-parte communications on behalf of the Commission on Agenda Item 15, and the following disclosures were made:

- Mayor Rydell and Vice Mayor Welch stated they had driven by the property.

Mr. Stoudenmire explained this was a Special Land Use application for a private school to be located at 3720 Coconut Creek Parkway, known as the Associated Builders and Contractors building. He stated there was a school previously approved on the site, which had operated from 2018 through 2023, and had since closed. He noted the proposal was for kindergarten through eighth grade, starting with only grades one (1) through three (3). He advised that staff recommended approval.

Luna Raphael, Founder, Luna Christian Academy, provided a brief overview of her background and the school. She stated maximum capacity was approximately 80 students, and the vision was to grow students spiritually, mentally, academically, and socially, with curriculum from the Florida B.E.S.T standards and the Holy Bible. She noted tuition was approximately the same as the Step Up scholarship.

Vice Mayor Welch asked if students would be eligible for school choice. Ms. Raphael stated she

had been approved for the Step Up scholarship and it was not income based.

Commissioner Wasserman asked what the goal was for students per class. Ms. Raphael advised that she had four (4) classrooms and was hoping for 18 students per teacher, for a maximum of 80 students, with an expansion in the future to additional classrooms and students.

Commissioner Wasserman inquired as to the plan for food services. Ms. Raphael explained that as of now, parents would be responsible for providing lunch for their students. She noted that in the future, she would pursue the permit to serve lunch at the school. Commissioner Wasserman asked whether the students would be participating in standardized testing. Ms. Raphael stated she had missed the deadline for this year, but they would be participating in the next school year.

Mayor Rydell encouraged Ms. Raphael to build a relationship with the City's Police and Fire Departments, as well as Parks and Recreation.

Commissioner Railey asked what the full capacity of the school would be. Ms. Raphael stated it would be about 100. Commissioner Railey asked whether the school would be inclusive of special education. Ms. Raphael explained that her certificate allows for a maximum of five (5) special education students per teacher.

Commissioner Brodie expressed concern with traffic impacts. He asked that Ms. Raphael come up with a plan to get students safely in and out. Ms. Raphael stated she planned to have student pick up and drop off in the back of the school where there was no traffic.

Commissioner Wasserman asked whether there was room for a playground. Ms. Raphael noted the location where she planned for a playground.

Mayor Rydell opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

MOTION: Brodie/Railey – To approve Ordinance No. 2023-036 on first reading.

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

Mayor Rydell stated if there were no objections, Agenda Items 16, 17, and 18 would be heard together, as they were related. Scott Backman, attorney for the applicant, confirmed the items were related, but advised that Agenda Item 18 was brought forward by staff. There were no objections from staff, the applicant, or the Commission to hear the items together.

16. **ORD 2023-034** AN ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE NO. 2010-006 AND THE DEVELOPMENT ORDER FOR THE MAINSTREET @ COCONUT CREEK DEVELOPMENT, A DEVELOPMENT OF REGIONAL IMPACT TO BE LOCATED IN SECTION 42, TOWNSHIP 18, RANGE 48, AMENDING CERTAIN DEVELOPMENT CONDITIONS AND PROVIDING FOR AN EXTENSION OF THE VESTED DEVELOPMENT RIGHTS. (QUASI-JUDICIAL)(FIRST READING)(FIRST PUBLIC HEARING)
17. **ORD 2023-033** AN ORDINANCE APPROVING THE REZONING REQUEST OF DAVID AULD OF JOHNS FAMILY PARTNERS, LLLP AND THE CITY OF COCONUT CREEK TO REZONE FROM A-1, AGRICULTURAL, MCJAMES PCD, PLANNED COMMERCE DISTRICT, R.M. GREEN PCD, PLANNED COMMERCE DISTRICT, AND IO-1, INDUSTRIAL OFFICE DISTRICT, TO PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD) AND ADOPT THE "MAINSTREET AT

COCONUT CREEK PMDD” DEVELOPMENT STANDARDS TO PERMIT A MAXIMUM OF 2,360 MULT-FAMILY RESIDENTIAL UNITS AND 225,000 SQUARE FEET OF NON-RESIDENTIAL USE FOR THE PROPERTIES LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(FIRST READING)(FIRST PUBLIC HEARING)

18. **ORD 2023-035** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” ARTICLE III, “ZONING REGULATIONS,” DIVISION 8, “MASTER BUSINESS LIST,” TO AMEND SECTION 13-626, “MASTER BUSINESS LIST - PLANNED MAINSTREET DEVELOPMENT DISTRICT,” TO ADOPT THE LIST OF PERMITTED AND SPECIAL LAND USES FOR THE MAINSTREET @ COCONUT CREEK PLANNED MAINSTREET DEVELOPMENT DISTRICT GENERALLY LOCATED SOUTH OF WILES ROAD, WEST OF LYONS ROAD, NORTH OF SAMPLE ROAD, AND EAST OF STATE ROAD 7/U.S. 441 IN THE CITY OF COCONUT CREEK. (QUASI-JUDICIAL)(FIRST READING)(FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance titles into the record.

Commissioner Brodie made a motion to move Agenda Item 16 for discussion, seconded by Commissioner Wasserman.

Vice Mayor Welch made a motion to move Agenda Item 17 for discussion, seconded by Commissioner Railey.

Commissioner Railey made a motion to move Agenda Item 18 for discussion, seconded by Commissioner Wasserman.

City Attorney Pyburn asked if there were any disclosures or ex-parte communications on behalf of the Commission for Agenda Items 16, 17 and 18, and the following disclosures were made:

- Commissioner Wasserman stated he had met with the applicant and attorney the day before and had also met with Mr. Backman five (5) months ago.
- Commissioner Brodie and Commissioner Railey stated they had also spoken with the applicant and attorney the previous day.
- Vice Mayor Welch advised that her meetings with the applicant and attorney were logged with the City.
- Mayor Rydell stated his meetings had also been logged and noted he had approximately 12 meetings with the applicant and attorney.

Mr. Stoudenmire submitted for the record resumes for himself and Assistant Director of Sustainable Development Justin Proffitt, along with the City’s objectives, goals, and policies as outlined in the Comprehensive Plan, as amended. He stated staff was happy to bring forward the first of the applications for the MainStreet development, and explained the applicant was requesting an amendment to the Development of Regional Impact (DRI) adopted by the City Commission in 2010, a rezoning of the subject property to Planned MainStreet Development District (PMDD), and a Land Development Code amendment to add the PMDD’s list of permitted and special land uses in the City’s Master Business List.

Continuing, Mr. Stoudenmire explained there was a small parcel within the DRI under separate

ownership where the owners had chosen not to participate in the application, so the applicant was requesting an amendment of the development order to be consistent with the PMDD. He stated without full participation from all property owners, the applicant was unable to reduce the original development entitlements to match those in the PMDD; however, through the PMDD, the plat, and the development agreement, which would come before the Commission in the near future, the reduced entitlements were well documented and a formal commitment, so staff was comfortable with the DRI amendment, as presented.

Mr. Stoudenmire stated the applicant proposed to develop approximately 200 acres of land with a mixed-use development, consisting of a maximum of 2,360 residential units and a maximum of 225 square feet of non-residential use. He explained the project would encompass 16 new development blocks, featuring all of the proposed land uses, new and interconnected open spaces, parks, trails, roads, bicycle lanes, and sidewalks, in addition to new civic facilities throughout the project area. He stated the applicant proposed a mix of housing types, including for-sale townhomes, villas, and condominiums, and rental apartments, with non-residential uses to include retail, personal services, restaurants, and other neighborhood-serving establishments.

Mr. Stoudenmire summarized that the MainStreet Design Standards required that properties within the overall Regional Activity Center have a zoning designation of PMDD, which would establish the overall design framework of the project area, specifically establishing a list of permitted and specialized land uses, maximum densities and intensities, site development standards, building design and architectural standards, streetscape requirements, right-of-way and typical road section designs, plaza and open spaces, sustainable and green standards, and where appropriate, alternate design solutions, as previously discussed. Continuing, Mr. Stoudenmire reviewed a list of items not on this agenda that would be coming before the Commission in the near future. He noted many of these items were under the review of the Development Review Committee (DRC) and had been for some time. He stated the applications on this agenda had been submitted in July 2021 and had undergone at least eight (8) rounds of DRC review, in addition to extensive community outreach conducted by the applicant, project updates at City Commission Workshop meetings, and creation of a website. He advised that a summary of all of the meetings and a link to the website were included in the backup materials. He noted that most recently, the Planning and Zoning Board (P&Z) had reviewed the application. He stated staff found that the applications were consistent with the MainStreet Design Standards, the City's Land Development Code, and the Comprehensive Plan, and recommended approval subject to the conditions of approval as outlined in the staff report.

Attorney Scott Backman, Dunay Miskel, and Backman, LLP, on behalf of the applicant, provided a brief overview of the three (3) year process that had brought the development team to make its first formal presentation to the Commission. He began his presentation with a property history, massing overview, and a discussion of the MainStreet branding. He shared a series of graphic representations and renderings. Mr. Backman discussed the proposed amendments to the DRI, the MainStreet Design Standards, and described each of the proposed components. He reviewed the alternative design standards, highlighting the proposed restoration of the wetland buffer and streetscape requirements.

Mr. Backman described a series of renderings at length, including several commercial angles, townhomes, multi-family apartments, condominiums, and MainStreet Square. He reviewed sustainability elements included throughout the project, explaining the applicant was working closely with staff to ensure the elements were included throughout the blocks. He provided an overview of the multiple common area components, including the main plaza, multi-use parks, lakes, passive and pocket parks, and improvements to the Florida Power & Light (FPL) easement area. He reviewed the economic impact analysis for the project and noted additional

details were included in the backup materials. Mr. Backman closed his presentation with a schedule of anticipated approvals and approvals required to move the project forward.

Mayor Rydell opened the public hearing on Agenda Items 16, 17, and 18. There were no questions or comments from the public, and the public hearing was closed.

Commissioner Wasserman referenced the roadway improvements slide in Mr. Backman's presentation and asked about the traffic lights. He asserted it was a lot of traffic lights and asked about the study data that had led to this choice. Mr. Backman explained the DRI was put in place before this development team joined the project because of the potential impacts of the increased intensity of the development, and as a result there were obligations and requirements for traffic signals in three (3) locations if and when warranted. He advised multiple traffic studies had been conducted. Chris Hagen, Traffic Engineer, Kimley Horn and Associates, provided additional clarification. He advised of the minimum spacing criteria under Florida Department of Transportation (FDOT) and Broward County and noted the condition was worded as a protection, where the signals could not be installed unless warranted.

Mayor Rydell asked about the duration of the bond for the as-needed traffic signals. Mr. Stoudenmire read the language of the condition, explaining the bond would remain in place until two (2) years following the issue of the final Certificate of Occupancy for phase four (4). Mayor Rydell asked whether the applicant had an issue with extending the bond an additional year. He noted logistical issues of installing a traffic light. Mr. Backman stated he would consult with his client and have an answer prior to the second reading of the ordinances.

Commissioner Brodie stated he liked the traffic lights. He asked what was being done inside the MainStreet area to moderate traffic. Mr. Hagen discussed traffic calming efforts, noting streetscape design elements intended to keep speed down.

Mayor Rydell pointed out there was a Roadway Master Plan, which would also come before the Commission. Mr. Stoudenmire confirmed the documents would need to be consistent, but adding traffic calming after the fact would not be precluded. Discussion ensued briefly.

Commissioner Wasserman commented on the plans for a building that was six (6) stories and could go to eight (8) stories. He stated he did not want anything taller than the seven (7) story Seminole Casino Coconut Creek parking garage.

Commissioner Railey agreed that was the only piece of the development that bothered her. She stated she would concede to the same height as the parking garage, as well.

Mr. Backman noted the eight (8) stories was left as an option on the plan for block 16 only, to allow for flexibility based on market demands. He pointed out there was an approved PMDD for the casino, which allowed for significantly more than eight (8) stories.

Mayor Rydell asked the City Attorney what the method would be to ensure this Commission had the ability to make the ultimate decision in the site plan approval process if the PMDD was approved with the option for eight (8) stories. He noted he believed the flexibility was fair. City Attorney Pyburn advised they were setting the ceiling, and while they do have the ability through the development agreement and site plan process to go lower, they would not be able to go higher. Discussion ensued regarding the restriction and the potential impact of a neighboring hotel project.

Vice Mayor Welch stated her concern was with the block next to Sample Road, and not so much

with the interior, given what was likely to happen with the casino property.

Commissioner Railey stated her reservation was block 10, because she did not want eight (8) stories looming over the shorter buildings. She asked for clarification on the transition between blocks. Mr. Backman described the massing plan and the surrounding blocks, and stated an image could be created to show the scale.

Mayor Rydell suggested the height restrictions be discussed as part of the site plan and development agreement processes. City Attorney Pyburn pointed to the conditions and advised that it was spelled out.

Commissioner Railey asked about plans for irrigation and recycling water. Mr. Backman stated they would be using reclaimed water lines.

Vice Mayor Welch noted the creation of a water feature for public use under the FPL lines was not possible and asked Mr. Backman to provide additional clarification. Mr. Backman stated water features for any use are not permitted by FPL. He noted there was a point in time where they were permitted, and the applicant had tried to engage FPL on that issue, but it was not going to be an option.

Vice Mayor Welch asked about the potential for a school component of the project. Mr. Backman stated the applicant would welcome a school component. He noted what was not a possibility was that it be included on any of the land that the applicant had under contract. He discussed the meetings that had been held with three (3) separate private school operators. Vice Mayor Welch stated she wanted to keep the school discussion open. Mayor Rydell agreed and stated he believed that would mean coming to the table with half the butterfly lot, giving the land at a deep discount. Discussion continued.

Vice Mayor Welch commented that she had concerns with a few areas and had been educated by staff on the reasons for the alternatives, so she was now comfortable. She stated she was interested in learning more about the land swap and when the land would be purchased. Mr. Backman explained the intention for purchase and conveyance. Vice Mayor Welch asked for clarification on the priority of the signalization of the streets. Mr. Backman stated the goal was to approach Broward County collectively with the help of the Commission and senior staff to convince them that the signals at 40th Street and Cullum Road could be built as part of the development program. Vice Mayor Welch stated she believed signalization of the intersection of Lyons Road and Cullum Road had waited the longest and was a priority. Mr. Stoudenmire advised that staff was in agreement.

Vice Mayor Welch commented on the request that the plat be recorded before the engineering permits. Mr. Backman explained the reason for the proposed alternative design standard. Mr. Stoudenmire stated the Engineering Department had ongoing discussions, and staff agreed. He noted the risk was with the developer. Vice Mayor Welch expressed her appreciation for the hard work that had gone into bringing this important project forward.

Mayor Rydell asked whether the renderings would look like what the developers were building architecturally. Mr. Backman stated they were committed to providing what was shown. He advised the renderings were created by the architect based on what was designed. Mayor Rydell referenced the renderings and stated he would like to see small, mixed-use components strewn throughout the project. He shared examples from Fort Lauderdale. Mr. Backman stated the PMDD allowed for that as part of the site plan process.

Mayor Rydell suggested a conversation regarding a small public safety substation since a Police Station was no longer being built.

Commissioner Wasserman stated he would be more comfortable with eight (8) stories if there was mixed-use included.

Commissioner Brodie agreed that he liked the addition of a small commercial area where people could run for milk or eggs.

Commissioner Railey disagreed, commenting that with mixed-use, there could be problems that come with it for the residents, including traffic in and out and food. She suggested an art museum or something upscale or keeping it residential.

Vice Mayor Welch stated that for that many residents of all types, they would need places internally to get food. She advised that she had hoped the commercial node would provide for basic needs without creating more vehicular traffic.

Mr. Backman stated the applicant would work with staff to clarify the options. He noted the intention was to activate the MainStreet area without placing unrealistic obligations.

Mayor Rydell commented that he would like to see consistency in creativity when planning the active use of the commercial node, rather than a standard shopping center. Mr. Backman responded briefly. Mayor Rydell discussed the heat center aspect of the development and noted he supported gating neighborhoods. Mr. Backman explained there was a combination of gated and open neighborhoods throughout the community. Mayor Rydell asked that the façade of the parking garages be designed so they did not look like a parking garage. He referenced the casino garage as an example. Mr. Backman stated there were three (3) garages and they were mostly surrounded by units. He commented that where they were visible, the garages would be screened. Mayor Rydell stated he appreciated the work that had gone into this and noted he was extraordinarily open-minded, as perfect activation of the area would allow for the visions of both the developer and the City to come together.

Commissioner Railey noted she liked the sidewalk use with the separate bicycle lane. She asked how high the garage would be. Mr. Backman advised the garages would be four (4) stories.

Commissioner Wasserman stated he was not supportive of a charter school in the development, as public schools were losing enrollment. Commissioner Railey agreed. Discussion continued.

Mayor Rydell invited the applicant and staff to make closing comments.

Mr. Backman highlighted the importance of the timeline for approvals. Mr. Stoudenmire advised that every single department in the City had a role in working on the project. He thanked the team for their efforts.

Mayor Rydell reopened the public hearing on Agenda Items 16, 17, and 18. There were no further questions or comments from the public, and the public hearing was closed.

MOTION: Brodie/Welch – To approve Ordinance No. 2023-034 on first reading.

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

MOTION: Railey/Welch – To approve Ordinance No. 2023-033 on first reading.

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

MOTION: Brodie/Wasserman – To approve Ordinance No. 2023-035 on first reading.

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

CITY MANAGER REPORT

City Manager Brooks noted, in a previous meeting, the Commission had discussed the Special Events Grant program being approved by the Commission. She suggested moving the entire program into the budget process in the next fiscal year. Mayor Rydell asked if the grant was limited to non-profits, and City Manager Brooks confirmed that it was.

CITY ATTORNEY REPORT

City Attorney Pyburn provided a brief update on the Per- and Polyfluorinated Substances (PFAS) litigation previously discussed. She shared that because Coconut Creek purchases its water from Broward County and the County treats the water, the City's claim was subsumed into the County claim.

COMMISSION COMMUNICATIONS

Commissioner Wasserman commented on the turnout for the Hanukkah celebration the previous week at the Promenade. He shared details of a Holocaust Night to Remember scheduled for January 23 hosted by the City. He stated he would be meeting with representatives of Coconut Creek Plaza on January 3. He discussed the possibility of obtaining car seat installation certification for members of the Coconut Creek Fire Rescue Department and stated staff was pursuing the issue. Commissioner Wasserman asked how many people on City staff had taken time off under the Family and Medical Leave Act (FMLA) for maternity and paternity leave. He discussed a recent program for State employees and stated he would like to look into what the City could do to help people. Mayor Rydell asserted there was a bigger issue to discuss, noting having a spouse with cancer was also a significant consideration.

Commissioner Brodie stated he and Vice Mayor Welch had the opportunity to attend the Friendship Journey Gala, and it was amazing to see the spirit of the organizations and people involved. He highlighted the potential to expand programming for those with special needs. Commissioner Brodie referenced the noise ordinance passed in 2022 and asked if decibel readers had been ordered. Staff confirmed that the readers had been ordered. Commissioner Brodie shared that the Commission wanted to be able to get involved when there are opportunities to appreciate staff, and stated he was upset to have learned of the staff holiday party from a picture posted after the fact.

Commissioner Railey thanked staff for the 911 Memorial in the City Hall lobby, and noted she thought it came out better than expected. She suggested a picture of the Twin Towers be added. She stated she had been approached by the American Cancer Society regarding a fundraising opportunity running January through March and looked forward to participation. Commissioner Railey reported that the Broward County Planning Council had a meeting the previous week and provided an update on the unincorporated parcel in the north end of the City to allow for a total of 15 houses had passed, with her vote being the only vote in opposition. She stated the holiday caravan was rescheduled to Tuesday, December 19, due to weather.

Vice Mayor Welch echoed Mr. Stoudenmire's thanks to all of the staff involved in the years-long

MainStreet project. She commented that the meetings regarding the Greystar project had led to requests for a picnic table at Coco Point Park and asked that one (1) be installed. Vice Mayor Welch expressed concern with plans for the recycling drop-off center at City Hall to be unstaffed. She stated there was a good precedent set, and she could not see anything good coming of it being unstaffed. She shared that the children's performance of Aladdin at the Recreation Complex was the best ever, and the talent was incredible. She noted the acoustics were not what the children deserved and asked that the City consider resurrecting its agreement with the Township for performances. Vice Mayor Welch stated there was a vendor called Five Elements that provided health and wellness services to Coral Springs in conjunction with Cigna. She asked if there are any funds available that would allow the City to explore using the service.

Mayor Rydell referenced Commissioner Railey's comments regarding the Broward County Planning Council and stated he and Commissioner Brodie had spoken at the meeting, and the requests to scale down the project were not well received. Mayor Rydell shared that former Mayor Lisa Aronson had been in touch with staff and himself regarding the cardboard drop off at Winston Park needing to be emptied, noting that it highlighted the importance of prioritizing the availability of recycling sites. Mayor Rydell shared that he and Mr. Stoudenmire had met with the owners of Investments Limited, the owners of Hillsboro Marketplace. He noted upgrades had been approved three (3) years ago, but they had learned that the project was no longer economically feasible for the owner. He stated the owner would like to prioritize the development of the outparcels, which was previously approved as phase three (3). Mr. Stoudenmire advised that it was not as complex as originally believed. He stated after looking through the approvals, he believed the owner was able to move forward with development of the outparcels with no further action of the Commission. Mayor Rydell sought consensus of the Commission to direct staff to work with the owners of Hillsboro Marketplace, regarding the development of the outparcels. Commissioner Brodie suggested they needed to address the repair of the drainage problem into the approval. Mayor Rydell commented the City could take the position that the global project needed to move forward, or they could identify a path to make some improvements. Discussion continued. Mr. Stoudenmire stated he believed staff could separate out the issues and also address Code compliance separately. Mayor Rydell provided a brief update on the Strada project, noting easements and approvals from the City of Margate were needed before Strada could break ground. Mayor Rydell shared a comment from a resident regarding code enforcement issues for Homeowners Associations and asked the Commission to consider for future discussion whether they want to provide extensions for compliance in an effort to mitigate rising insurance costs. Discussion continued.

ADJOURNMENT

The meeting was adjourned at 11:26 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date