



CITY OF COCONUT CREEK CITY COMMISSION MEETING MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: September 9, 2021
Time: 7:00 p.m.
Regular Meeting No. 2021-0909R

CALL TO ORDER

Mayor Rebecca A. Tooley called the meeting to order at 7:04 p.m.

PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley
Vice Mayor Joshua Rydell
Commissioner Lou Sarbone
Commissioner Sandra L. Welch
Commissioner Jacqueline Railey
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
Interim City Clerk Marianne Bowers

Mayor Tooley asked all to rise for the Pledge of Allegiance, followed by a moment of silence in remembrance of the lives lost on 9-11.

Mayor Tooley 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.

PRESENTATIONS

- 1. 21-204** A PROCLAMATION RECOGNIZING SEPTEMBER 2021 AS "SUICIDE PREVENTION AWARENESS MONTH."

Vice Mayor Rydell read the proclamation into the record and presented it to Gregory Gayle on behalf of the Broward League of Women Voters.

- 2. 21-212** A PROCLAMATION RECOGNIZING SEPTEMBER 2021 AS "HUNGER ACTION MONTH."

Commissioner Railey read the proclamation into the record and presented it to Michele Fernandez on behalf of Feeding South Florida.

- 3. 21-180** A PRESENTATION BY THE SEMINOLE COCONUT CREEK EDUCATION FOUNDATION.

City Manager Karen Brooks introduced Michelle Diffenderfer, Board Secretary, and Susan Whiting, Administrator, with the Seminole Coconut Creek Education Foundation, to provide a presentation on the Foundation. She also introduced Larry Buck, President of the Seminole Casino Coconut Creek, and Tracy Lautomne, Community Relations Specialist for the Seminole Casino Coconut Creek.

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Ms. Diffenderfer shared a brief *PowerPoint* presentation that reviewed the Foundation's Board membership, website, mission, vision, and funding.

Ms. Whiting continued by discussing progress on the action part of the Foundation's work now that all of the organizational work was complete. She stated the Foundation had awarded scholarships to graduating seniors in 2020 and 2021 and discussed ongoing education opportunities. She played a video message from Broward County School Board Member Nora Rupert.

Ms. Whiting discussed the three (3) purposes of the Foundation as specifically outlined in the mitigation agreement, including:

- Award college and academic leadership scholarships;
- Offer college test prep courses for high school students; and
- Provide tutoring programs for elementary students.

Ms. Whiting briefly reviewed the next steps for the Foundation and impacts of COVID-19 on those plans.

INPUT FROM THE PUBLIC

Dennis Wise, 619 Mills Street, Raleigh, North Carolina, distributed handouts to the Commission and spoke about the Recyclops program, a private service available to Coconut Creek residents as an option for at-home recycling pickup.

Interim City Clerk Bowers read a letter from intern Sofia Gaviria, thanking staff for welcoming her to the team over the summer as she worked in the Procurement Division and learned about a career in local government.

CONSENT AGENDA (*Items 4-9*)

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

Consent Agenda Items 7 & 9 were pulled by Vice Mayor Rydell and heard before the Regular Agenda.

- 4. 21-198** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2021-0809SP AND 2021-0810WS)
- 5. RES 2021-150** A RESOLUTION ACCEPTING A UTILITY EASEMENT OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF TRACT "B" OF THE COMMERCE CENTER OF COCONUT CREEK PLAT, RELATING TO PARCEL NUMBER 484218030022, BY THE CITY OF COCONUT CREEK, MORE SPECIFICALLY DESCRIBED IN COMPOSITE EXHIBIT "1."
- 6. RES 2021-177** A RESOLUTION ACCEPTING CERTAIN UTILITY EASEMENTS OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF LAND LYING WITHIN PARCEL NUMBER 484206280020, GENERALLY LOCATED AT 6301 LYONS ROAD, COCONUT CREEK, FLORIDA 33073, LOCATED IN BROWARD COUNTY, FLORIDA, BY THE CITY OF COCONUT CREEK, MORE PARTICULARLY DESCRIBED IN THE COMPOSITE EXHIBIT "1."

8. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO
 2021-178 EXECUTE THE SCHOOL RESOURCES OFFICER (SRO) AGREEMENT WITH
 THE SCHOOL BOARD OF BROWARD COUNTY FOR A PERIOD
 COMMENCING AUGUST 18, 2021, AND ENDING AUGUST 9, 2022.

MOTION: Rydell/Welch – To approve the Consent Agenda Items 4, 5, 6, and 8.

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

Sustainable Development

7. **21-203** A MOTION TO GRANT AN EXTENSION FOR THE FY2021 RAINFOREST
 ESTATES NEIGHBORHOOD ENHANCEMENT GRANT SECURITY PROJECT.

Mayor Tooley read the Motion into the record.

MOTION: Welch/Railey – To approve Agenda Item 7.

Vice Mayor Rydell stated he asked the item be pulled in an abundance of caution, as it is the neighborhood he lives in and wanted to abstain from the vote as he did when the original resolution, approving the grant, came before the Commission.

Upon roll call, the Motion passed by a 4-0 vote, with Vice Mayor Rydell abstaining.

Police Department

9. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO
 2021-179 EXECUTE THE ATTACHED STATE AND LOCAL TASK FORCE AGREEMENTS
 WITH THE UNITED STATES DEPARTMENT OF JUSTICE DRUG
 ENFORCEMENT ADMINISTRATION (DEA) TO ALLOW THE CITY TO
 CONTINUE TO PARTICIPATE IN THE SOUTHEAST REGIONAL TASK FORCE
 GROUPS 10 AND 16.

Mayor Tooley read the Resolution title into the record.

MOTION: Rydell/Sarbone – To approve Resolution No. 2021-179.

Vice Mayor Rydell noted the City's involvement in the Task Force ultimately generates a large amount of funds for the Law Enforcement Trust Fund and stated qualification for those funds required involvement in the Task Force.

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

REGULAR AGENDA

Utilities and Engineering

10. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO
 2021-057 EXECUTE A WORK AUTHORIZATION FOR ARCHITECTURAL DESIGN
 SERVICES TO BE PROVIDED BY WALTERS ZACKRIA ASSOCIATES, PLLC,
 RELATED TO THE EXPANSION OF THE UTILITIES AND ENGINEERING

DEPARTMENT MAINTENANCE BUILDING AT SABAL PINES PARK.

Mayor Tooley read the Resolution title into the record.

MOTION: Sarbone/Welch – To approve Resolution No. 2021-057.

Utilities & Engineering Director Osama Elshami presented the item, explaining the maintenance yard had four (4) existing bays, which were shared between Utilities & Engineering and Public Works, but the amount of equipment required additional space. He noted the installation would also improve lighting on the existing space and create a landscape buffer to better shield the building.

Commissioner Sarbone asked that the landscape buffer be significant, noting he did not want to see it from the road. Mr. Elshami responded that he would direct the architect as such.

Commissioner Welch asked if the four (4) additional bays would be sufficient for long term needs. Mr. Elshami explained space was very limited, so they would make it work. He stated it was sufficient for now, but he could not comment on long term.

Commissioner Railey stated her only concern was that it was aesthetically pleasing for the people in the park, but she was confident staff would do a great job on that.

Vice Mayor Rydell asked if the project would be tied in with the electric charging stations for future electric City vehicles in the secure area. Discussion ensued, and staff agreed to investigate the issue.

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

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

Police Department

11. **RES 2021-148** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERAGENCY AGREEMENT FOR THE PURPOSE OF SHARING INFORMATION ABOUT JUVENILE OFFENDERS WITH BROWARD COUNTY LAW ENFORCEMENT AGENCIES, THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE CIRCUIT 17 BOARD, THE STATE ATTORNEY OF THE SEVENTEENTH CIRCUIT IN AND FOR BROWARD COUNTY, AND THE PUBLIC DEFENDER OF THE SEVENTEENTH CIRCUIT IN AND FOR BROWARD COUNTY.

Mayor Tooley read the Resolution title into the record.

MOTION: Sarbone/Rydell – To approve Resolution No. 2021-148.

Police Captain Fred Shelton provided a brief explanation of the Memorandum of Understanding (MOU). Commissioner Welch asked for an update on juvenile civil citations in place of arrests or misdemeanors. Police Captain Shelton discussed the intervention and its success.

Vice Mayor Rydell asked for clarification on the exclusion of certain municipalities within Broward

County. Police Captain Shelton explained those municipalities had chosen to opt out. Police Legal Advisor Jeannette Camacho added that if they were not part of the MOU it was a choice to not participate.

Vice Mayor Rydell asserted it was notable that a few significant municipalities were not included. He asked for clarification on the no-contact offenses included in the agreement and who had developed the list. Ms. Camacho stated it was an agreement of all parties involved after extensive review.

Vice Mayor Rydell asked the status of the second MOU for juveniles 12 and under. Ms. Camacho explained it was still in process. She noted last she heard, the Department of Juvenile Justice had recommended changes. She stated as soon as she received the final document, she would pass it on for review.

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

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

Public Works Department

12. **ORD 2021-001** AN ORDINANCE AMENDING THE FRANCHISE AGREEMENT BETWEEN THE CITY AND REPUBLIC SERVICES OF FLORIDA, L.P. D/B/A ALL SERVICE REFUSE DATED SEPTEMBER 10, 2019, TO PROVIDE FOR AMENDMENTS RELATED TO RECYCLING, INCLUDING A WAIVER TO PERMIT SOURCE SEPARATED RECYCLING TO BE COLLECTED AND TRANSPORTED WITH GARBAGE AND RUBBISH TO THE TRANSFER STATION AT THE WHEELABRATOR NORTH BROWARD RESOURCE RECOVERY FACILITY AND PROVIDING FOR A RATE ADJUSTMENT DUE TO CHANGES IN THE RECYCLING PROGRAM AS WELL AS A TEMPORARY RATE ADJUSTMENT DUE TO THE FORCE MAJEURE EVENT COSTS ASSOCIATED WITH THE COVID-19 PANDEMIC. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To adopt Ordinance No. 2021-001.

Public Works Director Jim Berkman stated there had been no changes since the first reading.

Mayor Tooley opened the public hearing. Interim City Clerk Bowers stated there were no advanced public comments received for the item, and no one had signed in to speak. Mayor Tooley closed the public hearing.

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

CITY MANAGER REPORT

City Manager Brooks reminded the Commissioners to complete their health insurance open enrollment process before the portal closes on September 15 at 5 p.m.

CITY ATTORNEY REPORT

City Attorney Pyburn shared a development in the case of City of Coconut Creek v. State of Florida, et. al., in which the City was a party to in which penalty language in Section 790.33 of the Florida Statutes was being challenged. She explained the case had been taken up by the Supreme Court and briefly reviewed the briefing schedule.

COMMISSION COMMUNICATIONS

Commissioner Sarbone made a statement regarding mask use and associated requirements. He stated he was proud Broward County was among the counties defying the Governor's Order that says masks cannot be required.

Commissioner Welch commented on the recent Commission training and stated she hoped everyone else thought it was as good as she had. She noted after it was completed, she realized there was not a timeline associated with the communication plan requested and asked the thoughts of the rest of the Commission. Mayor Tooley stated she had not had a chance to review the recording, as she was on Zoom and had a difficult time hearing at the time. Discussion ensued on the communication action item reviewed during the training and a potential timeline. City Manager Brooks stated she had a debriefing meeting scheduled with the consultant the following week and would return with a plan following that meeting. She explained staff would develop a policy based on the conversation.

Commissioner Welch shared an update on the Metropolitan Planning Organization (MPO) meeting. She stated most of the discussion was regarding virtual attendance versus in-person attendance and applicable guidelines for the membership, along with discussion on a software upgrade to allow electronic voting. She commented on the single-use plastics resolution the Commission had passed in 2020. She pointed out it does include public events, but a resident had reached out regarding guidelines for the Farmer's Market. She asked if those vendors should fall under the guidelines. City Manager Brooks explained that the resolution provides for participating vendors to strive to comply where possible. She noted the checklist was used for the event, but the resolution does not provide for a requirement. She added that staff was working on an incentive program for businesses.

Commissioner Railey shared a note she had received to thank the Commission and staff from the Jewish Federation of Broward County on behalf of the South Florida Jewish Academy. She stated they greatly appreciate what staff negotiated regarding the Fire Assessment. Commissioner Railey reiterated how important it is to keep safe with COVID-19 and the rise in cases and fatalities. She asked residents to be diligent in following the safety precautions. Commissioner Railey stated the Florida Department of Transportation (FDOT) had started discussion on the turnpike expansion again and asserted it would not be a public hearing, but she wanted to encourage participation in the process to show strength in numbers.

Vice Mayor Rydell explained that, on September 21 at 3:15 p.m., County Commissioner Mark Bogen would be presenting to the County Commission regarding a proposal for a referendum on a half-cent sales tax to fund preventative healthcare measures. He invited the Commissioners to reach out to Commissioner Bogen to offer their support or connect him with organizations. Vice Mayor Rydell stated he would be speaking at the meeting in a personal capacity. Vice Mayor Rydell stated members of the League of Cities, including Fort Lauderdale, Hallandale, and others, had sent around a reproductive rights resolution in support of a woman's right to choose and asked for and received consensus to submit the item as a future agenda item. He stated he received complaints from the Winston Park Homeowners Association regarding FDOT vendors for improvements along Lyons Road and asked for staff to get information to disseminate to homeowners regarding damage. City Manager Brooks

responded that it was a long project covering a lot of miles, and the contractor would be returning to repair any damage. She stated they would get contact information for the Commissioners to share.

Mayor Tooley shared her experience with drivers exceeding the speed limit in school zones during the first weeks of school and stated she thought the School Board needed to put up blinking yellow lights. She encouraged the Police and First Responders to stay safe.

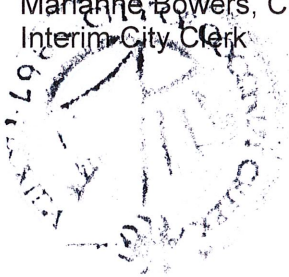
ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Marianne Bowers

Marianne Bowers, CMC
Interim City Clerk

10/14/21
Date



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Rydell, Joshua	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Coconut Creek City Commission
MAILING ADDRESS 4800 W. Copans Road	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Coconut Creek	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Broward	NAME OF POLITICAL SUBDIVISION: City of Coconut Creek
DATE ON WHICH VOTE OCCURRED 9/9/2021	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joshua Rydell, hereby disclose that on September 9, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Motion 21-203 approves a six month extension for the FY2021 Rainforest Estates Neighborhood Enhancement Grant Security project necessary to complete the project and expend grant funding.

The project was originally approved by the Coconut Creek City Commission on November 12, 2020 via Resolution No. 2020-230, which provided Neighborhood Enhancement Grant matching funds to the Rainforest Estates Homeowners' Association up to \$4,720 to enhance community safety with the addition of a security system at the neighborhood entrance. Program guidelines require grantees to expend funds within nine months of the award. A grantee may request a six month extension from the City Commission.

My residence is part of the Rainforest Estates Homeowners Association, and I abstained from voting on the original Resolution No. 2020-230 on November 12, 2020.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4-13-21

Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.