



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: November 10, 2022
Time: 7:00 p.m.
Meeting No. 2022-1110R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:03 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Rebecca A. Tooley
Commissioner Jacqueline Railey
Commissioner John A. Brodie
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
City Clerk Joseph J. Kavanagh

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

Mayor Rydell noted that the meeting was being conducted live with a quorum physically present, and explained that, in light of the pandemic, accommodations were made to allow the public to provide advanced comments without the need to attend the meeting. City Attorney Terrill C. Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

- 22-209** A CEREMONY RECOGNIZING THE PROMOTION OF LIEUTENANT JENNA KRIPLEAN TO CAPTAIN, SERGEANT KEVIN VALADE TO LIEUTENANT, AND OFFICER DAVID TABLADA TO SERGEANT.

Police Chief Albert A. (Butch) Arenal briefly introduced Captain Jenna Kriplean, Lieutenant Kevin Valade, and Sergeant David Tablada, followed by the badge-pinning ceremony.

Detective Clint Corey recognized actor, comedian, and Special Olympian Eddie Barbanell and named him as an honorary Coconut Creek Police Officer. City Clerk Kavanagh administered a ceremonial Oath of Office to Officer Barbanell, followed by a badge presentation.

INPUT FROM THE PUBLIC

City Clerk Kavanagh stated that no advanced public comments were received for Non-agenda or Consent Agenda items and no one had signed in to speak on non-agenda items.

CONSENT AGENDA (Items 2, 4, and 5)

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

Agenda item 3 was pulled from the Consent Agenda by Vice Mayor Welch and heard before the Regular Agenda.

2. **22-194** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2022-1011WS1, 2022-1011WS2, AND 2022-1013R)

4. **RES
2022-205** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RENEW THE SCHOOL SURVEILLANCE CAMERA SYSTEM ACCESS AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY.

5. **RES
2022-235** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A FIVE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE USE OF THEIR TEMPORARY DEBRIS MANAGEMENT SITES IN THE EVENT OF A NATURAL DISASTER.

MOTION: Tooley/Welch – To approve Consent Agenda Items 2, 4, and 5.

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

Police Department

3. **RES
2022-233** A RESOLUTION URGING THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, TO INCREASE FUNDING FOR SCHOOL RESOURCE OFFICERS FOR EVERY SCHOOL WITHIN BROWARD COUNTY, FLORIDA, AND TO FULLY FUND THE TOTAL COSTS FOR SCHOOL CROSSING GUARDS FOR EACH PUBLIC SCHOOL WITHIN BROWARD COUNTY, FLORIDA.

Mayor Rydell read the title into the record.

MOTION: Tooley/Railey – To hear Resolution No. 2022-233.

Vice Mayor Welch noted the topic of School Resource Officers had been a major topic of discussion at the most recent Broward League of Cities meeting, and she had spoken with Broward County Public Schools Superintendent Dr. Vickie L. Cartwright on the matter. She shared highlights from the conversation with Dr. Cartwright.

Discussion ensued regarding the continued need for Coconut Creek Police officers to remain in the City’s public schools.

Vice Mayor Welch suggested language be added to the Resolution to specify that Coconut Creek would not support the School District standing up their own police force. Upon discussion, it was determined that staff would amend the item and bring forward a revised resolution at the next Regular Meeting.

MOTION: Tooley/Brodie – To table Resolution No. 2022-233 to the December 8, 2022, Regular Commission Meeting.

Upon roll call, the Resolution was tabled to a date certain of December 8, 2022, by a 5-0 vote.

REGULAR AGENDA

Parks and Recreation

6. **RES 2022-229** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR FIREWORKS DISPLAY SERVICES FOR THE BUTTERFLY FESTIVAL PURSUANT TO IFB NO. 09-20-22-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2022-229.

Parks and Recreation Special Events Planner Leo Moleiro presented the item, outlining the bid process and the contract terms briefly.

Vice Mayor Welch inquired as to the music selections that would play during the fireworks display. Mr. Moleiro explained the intent was to utilize music that was trending on Tik Tok at the time of the event. Mayor Rydell recognized Mr. Moleiro for his inspirational coaching of the young athletes in Coconut Creek.

Mayor Rydell opened the item to public comment. City Clerk Kavanagh stated that no advanced public comments were received for the item, and no one was signed in to speak.

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

7. **ORD 2022-025** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 15, "PARKS AND RECREATION," ARTICLE II, "RULES AND REGULATIONS," TO PROHIBIT SMOKING AND VAPING IN CITY PARKS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Brodie – To approve Ordinance No. 2022-025 on first reading.

Parks and Recreation Superintendent Enrique Castro presented the item, noting the Ordinance was being brought forward in accordance with the recently passed Florida Clean Air Act.

Discussion ensued regarding the steps that would be undertaken in response to someone smoking in a City park. Parks and Recreation Director Wayne Tobey explained that a City employee would provide a warning, and if that was not effective, a Police Officer would write a ticket for trespass.

Commissioner Brodie noted the State exception for cigars. He stated he believed all smoking should be prohibited in parks but was supportive of the regulation. Mayor Rydell provided detail on additional preemptions and stated the number of people vaping in the parks was shocking.

Mayor Rydell opened the floor for public comment. City Clerk Kavanagh stated that no advanced public comments were received for the item, and no one was signed in to speak.

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

Sustainable Development

8. **ORD 2022-023** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” ARTICLE I, “ADMINISTRATION, REGULATIONS AND PROCEDURES,” DIVISION 3, “IMPLEMENTATION PROCEDURES,” BY ENACTING A NEW SECTION 13-35.1, “COMMUNITY RESIDENCE APPLICATION FORM; COMMUNITY RESIDENCE AND INSTITUTIONAL COMMUNITY RESIDENCE SPECIAL EXCEPTION PERMITS AND REASONABLE ACCOMMODATION REQUIREMENTS;” AMENDING ARTICLE III, “ZONING REGULATIONS,” DIVISION 1, “GENERALLY,” BY AMENDING SECTION 13-295, “DEFINITIONS,” TO UPDATE EXISTING DEFINITIONS, PROVIDE NEW DEFINITIONS, AND REMOVE OBSOLETE DEFINITIONS, AND AMENDING DIVISION 3, “ZONING DISTRICT REGULATIONS AND TABLES,” BY AMENDING SECTIONS 13-332, “A-1 AGRICULTURAL DISTRICT,” 13-333, “RS-1 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT,” 13-334, “RS-3 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT,” 13-335, “RS-4 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT,” 13-336.1, “RS-5 RESIDENTIAL SINGLE-FAMILY DISTRICT,” 13-336.2, “RC-5 RESIDENTIAL CLUSTER DISTRICT,” 13-337, “RC-8 RESIDENTIAL ATTACHED DISTRICT,” 13-338, “RM-10 RESIDENTIAL MULTIPLE-FAMILY DISTRICT,” 13-340, “MH-1 MOBILE HOME PARK DISTRICT,” 13-354, “CF COMMUNITY FACILITY DISTRICT,” AND DIVISION 8, “MASTER BUSINESS LIST,” SECTION 13-625, “MASTER BUSINESS LIST-MSOA,” TO CHANGE THE LIST OF PERMITTED AND SPECIAL LAND USES AND TO CREATE SPECIAL EXCEPTION USES, TO PROVIDE FOR UPDATES CONSISTENT WITH RECENT CHANGES TO STATE AND FEDERAL LAWS; AND AMENDING DIVISION 4, “ACCESSORY USES AND STRUCTURES,” SUBDIVISION II, “PARKING REGULATIONS AND REQUIREMENTS,” SECTION 13-400, “RESIDENTIAL USE PARKING SPACE REQUIREMENTS” IN ORDER TO PROVIDE PARKING FOR COMMUNITY RESIDENCES. (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2022-023 on first reading.

City Attorney Pyburn presented the item.

Mayor Rydell opened the public hearing on Ordinance No. 2022-023. City Clerk Kavanagh stated that no advanced public comments were received.

Jorge Mederos, 921 NW 42 Avenue, Coconut Creek, commended the Ordinance as a first step in addressing sober homes in the community. He asserted drug addicts and alcoholics are not disabled but have made a series of bad choices. He stated sober homes invite drug dealers and regular overdoses in single family home communities.

Lourdes Mederos, 921 NW 42 Avenue, Coconut Creek, yielded her time to Mr. Mederos.

Continuing, Mr. Mederos stated he and his wife had not moved to South Creek to have a sober home next door or down the block. He asserted the homes were for-profit businesses which profit off the residents who make good and decent decisions.

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

City Attorney Pyburn clarified that homes for people with disabilities, including all different types of disabilities, are protected under the Americans with Disabilities Act and the Fair Housing Act. She stated alcoholism and drug addiction other than current use of a controlled substance was covered under the definition of disability, so those in recovery from Substance Use Disorder are protected under these acts. She pointed out that the Ordinance covers group homes for people with all types of disabilities, not just recovery residences, and the Code update was coming before the Commission to provide updates consistent with State and Federal law.

Mayor Rydell asked City Attorney Pyburn to confirm that under the direction of the Commission, she believed the Ordinance was as stringent as a local government could set up regulations while being in compliance with State and Federal laws. City Attorney Pyburn stated that was correct.

Mayor Rydell stated at this time, there were no regulations in place in Coconut Creek, and pointed out that City Attorney Pyburn was a recognized expert on the topic. City Attorney Pyburn further stated the Ordinance would achieve the legitimate government interest of protecting not only the residents of these homes, but the residents of the surrounding community and was the least drastic method of achieving those means available.

City Attorney Pyburn stated she understood Mr. Mederos' concerns and noted that detoxification facilities already must be located in the Medical Services Overlay area, not within residential zoning districts. She explained the Ordinance was not inviting services into the community but was creating a reasonable framework for them to operate within.

Commissioner Railey stated the Ordinance was strengthening the existing code.

Vice Mayor Welch reiterated the subject matter expertise of City Attorney Pyburn and her related experience. She noted that recent case law was being taken under advisement when writing the language of the Ordinance.

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

9. **ORD 2022-027** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO ADOPT A NEW ANTENNA LAYOUT AND THE CORRESPONDING INCREASE IN RENT FOR THE ADDITIONAL LOADING ON THE CITY'S TELECOMMUNICATIONS TOWER AT LAKESIDE PARK, SUBJECT TO ALL OTHER TERMS AND CONDITIONS PROVIDED THEREIN. (FIRST READING)

MOTION: Tooley/Welch – To approve Ordinance No. 2022-027 on first reading.

Sustainable Development Director Scott Stoudenmire presented the item, noting the tower had four (4) tenants, and Verizon was proposing to upgrade and add additional equipment to their existing setup.

Mayor Rydell opened the floor for public comment. City Clerk Kavanagh stated that no advanced public comments were received for the item and no one was signed in to speak.

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

City Attorney

10. **ORD 2022-024** AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 8, "ELECTIONS," ARTICLE III, "CANDIDATES," BY AMENDING SECTION 8-52, "TIME FOR QUALIFYING," TO PROVIDE FOR A QUALIFYING TIMELINE THAT IS CONSISTENT WITH STATE ELECTION LAWS. (FIRST READING)

MOTION: Welch/Railey – To approve Ordinance No. 2022-024 on first reading.

City Attorney Pyburn presented the item.

Mayor Rydell opened the floor for public comment. City Clerk Kavanagh stated that no advanced public comments were received for the item, and no one was signed in to speak.

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

CITY MANAGER REPORT

City Manager Brooks stated that, as of November 7, the City had successfully transferred dispatch services from the Broward Regional Dispatch System to Coral Springs. She noted a difference in radio clarity and response times was already being seen. She recognized City staff for being instrumental in bringing the transition to fruition over the past two (2) years.

CITY ATTORNEY REPORT

City Attorney Pyburn pointed out that changes to the Florida Constitution adopted in 2018, providing for certain restrictions pertaining to lobbying go into effect on December 31. She stated Broward County was considering an amendment to their Code of Ethics to be consistent with the change, and staff was evaluating to determine whether an amendment was necessary on the City level. She briefly discussed the requirement that each Commissioner complete four (4) hours of state and county ethics training annually.

COMMISSION COMMUNICATIONS

Commissioner Tooley stated she had visited Coconut Creek Elementary School along with Commissioner Brodie and Vice Mayor Welch for their Kids Vote event. She commented the Hometown Market was doing a great job and commented on attending Mayor Rydell's first game as a soccer coach.

Commissioner Brodie expressed his appreciation for the move to dispatch. He said everything Coconut Creek touches was top-notch quality, and it was amazing to be involved. He recognized Veterans Day and encouraged everyone to attend a Veterans ceremony.

Commissioner Railey thanked Commissioner Brodie for his service and commented on a recent opportunity to speak with veterans thanks to the City's Poet Laureate. She stated she had also attended a soccer game over the weekend and was impressed with the structure. She noted Waste Management was going before the County Commission for their requested land use change, and stated the Wynmoor community planned to provide a bus to the meeting. Commissioner Railey stated she had met with the new Junior Achievement Coordinator, and shared that a Vice President at Wynmoor was going to chair

a committee to get the program into the senior community. She reminded residents to be on the lookout for scams and wished everyone a happy Thanksgiving.

Vice Mayor Welch echoed previous comments regarding the transfer of dispatch. She stated it was worth all the pain points along the way and thanked staff for making it happen. Continuing, she recognized City Clerk Kavanagh for his involvement with the Kids Vote event and stated she did not believe there had ever been a city clerk at the event. She noted Mayor Rydell had previously requested a regular agenda item for discussion and asked whether he agreed Commission Communications was an opportunity for that. Discussion ensued, and Mayor Rydell stated he believed the agenda item would allow Commissioners to educate themselves on topics ahead of the meeting. Vice Mayor Welch thanked staff for the Veterans Day banner program and stated veterans should be thanked every day of the year. She shared a story related to the banners being removed in preparation for a hurricane.

Mayor Rydell discussed the upcoming meetings related to Waste Management and their planned project. He encouraged the other Commissioners to reach out to Broward County Commissioner Mark D. Bogen to share their thoughts on the project. Continuing, Mayor Rydell shared a compliment on City Attorney Pyburn's expertise related to sober homes, which he had heard from another attorney while working on a case unrelated to the City. Mayor Rydell highlighted upcoming events, including Veterans Day, Do the Right Thing, and the Fall Harvest Festival. He wished all a happy Thanksgiving and shared regarding a program to feed those in need.

ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date