



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: January 24, 2019
Time: 7:00 p.m.**

CALL TO ORDER

Mayor Rydell called the meeting to order at 7:01 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Commissioner Rebecca A. Tooley
Commissioner Lou Sarbone
Commissioner Mikkie Belvedere
City Manager Mary C. Blasi
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

EXCUSED:

Vice Mayor Sandra L. Welch

Mayor Rydell asked all to rise for the Pledge of Allegiance. Following the pledge, Mayor Rydell thanked City Attorney Pyburn for the evening's music selection, "Nothing More" by Alternate Routes.

INPUT FROM RESIDENTS OF COCONUT CREEK

There was no input from the residents.

CITY MANAGER REPORT

City Manager Blasi reported that the renovation of the City Hall lobby would begin over the weekend and continue for the next several months. She noted that the public entrance would be temporarily moved to the right of the current entrance for the duration of the construction and that there would be signage posted to direct the public to the temporary entrance. She thanked the Public Works Department staff for constructing the temporary entrance.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Sarbone spoke about the upcoming Women's Club of Coconut Creek Fashion Show Fundraiser on January 27, 2019.

Commissioner Tooley spoke about the Farmer’s Market also being held on January 27, 2019. She commented on the use of Windmill Park since its re-opening and noted that she had spoken with several residents who were pleased with the renovations.

Commissioner Belvedere thanked the Police Department for their quick response to a recent incident in the Wynmoor community. She announced that Wynmoor would be hosting the American Cancer Society’s *Relay for Life* event in February and that the Commission was invited to participate.

Mayor Rydell thanked City staff for promptly drafting the Code amendment related to increased public notice requirements for tenants in commercial plazas. He received consensus for City staff to implement a water bill deferral program for federal employees affected by the government shutdown and to conduct public outreach to inform residents of the program.

CONSENT AGENDA (Items 1 through 6)

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

1. **19-012** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2018-1213R)

2. **RES**
 2018-238 A RESOLUTION SETTING THE DATE OF THE 2019 GENERAL MUNICIPAL ELECTION AS MARCH 12, 2019, STATING THE OFFICES TO BE FILLED, AND STATING THE ADDRESSES OF THE POLLING PLACES.

3. **RES**
 2019-014 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH P.L.A. ELECTRICAL, INC. (PRIMARY CONTRACTOR) AND IMPERIAL ELECTRICAL, INC. (SECONDARY CONTRACTOR) TO PROVIDE ELECTRICAL SERVICES ON AN AS NEEDED BASIS PURSUANT TO RFP NO. 12-05-18-10.

4. **RES**
 2019-019 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AND ALL FUTURE AGREEMENTS WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT (FDEM) FOR THE REIMBURSEMENT OF EXPENDITURES INCURRED AS A RESULT OF HURRICANE IRMA.

5. **RES**
 2019-020 A RESOLUTION APPROVING THE CITY OF COCONUT CREEK’S 2019 FEDERAL LEGISLATIVE AGENDA.

6. **RES**
 2019-021 A RESOLUTION APPROVING THE CITY OF COCONUT CREEK’S STATE LEGISLATIVE AGENDA FOR THE 2019 LEGISLATIVE SESSION.

MOTION: Tooley/Belvedere – To approve Consent Agenda Item Nos. 1 through 6.

Upon roll call, the Motion passed by a 4-0 vote.

REGULAR AGENDA

Public Works

7. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT (ILA) WITH THE CITY OF CORAL SPRINGS FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF MEDIAN LANDSCAPE IMPROVEMENTS ALONG STATE ROAD 7 BETWEEN THE SAWGRASS EXPRESSWAY AND CULLUM ROAD/TURTLE CREEK DRIVE.
 2019-005

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Tooley – To approve Resolution No. 2019-005.

Public Works Senior Project Manager Brian Rosen presented the item and shared a brief *PowerPoint* presentation that depicted the existing condition of the medians. He spoke briefly about the maintenance requirements and design of the medians.

Upon roll call, the Resolution passed by a 4-0 vote.

Finance Department

8. **ORD** AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, "UTILITIES," ARTICLE V, "RATES AND CHARGES," BY AMENDING SECTION 20-82, "SCHEDULE OF RATES, FEES AND CHARGES," SUBSECTION 20-82(8), "OUTSIDE CITY CUSTOMERS," TO REDUCE THE SURCHARGE FOR WATER AND WASTEWATER SERVICES PROVIDED TO OUTSIDE CITY CUSTOMERS FROM TWENTY-FIVE PERCENT (25%) TO FIFTEEN PERCENT (15%).
 2018-037 (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Sarbone – To adopt Ordinance No. 2018-037.

Deputy City Manager / Chief Financial Officer Karen Brooks presented the item.

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

Upon roll call, the Ordinance passed by a 4-0 vote.

City Attorney

9. **ORD** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 2 TO THE LEASE AGREEMENT DATED NOVEMBER 13, 2014, AND AMENDMENT NO. 1 DATED JANUARY 10, 2017, WITH KRISTIN JACOBS, MEMBER OF THE FLORIDA HOUSE OF REPRESENTATIVES, PROVIDING FOR AN ADDITIONAL TWO (2) YEAR TERM FOR THE LEASE OF OFFICE SPACE WITHIN THE COCONUT CREEK GOVERNMENT CENTER.
 2018-039 (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Tooley – To adopt Ordinance No. 2018-039.

City Attorney Pyburn presented the item.

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

Upon roll call, the Ordinance passed by a 4-0 vote.

10. **ORD 2018-040** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC TO PROVIDE FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AND AN EQUIPMENT MODIFICATION ON THE TOWER AT THE CITY'S GOVERNMENT CENTER. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2018-040.

City Attorney Pyburn presented the item.

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

Upon roll call, the Ordinance passed by a 4-0 vote.

11. **ORD 2018-041** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FOURTH AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC TO PROVIDE FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AT THE CITY'S WINSTON PARK AND A MODIFICATION FOR THE INSTALLATION OF A NEW 48 KILOWATT GENERATOR WITHIN THE EXISTING SPACE AND REPLACEMENT OF THE EXISTING SIX (6) FOOT FENCE WITH AN EIGHT (8) FOOT FENCE TO CONCEAL THE GENERATOR. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2018-041.

City Attorney Pyburn presented the item.

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

Upon roll call, the Ordinance passed by a 4-0 vote.

12. **ORD 2018-042** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE SPACE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC TO PROVIDE FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AT THE CITY'S LAKESIDE PARK AND A MODIFICATION TO REMOVE THE EXISTING GENERATOR AND INSTALL A NEW 25 KILOWATT GENERATOR WITHIN THE EXISTING SPACE. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2018-042.

City Attorney Pyburn presented the item.

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

Upon roll call, the Ordinance passed by a 4-0 vote.

Sustainable Development

13. **19-010** A MOTION TO ACCEPT THE MARRIOTT RESIDENCE INN PROPOSED PUBLIC ART INSTALLATION TO BE LOCATED AS A CENTRAL FEATURE OF THE HOTEL FACILITY IN ACCORDANCE WITH SECTION 13-146, CODE OF ORDINANCES.

Mayor Rydell read the Motion into the record.

MOTION: Tooley/Belvedere – To accept the Marriott Residence Inn proposed public art installation.

Seth Fellman, Morlin Hospitality Group, spoke on behalf of Marriott and noted that the hotel would be opening on May 1.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

Upon roll call, the Motion passed by a 4-0 vote.

14. **ORD 2019-001** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTIONS 13-31, "LAND USE PLAN MAP AMENDMENTS," 13-33, "VARIANCES," 13-35, "SPECIAL LAND USE," 13-36, "ZONING MAP AMENDMENTS," 13-36.1, "PROCEDURES FOR ACCEPTANCE OR CONVEYANCE/VACATION/ABANDONMENT OF STREETS, ALLEYS, ROADS, OR PUBLIC RIGHTS-OF-WAY," AND 13-36.2, "PROCEDURES FOR ACCEPTANCE OR CONVEYANCE/VACATION/ABANDONMENT OF SPECIFIC PURPOSE EASEMENTS;" BY AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," SECTION 13-321, "MEDICAL MARIJUANA

TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES;” AND DIVISION 3, “ZONING DISTRICT REGULATIONS AND TABLES,” SECTIONS 13-349, “REZONING OF LAND TO PUD,” AND 13-356, “SAME-REZONING OF LAND TO PCU,” IN ORDER TO PROVIDE FOR PUBLIC NOTICE TO TENANTS OCCUPYING PARCELS, UNITS, OR PROPERTIES WITHIN THE SAME COMMERCIAL PROPERTY OR PLAZA AS THE PARCEL, UNIT, OR PROPERTY UNDER CONSIDERATION. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Belvedere – To approve Ordinance No. 2019-001 on first reading.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

Upon roll call, the Ordinance passed on first reading by a 4-0 vote.

15. **ORD 2018-031** AN ORDINANCE APPROVING THE “LYONS COMMUNITY CENTER PLAT” APPLICATION TO ALLOW FOR THE DEVELOPMENT OF A 198-SEAT HOUSE OF WORSHIP LOCATED AT 7650 LYONS ROAD. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

City Attorney Pyburn read aloud the City’s quasi-judicial procedures that would be applied to Agenda Items 15-17. City Clerk May confirmed that the public notice requirements were met for Agenda Items 15-17 and swore in the witnesses. Mayor Rydell asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 15, 16, and 17 together as they were all related, and there were none.

City Attorney Pyburn read the titles for Ordinance No. 2018-031 and Ordinance No. 2018-032 into the record, and Mayor Rydell read the title for Resolution No. 2018-233 into the record.

Commissioner Tooley made a motion to hear Agenda Item 15, seconded by Commissioner Sarbone.

Commissioner Tooley made a motion to hear Agenda Item 16, seconded by Commissioner Sarbone.

Commissioner Belvedere made a motion to hear Agenda Item 17, seconded by Commissioner Sarbone.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 15-17, and there were none.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the items and noted that the applicant was available to make a presentation and answer any questions.

Patricia Ramudo, IBI Group, on behalf of the property owner, Lyons 7600, LLC, described access to the site and displayed renderings of the project. Architect Juan Caycedo, RLC Architects, explained the building architecture. Ms. Ramudo explained the applicant’s public outreach efforts, and discussion ensued regarding communications with the Tall Trees neighborhood. Ms. Ramudo noted that the applicant’s previous request to include a child care facility within the church use had been removed from the application.

Discussion ensued with regard to traffic, access to the site, and the proposed rezoning of the site to Community Facility in relation to the size of the parcel. City Attorney Pyburn noted that the applications did not require reconsideration by the Planning & Zoning Board because the applicant was requesting to reduce the use by removing the child care facility. She asked the Commissioners to clarify any disclosures or ex parte communications on the items, and following ex parte communications were disclosed:

- Commissioner Tooley spoke with three residents about the project.
- Mayor Rydell spoke to two members of the Tall Trees Homeowners' Association Board.

Discussion ensued with regard to community outreach and traffic concerns.

Mayor Rydell opened the public hearing.

Paula Gomez, 5520 Pacific Boulevard, Boca Raton, Florida, stated that her child attends North Broward Preparatory School (NBPS) adjacent to the proposed project, and asked questions relating to the house of worship, and if NBPS had been asked about purchasing the property.

Steve Hall, 6214 NW 45 Terrace, Coconut Creek, stated that he was a member of the Planning and Zoning Board. He noted that the project recommended for approval by the Board included a child care facility and commented that the project would have been evaluated differently it was presented as only a house of worship.

There were no further questions or comments, and the public hearing was closed.

Discussion ensued regarding the removal of the child care use from the application. City Attorney Pyburn explained the applicant's requests for the plat application, rezoning application, and site plan application. Discussion ensued regarding the zoning of the property and permitted uses.

Commissioner Tooley made a motion to table Ordinance No. 2018-031 to a time certain with the direction that the item would go back before the Planning and Zoning Board and that a meeting be held with the residents of the Tall Trees community. The motion failed for a lack of second.

Discussion ensued.

MOTION: Tooley/Sarbone - To approve Ordinance No. 2018-031 on first reading.

Upon roll call, the Ordinance passed on first reading by a 3-1 vote, with Mayor Rydell voting nay.

16. **ORD 2018-032** AN ORDINANCE APPROVING THE REZONING REQUEST OF LYONS 7600, LLC TO REZONE FROM AGRICULTURAL (A-1) TO COMMUNITY FACILITY (CF) FOR THE PROPERTY LOCATED AT 7650 LYONS ROAD. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

MOTION: Tooley/Sarbone - To approve Ordinance No. 2018-032 on first reading.

Upon roll call, the Ordinance failed by a 0-4 vote.

17. **RES 2018-233** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF LYONS 7600, LLC TO DEVELOP A TWO-STORY, 13,080 SQUARE FOOT STRUCTURE TO ACCOMMODATE UP TO 198 SEATS WITHIN THE HOUSE OF WORSHIP TO BE LOCATED AT 7650 LYONS ROAD. (QUASI-JUDICIAL)(PUBLIC HEARING)
- MOTION:** Sarbone/Tooley - To table Resolution No. 2018-233 pending review of the site plan by City staff in accordance with the current zoning.

Upon roll call, the Resolution was tabled by a 3-1 vote, with Mayor Rydell voting nay.

18. **RES 2019-035** A RESOLUTION SUPPORTING THE APPLICATION FOR FUNDING FROM THE BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) 2018 COMPLETE STREETS AND LOCALIZED INITIATIVES PROGRAM (CSLIP) FOR THE MULTI-USE PATH PROJECT ALONG NW 39TH AVENUE. (ADDENDUM)

Mayor Rydell read the Resolution title into the record.

MOTION: Belvedere/Tooley – To approve Resolution No. 2019-035.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

Upon roll call, the Resolution passed by a 4-0 vote.

19. **RES 2019-036** A RESOLUTION SUPPORTING THE APPLICATION FOR FUNDING FROM THE BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) 2018 COMPLETE STREETS AND LOCALIZED INITIATIVES PROGRAM (CSLIP) FOR THE MULTI-USE PATH PROJECT ALONG JOHNSON ROAD. (ADDENDUM)

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Belvedere – To approve Resolution No. 2019-036.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

Upon roll call, the Resolution passed by a 4-0 vote.

ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date