



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: July 23, 2020
Time: 7:00 p.m.
Regular Meeting No. 2020-0723R

CALL TO ORDER

Mayor Sarbone called the meeting to order at 7:00 p.m. and ceremonially passed the gavel, noting that because he was attending virtually, Vice Mayor Rydell would be chairing the meeting.

PRESENT UPON ROLL CALL:

Mayor Lou Sarbone (via Zoom)
Vice Mayor Joshua Rydell
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere (via Zoom)
Commissioner Sandra L. Welch
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
Deputy City Clerk Marianne Bowers

Vice Mayor Rydell asked all to join in the Pledge of Allegiance.

Following the Pledge, Vice Mayor Rydell explained that the Governor's Executive Orders 20-52 and 20-69, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting was being conducted live with an in-person quorum and participation by two commissioners using communications media technology consistent with the Governor's Orders and State law. City Attorney Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

- 20-134** A PROCLAMATION RECOGNIZING THE CENTENNIAL ANNIVERSARY OF THE 19TH AMENDMENT GRANTING WOMEN THE RIGHT TO VOTE.

Vice Mayor Rydell read the proclamation into the record.

- 20-144** A PRESENTATION OF THE 2020 AWARD FOR EXCELLENCE IN PUBLIC PROCUREMENT GIVEN BY THE FLORIDA ASSOCIATION OF PUBLIC PURCHASING OFFICIALS, INC. ("FAPPO").

Purchasing and Contracts Manager Linda Jeethan made a brief presentation and accepted the award on behalf of the Purchasing and Contracts Division. She thanked the team for their efforts.

- 20-145** A PRESENTATION OF THE OUTSTANDING AGENCY ACCREDITATION AWARD "OA4" NATIONAL ACCREDITATION GIVEN BY NIGP: THE INSTITUTE FOR PUBLIC PROCUREMENT.

Ms. Jeethan made a brief presentation, noting Coconut Creek was one of 156 agencies out of 3,000 to receive the award, including just three (3) in Broward County, and accepted the award on behalf of her team.

INPUT FROM THE PUBLIC

Deputy City Clerk Marianne Bowers stated there were no advanced public comments received via email or voicemail for non-agenda items.

Sherri McGlynn, 854 Banks Road, Coconut Creek, asked when the City would be connected with Coral Springs for emergency dispatch services. City Manager Brooks explained that Coral Springs approved the dispatch agreement on July 15; however, a sentence had been added to the agreement since Coconut Creek approved it on May 14, so it was back before the City Commission for approval later in the meeting. Ms. McGlynn asked questions about sidewalks, litter, and the process for commending police officers, and Vice Mayor Rydell connected her with the appropriate staff members to address her issues. She suggested cameras be utilized to manage littering.

CITY MANAGER REPORT

City Manager Brooks addressed upcoming budget season deadlines, including submitting a millage rate to the property appraiser. She stated that staff's recommendation was to remain at the current millage rate of 6.5378, and consensus was given to submit the preliminary millage rate of 6.5378 to the Broward County Property Appraiser's Office.

City Manager Brooks sought consensus regarding the fire assessment rate. She stated that the Fire Assessment study showed the City was facing increases annually for the next few years, including a 25 percent increase in Fiscal Year 2020-21, but because the central fire station would not be online until the following fiscal year, staff was recommending a fire assessment rate increase of five (5) percent. City Manager Brooks stated the assessment for a single-family home would increase from \$186.79 to \$196.13 and noted that the increase was necessary whether the Margate and Coconut Creek departments stayed together or separated. Discussion ensued regarding comparison with surrounding municipalities and due diligence.

Consensus was given for the five percent increase for the Fire Assessment rate.

City Manager Brooks asked for consensus of submission of the solid waste assessment rate. She provided background on the cost of recycling within the community and commented that options and alternatives would be outlined during the upcoming budget workshop. She stated staff recommends submitting a rate of \$324.44 for a single-family residence, a 14 percent increase from \$284.04 and representing full cost recovery of solid waste. She explained the proposed rate gave the most flexibility for review during the budget process. Discussion ensued regarding the changing nature of recycling and the effects of contamination.

The Commission gave consensus for the preliminary solid waste rate with further discussion to be had at the August 5 Budget Workshop.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Welch was contacted by two different multi-family properties regarding recycling and asked if there had been changes to recycling in the multi-family communities. Public Works Assistant Director Alex Tergis explained recycling was still included with multi-family residences, but associations had the option with Republic Services to eliminate the service, which had occurred in some communities because of high contamination rates. He noted the City had an average rate of over 30 percent contamination in its recycling, with higher rates in some areas. Commissioner Welch commented on the opening of Chick-Fil-A and commended the restaurant on providing employees outside with rain gear. She noted her appreciation of the summary from the “Unity in the Community” town hall forum and looked forward to implementing the ideas. She suggested beginning implementation with the City’s boards before the City resumes its Vision 2030 Strategic Planning process in January 2021.

Commissioner Welch attended the Metropolitan Planning Organization (MPO) meeting and noted FDOT no longer wanted to oversee local projects. She explained this would require the City to hire a project manager to oversee projects like the Complete Streets program, and that she raised these concerns with the MPO on the City’s behalf. Commissioner Welch asked if there would be an interest in getting testimonials from recipients of the emergency economic development grants to local small businesses to expand participation in the program.

Commissioner Tooley thanked staff for continuing to work through the pandemic to provide continuity of service for the residents. She spoke about issues with garbage collection, and said she would like to see improvements. City Manager Brooks responded to the issues, and noted people were producing more trash due to being home. Commissioner Tooley commented on the opening of the Chick-Fil-A restaurant.

Commissioner Belvedere thanked staff for their efforts through the pandemic and reiterated the importance of residents following the COVID-19 regulations. She spoke about the challenges with recycling within the Wynmoor community.

Vice Mayor Rydell spoke about the provisions implemented in the Commission Chambers in response to the pandemic and commended staff for all the precautions taken to ensure social distancing and sanitization. He asked for feedback from the other Commissioners regarding the policy on reporting of COVID-19 emergency orders violations, commenting on the potential stigma on businesses due to the method of reporting. Sustainable Development Director Scott Stoudenmire responded to Vice Mayor Rydell’s comments, noting Broward County was seeing a wide variety of methods used to implement the interlocal agreement for enforcement. He explained how Coconut Creek Code Enforcement staff had been implementing the process. The Commission continued discussion on the protocols being implemented. Vice Mayor Rydell thanked Mr. Stoudenmire for measures taken to ensure the reporting was implemented fairly and suggested that Broward County mandate a photo requirement for anyone submitting a complaint through the County system.

Mayor Sarbone stated he has been on several calls with the mayors of all 31 cities in the County, and there had been a variety of opinions on how to craft pandemic messaging. He noted that recently medical professionals involved in responding to the pandemic locally had provided input, commenting that the most effective way to continue flattening the curve is wearing masks and social distancing.

CONSENT AGENDA (*Items 4-9*)

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

4. **20-137** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-0528R, 2020-0611R, AND 2020-0625R)

5. **RES 2020-137** A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO DISPOSE OF SAID PROPERTY AS DESCRIBED IN THE ATTACHED LIST.
6. **RES 2020-131** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE WATER AND WASTEWATER AGREEMENT WITH BROWARD COUNTY FOR A PORTION OF TRADEWIND PARK.
7. **RES 2020-145** A RESOLUTION URGING THE BROWARD COUNTY COMMISSION TO EQUITABLY DISTRIBUTE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS DIRECTLY TO BROWARD COUNTY MUNICIPALITIES.
8. **RES 2020-146** A RESOLUTION RECOGNIZING THE COVID-19 VIRUS THREAT; COMMITTING TO OPEN GOVERNMENT AND PUBLIC PARTICIPATION; AND TEMPORARILY WAIVING THE CITY CHARTER'S MEETING REQUIREMENTS THAT PROVIDE THAT A COMMISSIONER BE PHYSICALLY PRESENT TO BE COUNTED IN ATTENDANCE AT A COMMISSION MEETING.
9. **RES 2020-148** A RESOLUTION OPPOSING ITEM 82 ON THE BROWARD COUNTY COMMISSION AGENDA FOR JUNE 16, 2020, TO PLACE A PROPOSED COUNTY CHARTER AMENDMENT ON THE NOVEMBER 2020 BALLOT THAT WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR CERTAIN COUNTY PROJECTS LOCATED WITHIN MUNICIPALITIES.

MOTION: Welch/Tooley – To approve the Consent Agenda Item Nos. 4 through 9.

Deputy City Clerk Bowers stated there were no public comments on the items.

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

REGULAR AGENDA

Fire Rescue Administration

10. **RES 2020-151** A RESOLUTION RESCINDING RESOLUTION NO. 2020-048 AND THE INTERLOCAL AGREEMENT WITH THE CITY OF CORAL SPRINGS DATED MAY 14, 2020; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT IN ITS PLACE PROVIDING FOR THE DELIVERY OF 911 DISPATCH COMMUNICATION SERVICES.

Vice Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2020-151.

City Attorney Pyburn explained the Commission had approved the proposed agreement on May 14, 2020, and the City of Coral Springs subsequently provided approval on July 15. She stated

additional wording regarding grounds for termination was added, so the issue was back before the Commission.

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

Police Department

11. **RES 2020-144** A RESOLUTION AUTHORIZING THE USE OF FEDERAL LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000) FOR THE PURCHASE OF SIX FIXED LICENSE PLATE RECOGNITION (LPR) CAMERS AND THREE MOBILE LPR CAMERAS WITH SPEED AWARENESS TRAILERS.

Vice Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2020-144.

Police Chief Arenal provided a brief background on the item.

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

Sustainable Development

12. **RES 2020-142** A RESOLUTION ADOPTING THE CONSOLIDATED PLAN FOR COMMUNITY EXECUTE PLANNING AND DEVELOPMENT PROGRAMS FOR THE FIVE-YEAR PERIOD COVERING PROGRAM YEARS 2020-2024 AND THE PROGRAM YEAR 2020 ACTION PLAN, WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET; AUTHORIZING TRANSMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AUTHORIZING THE APPROPRIATION OF FEDERAL FUNDS WHEN RECEIVED. (PUBLIC HEARING)

Vice Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2020-142.

Sustainable Development Director Stoudenmire outlined the Consolidated Plan and annual Action Plan.

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

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

13. **ORD 2020-010** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-142, "UNDERGROUND UTILITIES; REQUIRED" TO REMOVE THE CITY-WIDE REQUIREMENT FOR UNDERGROUNDING OF ALL UTILITIES WHILE RETAINING THE REQUIREMENT FOR UNDERGROUNDING OF ALL UTILITIES WITHIN AND ALONG THE PERIMETER ROADS OF THE MAIN

STREET REGIONAL ACTIVITY CENTER (RAC) AND REMOVAL OF LANGUAGE PERTAINING TO WAIVERS OF SAME; ADDRESSING STATUS OF CURRENT APPLICATIONS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Tooley – To approve Ordinance No. 2020-010 on first reading.

Sustainable Development Director Stoudenmire presented the item, explaining that the Code requirement had been in place since 2005 for the development community to underground utilities adjacent to their projects or process a waiver for payment into the underground trust fund in lieu of undergrounding. He noted recent investment by Florida Power & Light (FP&L) to harden utility poles had made it difficult if not impossible to implement the provisions of the Code, and recognizing those circumstances, staff proposed to remove the requirements outside of the MainStreet area. He stated the remaining funds in the Underground Utility Trust Fund would be used to underground utilities along Johnson Road. City Attorney Pyburn added that a recent change in state statute related to special assessments impacted this Code section, which warranted this amendment to address the issue. Discussion ensued regarding removing the requirement outside of the MainStreet area and the funds available in the Trust Fund. Mr. Stoudenmire reiterated that undergrounding of utilities requires participation from FP&L.

Upon roll call, the Ordinance failed on first reading by a 2-3 vote, with Commissioner Welch, Vice Mayor Rydell, and Mayor Sarbone voting nay.

14. **ORD 2020-013** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AND AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, ADMINISTRATION, REGULATION, AND PROCEDURES," DIVISION 3, "IMPLEMENTATION AND PROCEDURES," SECTION 13-41, "REQUESTS FOR ACCOMODATION, IN ORDER TO UPDATE REQUIREMENTS AND PROCEDURES FOR ACCOMODATION FROM THE CITY'S LAND DEVELOPMENT CODE, PROVIDE FOR REVOCATION OF A REASONABLE ACCOMODATION UNDER CERTAIN CIRCUMSTANCES AND PROVIDE FOR ANNUAL RECERTIFICATION. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2020-013 on first reading.

Sustainable Development Director Stoudenmire presented the item, explaining the item amendment was to the reasonable accommodation procedures adopted in 2015 and outlined the changes briefly. Discussion ensued regarding the recertification requirement, and City Attorney Pyburn explained that the ordinance was requiring that if a home wanted to exceed the City's Code, annual recertification was necessary, noting that it was a way to know there was a continuing need for the reasonable accommodation.

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

City Attorney

15. **ORD 2020-019** AN ORDINANCE SPECIFICALLY ADOPTING THE PROVISIONS OF SECTION 8-56 OF THE BROWARD COUNTY CODE OF ORDINANCES AND THE

BROWARD COUNTY EMERGENCY ORDERS PROMULGATED THEREUNDER
TO ADDRESS THE CITY-WIDE STATE OF EMERGENCY CREATED BY THE
COVID-19 PANDEMIC. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2020-019 on first reading.

City Attorney Pyburn explained that the City had entered an interlocal agreement with the County for code enforcement services related to enforcement of the County's emergency orders related to COVID-19 and that the Ordinance provided for the authority to impose the fine amounts in the County Code in case it was necessary as a temporary measure while emergency orders were in effect.

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

City Commission

City Attorney Pyburn explained the process for board member appointments.

16. **RES** A RESOLUTION APPOINTING FIVE (5) REGULAR MEMBERS AND ONE (1)
2020-080 ALTERNATE MEMBER TO THE COMMUNITY OUTREACH ADVISORY BOARD
FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2021.

Vice Mayor Rydell read the Resolution title into the record.

Commissioner Welch made a motion to hear the item, seconded by Commissioner Tooley.

MOTION: Welch/Tooley – To approve Resolution No. 2020-080.

- Commissioner Welch appointed Whitney Larmond.
- Commissioner Tooley appointed Kathy McCombs.
- Commissioner Belvedere appointed Jackie Railey.
- Vice Mayor Rydell appointed Amanda Fishman.
- Mayor Sarbone appointed Connie Finley.
- Mayor Sarbone appointed Cheryl Higgins, Alternate.

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

17. **RES** A RESOLUTION APPOINTING FIVE (5) REGULAR MEMBERS AND ONE (1)
2020-081 ALTERNATE MEMBER TO THE EDUCATION ADVISORY BOARD FOR A
TERM ENDING WITH THE NEXT APPOINTMENT IN 2021.

Vice Mayor Rydell read the Resolution title into the record.

Commissioner Tooley made a motion to hear the item, seconded by Commissioner Belvedere.

MOTION: Welch/Tooley – To approve Resolution No. 2020-081.

- Commissioner Welch appointed Robert Hurley.
- Commissioner Tooley appointed Patricia (Miller) Trick.

- Commissioner Belvedere appointed Madeline Gordian-Diaz.
- Vice Mayor Rydell appointed Brian Kenney.
- Mayor Sarbone appointed Colleen LaPlant.
- Mayor Sarbone appointed Susan Sargis, Alternate.

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

18. **RES 2020-083** A RESOLUTION APPOINTING FIVE (5) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO THE PUBLIC SAFETY ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2021.

Vice Mayor Rydell read the Resolution title into the record.

Commissioner Belvedere made a motion to hear the item, seconded by Commissioner Tooley.

MOTION: Welch/Tooley – To approve Resolution No. 2020-083.

- Commissioner Welch appointed Lauren Linville.
- Commissioner Tooley appointed Robert Flood.
- Commissioner Belvedere appointed Raymond Lebowitz.
- Vice Mayor Rydell appointed Todd McDaniel.
- Mayor Sarbone appointed Margaret Lackner.
- Mayor Sarbone appointed Kevin Sattler, Alternate.

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

19. **RES 2020-084** A RESOLUTION APPOINTING FIVE (5) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO THE ENVIRONMENTAL ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2021.

Vice Mayor Rydell read the Resolution title into the record.

Commissioner Welch made a motion to hear the item, seconded by Commissioner Tooley.

MOTION: Tooley/Welch – To approve Resolution No. 2020-084.

- Commissioner Welch appointed Irene Espinosa.
- Commissioner Tooley appointed Jack Vesey.
- Commissioner Belvedere appointed Hannah Mashburn.
- Vice Mayor Rydell appointed Susi Glatt.
- Mayor Sarbone appointed Dan Mackey.
- Mayor Sarbone appointed Elisa Freitas, Alternate.

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

20. **RES 2020-085** A RESOLUTION APPOINTING FIVE (5) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2021.

Vice Mayor Rydell read the Resolution title into the record.

Commissioner Tooley made a motion to hear the item, seconded by Commissioner Welch.

MOTION: Welch/Tooley – To approve Resolution No. 2020-085.

- Commissioner Welch appointed Joel VanHemel.
- Commissioner Tooley appointed David Anderson.
- Commissioner Belvedere appointed Benjamin Nazario.
- Vice Mayor Rydell appointed Kenneth Forbes.
- Mayor Sarbone appointed Randy Johnson.
- Mayor Sarbone appointed Jeffrey Lutchman, Alternate.

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

21. **RES 2020-086** A RESOLUTION APPOINTING FIVE (5) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO THE PLANNING AND ZONING BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2021.

Vice Mayor Rydell read the Resolution title into the record.

Commissioner Welch made a motion to hear the item, seconded by Commissioner Tooley.

MOTION: Welch/Tooley – To approve Resolution No. 2020-086.

- Commissioner Welch appointed Jerry Poole.
- Commissioner Tooley appointed Doug Young.
- Commissioner Belvedere appointed Tom Casey.
- Vice Mayor Rydell appointed Steve Hall.
- Mayor Sarbone appointed Deborah Voorhees.
- Mayor Sarbone appointed Jeffrey Barker, Alternate.

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

City Manager Brooks congratulated all new board appointees and stated that a mandatory orientation would be held on August 11 at 6 p.m. via Zoom.

City Manager Brooks asked for a motion to reconsider agenda item 13 and turned to City Attorney Pyburn for further explanation. City Attorney Pyburn stated the Planning and Zoning Board had previously approved the item. She explained the change was required because State law superseded the provision in City Code, and it was not enforceable.

Vice Mayor Rydell passed the gavel to Commissioner Tooley.

MOTION: Rydell/Welch – To reconsider Ordinance No. 2020-010.

Upon roll call, the motion to reconsider Ordinance No. 2020-010 passed by a 5-0 vote.

Vice Mayor Rydell stated in consideration of staff concerns, he was requesting the item be discussed at the next regular meeting.

Mayor Sarbone requested a workshop be held to discuss the issue further. Discussion ensued regarding options for timing of the discussion.

MOTION: Rydell/Welch – To table Ordinance No. 2020-010 to a date certain to be determined by staff.


Upon roll call, the motion to table Ordinance No. 2020-010 to a date certain passed by a 5-0 vote.

ADJOURNMENT

The meeting was adjourned at 8:46 p.m.

Transcribed by: C. Parkinson, Prototype


Leslie Wallace May, MMC
City Clerk


Date