



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: June 28, 2018
Time: 7:00 p.m.**

CALL TO ORDER

Mayor Rydell called the meeting to order at 7:04 p.m. and commented that he selected the evening's music selection, "Right Now" by Van Halen.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
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

Following the Pledge of Allegiance, Mayor Rydell announced that the applicant for the Woodspring Hotel project requested postponement of Agenda Items 8 and 9; therefore, those items were not heard.

INPUT FROM RESIDENTS OF COCONUT CREEK

Raymond Lebowitz, 3950 Cocoplum Circle, Coconut Creek, voiced his concerns with the current location of the ceremonial piece of steel recovered from the World Trade Center presented to the City in 2012. He commented that the intent was for the memorial piece to be placed in an open area for public viewing. He requested that the steel be moved from the fire station and incorporated into a memorial at Veterans Park.

Joanne Thuna, 4167 NW 22 Street, Coconut Creek, thanked the Commission and staff for meeting with and reviewing the information submitted by the residents regarding the Woodspring Hotel project. She asked that the new meeting date be provided to the residents when it is rescheduled and for a sign to be posted at the site with the information.

Phyllis Cambria, 2250 Seagrape Circle, Coconut Creek, spoke about the Woodspring Hotel project. She stated her concern that the project got as far as it did based on a decision made in 2006. She asked the City to look at prior approvals and be prepared to hear the items when the developer brings the item before the Commission.

CITY MANAGER REPORT

City Manager Blasi had no report. She introduced Police Chief Albert "Butch" Arenal, who thanked Mayor Rydell for his fundraising efforts for the "Do the Right Thing" Program.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Belvedere attended the Randazzo School graduation and World Refugee Day at Broward College. She requested that there be a presentation by the American Association of Retired Persons (AARP) regarding aging cities and complete streets guidelines, either at a workshop or regular meeting, and consensus was given. She read a statement from the Broward Mayors'/Elected Officials' Transportation Roundtable Steering Committee. She requested using a rotation for roll call when voting on agenda items. Instead, Commissioner Sarbone agreed to switch seats on the dais with her at the next meeting.

Commissioner Tooley spoke about the progress of the Broward County garbage study and noted that results were expected in August. She attended the drive-in movie for toddlers at the Community Center where children decorated their own cardboard cars and noted that it was important for residents to look at all the programs that Parks and Recreation offers. She attended the Police Explorers Challenge in Palm Beach Gardens and announced that the Coconut Creek Police Explorers placed fifth in the state and won trophies in five events. She attended the Police Appreciation Day at Harvest Church and spoke about the recent high school graduations she attended.

Commissioner Sarbone responded to Ms. Cambria's statement made during *Input from the Residents of Coconut Creek*. He urged everyone to be safe on the 4th of July and noted that the Seminole Coconut Creek Casino would have fireworks on July 3, 2018.

Vice Mayor Welch spoke about the Commission Workshop held on June 18, 2018 in regards to new City Advisory Boards, including a Public Safety Board and a Communication and Branding Board. She spoke about the Education Foundation that is going to be established as a result of the City's Municipal Service Provider Agreement with the Seminoles. She spoke about the 2018 school grades that were recently released by the Florida Department of Education. She announced that the Community Bus routes would be adjusted, beginning July 2, 2018, to support local City businesses and shorten the routes. She reported that Coconut Creek was voted the 16th safest city in Florida by safewise.com.

Mayor Rydell thanked Police Chief Arenal for his kind words and urged all resident to attend the "Do The Right Thing" ceremonies. He spoke about Harvest Church's Police Appreciation Day and read the plaque presented by the church to the City and the Police Department. He asked for consensus for the City Manager to enter into conceptual talks with Margate, Coral Springs, and Parkland for a four-city regional fire and dispatch contract or another option that may become available, and consensus was given for the City Manager to draft a letter of intent to start the process to improve public safety in the northern region of Broward County.

CONSENT AGENDA (*Items 1 and 3*)

Agenda Items 5 and 6 were pulled by Commissioner Sarbone, and Agenda Items 2 and 4 were pulled by Mayor Rydell.

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

- 1. 18-092** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2018-0510SP, 2018-0510R, AND 2018-0524R)

3. **RES** A RESOLUTION TO EXPRESS THE CITY OF COCONUT CREEK'S
 2018-111 OPPOSITION TO OFFSHORE DRILLING ACTIVITIES, INCLUDING
 SEISMIC AIRGUN BLASTING.

MOTION: Tooley/Welch – To approve Consent Agenda Item Nos. 1 and 3.

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

REGULAR AGENDA

City Clerk

2. **18-097** A MOTION TO AUTHORIZE A BUDGET TRANSFER IN THE AMOUNT
 OF \$25,000 FOR EXPENDITURES RELATED TO HIRING A
 CONSULTANT FOR THE CITY'S 2018 RE-DISTRICTING BOARD AND
 FOR THE FEES RELATED TO THE REVISED LEGAL DESCRIPTIONS
 AND MAPS OF COMMISSION DISTRICTS FROM GENERAL FUND
 ACCOUNT 0199-9901 - CONTINGENCY TO ACCOUNT 0121-3190 -
 PROFESSIONAL SERVICES.

Mayor Rydell read the Motion into the record.

MOTION: Welch/Sarbone – To approve the Motion to transfer \$25,000 from General Fund Account 0199-9901 – Contingency to Account 0121-3190 – Professional Services for expenditures related to the hiring a consultant for the City's 2018 Re-Districting Board.

City Manager Blasi presented the item, and City Attorney Pyburn noted that the contract for services would come before the City Commission in July.

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

Sustainable Development

4. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2018-109 TO NEGOTIATE A RELEASE OF LIEN FOR THE PROPERTY LOCATED AT
 352 SUNSHINE DRIVE, COCONUT CREEK, FLORIDA 33066.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Tooley – To approve Resolution No. 2018-109.

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

Public Works

5. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2018-121 TO EXECUTE AN AGREEMENT WITH PROGRESSIVE WASTE SOLUTIONS
 OF FLORIDA, INC. D/B/A WASTE CONNECTIONS OF FLORIDA FOR BULK
 TRASH, YARD WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS

DISPOSAL AND RECYCLABLES PROCESSING SERVICES.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Sarbone – To approve Resolution No. 2018-121.

City Manager Blasi presented the item.

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

6. **RES 2018-124** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH WASTE MANAGEMENT INC. OF FLORIDA FOR RECYCLABLES PROCESSING SERVICES.

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Welch – To approve Resolution No. 2018-124.

City Manager Blasi presented the item. She spoke about recycling industry trends and contract rates. Discussion ensued regarding single stream recycling. Waste Management Inc. of Florida Government Affairs Manager, Barbara Herrera, addressed the Commission.

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

Sustainable Development

7. **ORD 2018-013** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF ESCAPE ROOMS, FL FOR AN AMUSEMENT CENTER (INDOOR) FOR THE PROPERTY LOCATED AT 4937 COCONUT CREEK PARKWAY, PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S CODE OF ORDINANCES. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to Agenda Item 7. City Clerk May confirmed that the public notice requirements were met for Agenda Item 7 and swore in the witnesses.

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To adopt Ordinance No. 2018-013.

City Attorney Pyburn asked if there were any disclosures or ex parte communications, and the following disclosures were made:

- Mayor Rydell texted the applicant, Angela Mastrangelo, during the application review process.
- Vice Mayor Welch noted that she received a thank you note from the applicant.

Assistant City Manager/Director of Sustainable Development Sheila Rose presented the item. She noted that there had been discussion during First Reading of the Ordinance regarding the

hours of operation proposed by the applicant and that staff was recommending that the hours of operation be removed from the Ordinance.

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 5-0 vote.

- ~~8. **ORD 2018-016** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION FOR THE PROJECT KNOWN AS WOODSPRING HOTEL AT STRADA FOR A FOUR STORY, 122 ROOM HOTEL LOCATED AT 4888 COCONUT CREEK PARKWAY, PURSUANT TO SECTION 13-35, CODE OF ORDINANCES. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING) **(POSTPONED AT APPLICANT'S REQUEST)**~~
- ~~9. **ORD 2018-015** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A PORTION OF A TEN (10) FOOT UTILITY EASEMENT FOR THE PROJECT KNOWN AS WOODSPRING HOTEL AT STRADA LOCATED AT 4888 COCONUT CREEK PARKWAY. (FIRST READING) **(POSTPONED AT APPLICANT'S REQUEST)**~~
10. **RES 2018-118** A RESOLUTION ADOPTING THE FISCAL YEAR (FY) 2018-2019 ACTION PLAN, WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET, FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING TRANSMITTAL OF THE FY 2018-2019 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (PUBLIC HEARING)

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2018-118.

Assistant City Manager/Director of Sustainable Development Sheila Rose presented the item and discussed the proposed activities for the FY18 Action Plan. She noted that the City's Consultant, Community Redevelopment Associates of Florida, Inc., was present to answer technical questions. Commissioner Sarbone noted that the Commission received an email from a resident opposing funding for the First-Time Homebuyer Program, and Ms. Rose explained the education requirements and recapture provisions of the Program.

There were no questions or comments from the public.

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

11. **ORD 2018-012** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 4, "ACCESSORY USES AND STRUCTURES," BY AMENDING ALL OF SUBDIVISION IX, "WIRELESS COMMUNICATIONS FACILITIES;" CHANGING THE SUBDIVISION TITLE TO "COMMUNICATIONS FACILITIES;" AND CHANGING ALL SECTIONS THEREIN IN ORDER TO UPDATE THE CITY'S TELECOMMUNICATIONS ORDINANCES TO COMPORT WITH RECENT CHANGES TO STATE AND

FEDERAL LAW AND TO ENSURE CONSISTENCY WITH INDUSTRY
STANDARDS. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Tooley – To adopt Ordinance No. 2018-012.

City Attorney Pyburn introduced Anthony Lepore and Elizabeth Herington-Smith, CityScape Consultants. Ms. Herington-Smith began a *PowerPoint* presentation noting that the Ordinance resulted from changes to State Statute to accommodate the deployment of new 5G wireless technology. Mr. Lepore discussed state and federal statutory changes for wireless and micro-wireless facilities, the timeline for developing the Ordinance, and noted that four municipalities in Broward County had recently adopted similar ordinances, with four other municipalities in process. Discussion ensued regarding Florida Department of Transportation (FDOT) rights-of-way. Assistant City Attorney Eve Lewis noted that the wireless industry had concerns with items contained in the Ordinance and could present their evidence for discussion.

Mayor Rydell opened the public hearing.

Dwayne Dickerson, 14 Southeast Fourth Street, Boca Raton, on behalf of Crown Castle, stated there were seven items that they believed were inconsistent with state and federal law:

1. Minimum distance separation requirement,
2. proof of necessity requirement,
3. request for information that exceeds what is necessary to determine compliance,
4. registration of inventory requirement,
5. fees for collocation,
6. in-kind contribution requirement, and
7. wireline regulations.

He requested deferral of the item to work on the remaining issues.

Alan Krischer, 515 East Las Olas Boulevard, Fort Lauderdale, on behalf of Verizon Wireless, submitted a letter from Attorney Janna Lhota, outlining Verizon's objections to several of the provisions in the Ordinance. He requested deferral of the Ordinance to continue working with staff on the remaining issues.

Deborah Martohue, 1036 23 Avenue, North St. Petersburg, on behalf of T-Mobile, stated that Comcast's representative was not present to address issues related to wireline regulations and requested deferral of the Ordinance. She disagreed with the distance separation requirement for the equipment, and stated that she believed that the seven issues as stated by Mr. Dickerson were inconsistent with state and federal law.

Assistant City Attorney Lewis said she did not recommend deferral of the item and reviewed two items that the City would be amenable to modifying:

- striking through the sentence contained in Section 13-536.1(h) that reads, "Registration renewals shall include an inventory of the registrant's newly installed facilities or abandoned facilities since the prior registration or registration renewal;" and
- striking through Section 13-538(e)(4).

Ms. Martohue responded with the following outstanding items:

- Section 13-540(a)(1)(h) – imposition of a distance separation requirement;
- Sections 13-537.2(2)(e) and 13-537.2(6) – imposition of a proof of necessity requirement;
- Section 13-540(a)(1)(g) – request for information that exceeds what is necessary to determine compliance; and
- Section 13-540(e)(1)(f) - provides a basis for denial; and
- Fees associated with building permit collocations.

Assistant City Attorney Lewis and Mr. Lepore responded to Ms. Martohue’s comments. Discussion ensued.

AMENDMENT: Sarbone/Welch – To amend Ordinance No. 2018-012 by amending Sections 13-536.1(h) and 13-538(e)(4), as stated by Assistant City Attorney Lewis.

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

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

12. **ORD 2018-009** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES BY REPEALING IN ITS ENTIRETY CHAPTER 6.5, “CABLE COMMUNICATIONS;” BY REPEALING IN ITS ENTIRETY CHAPTER 22, “FRANCHISING AND LICENSING;” AND BY AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” ARTICLE I, “ADMINISTRATION, REGULATIONS AND PROCEDURES,” DIVISION 3, “IMPLEMENTATION PROCEDURES,” SECTION 13-40, “ENGINEERING PERMITS,” TO PROVIDE FOR CONSISTENT REGULATIONS REGARDING PERMIT ISSUANCE FOR CONSTRUCTION IN THE CITY. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To adopt Ordinance No. 2018-009.

Assistant City Attorney Lewis presented the item and noted that staff was recommending an amendment to the Ordinance, by amending Section 13-40(d)(12), Location of facilities, to modify the four (4) foot minimum horizontal and vertical separation requirement to a ten (10) foot minimum horizontal separation and four (4) foot vertical separation.

AMENDMENT: Tooley/Welch – To amend Ordinance No. 2018-009 as stated by Assistant City Attorney Lewis.

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

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, as amended, passed by a 5-0 vote.

13. **RES 2018-114** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AGREEMENTS WITH THE FOLLOWING TWO QUALIFIED FIRMS TO PROVIDE MEDICAL WITH PRESCRIPTION

DRUG, DENTAL, VISION, LIFE AND AD&D, SHORT TERM DISABILITY, LONG TERM DISABILITY, AND EMPLOYEE ASSISTANCE PROGRAM INSURANCE SERVICES PURSUANT TO RFP NO. 03-28-18-10: (1) CIGNA FOR MEDICAL WITH PRESCRIPTION DRUG (INCLUDING VISION COVERAGE), DENTAL, AND EMPLOYEE ASSISTANCE, AND (2) LIFE INSURANCE COMPANY OF NORTH AMERICA FOR LIFE AND AD&D, SHORT TERM DISABILITY, AND LONG TERM DISABILITY.

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Belvedere – To approve Resolution No. 2018-114.

Human Resources Director Pam Kershaw presented the item. She recognized Benefits Program Manager Robin Samotin and Sergeant Dan Eberly for their work on the Selection Committee.

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

14. **18-094** A MOTION TO APPOINT A VOTING DELEGATE TO ATTEND AND VOTE AT THE FLORIDA LEAGUE OF CITIES (FLC) ANNUAL BUSINESS SESSION TO BE HELD DURING THE 92ND ANNUAL FLC CONFERENCE ON AUGUST 16-18, 2018.

Mayor Rydell read the Motion into the record. Vice Mayor Welch made a motion to move the item, seconded by Commissioner Tooley. Mayor Rydell opened the nominations for a voting delegate at the FLC Annual Business Session.

MOTION: Welch/Sarbone – To nominate Commissioner Belvedere to serve as the voting delegate at the FLC Annual Business Session to be held during the 92nd Annual FLC Conference on August 16-18, 2018.

There were no other nominations on the floor.

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

ADJOURNMENT

The meeting was adjourned at 9:39 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date