



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: January 11, 2024
Time: 7:00 p.m.
Meeting No. 2024-0111R**

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:06 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Jacqueline Railey
Commissioner John A. Brodie
Commissioner Jeffrey R. Wasserman
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 led by Police Chief Albert A. "Butch" Arenal.

City Attorney Pyburn noted that the meeting was being conducted live with a quorum physically present, and explained the procedures for the meeting.

INPUT FROM THE PUBLIC

Tammy Lettieri, 3302 Carambola Circle South, Coconut Creek, stated she had concerns with the current tree canopy replacement requirement and explained the impacts in the Ginger Tree neighborhood. She asserted the ordinance was oppressive and shared that in 2023, tree issues cost the Homeowners Association (HOA) \$29,000, commenting it was cumbersome in combination with rising insurance costs. She called on the Commission to provide immediate relief and shared proposed language for tree replacement.

Mayor Rydell advised that Ms. Lettieri had emailed her comments ahead of the meeting, and staff was reviewing the tree canopy policy.

Jane Cole, 3276 Carambola Circle South, Coconut Creek, stated she was a homeowner in Ginger Tree, but not a member of the board. She commented that residents were facing rising costs from an out of control, unregulated insurance industry, and the board was working hard to control expenses where they could. She shared the increased HOA fees from 2014 to 2024. She stated people were feeling desperate, and homelessness would increase with rising costs. She asked for help to ease the regulations on tree replacement to keep costs down.

Marcia Ranart, 3256 Carambola Circle South, Coconut Creek, commented that she was present to support the tree canopy request.

Marlene Kinderman, 3266 Carambola Circle South, Coconut Creek, commented that she was present to

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support the tree canopy request.

Andrew Schulz, 4827 NW 22 Street, Coconut Creek, stated he lived in the Baywood Village II neighborhood, and he was recently elected to be treasurer of the HOA. He explained he had inherited a financially troubled community, and the budget was the first thing he started to work on. He advised the HOA's insurance was \$839,000 a year, an increase of fifty-nine percent (59%). He stated government mandates, including the 40-year inspection and wind mitigation had cost a fortune, and now the community was facing a large expense for tree replacement. He stated they understood that they needed to take out dead and dying trees, but the cost of replacement was \$30,000. He stated an increase in the community's budget of thirty-eight percent (38%) had meant an increase in maintenance costs for their 224 homeowners. He discussed additional issues with trees the HOA had recently faced and asked for relief of tree replacement costs.

Christine Coffey, 4331 Carambola Circle South, Coconut Creek, stated she supported all of the previous comments and had experienced all the same issues. She discussed increases to costs and stated Coconut Creek was getting difficult to live in.

Marlene Raisman, 4317 Carambola Circle South, Coconut Creek, agreed with the previous comments and stated she hoped the Commission would be able to help.

Ed Pagani, 4327 Carambola Circle South, Coconut Creek, asked that the Commission look at why they were being asked to replace the Queen Palms that get diseased. He stated it was an invasive species, similar to the Brazilian Pepper. He asked that the rules and regulations at least be clarified.

Dulce Diaz, 4662 NW 22 Street, Coconut Creek, stated she was Board President and was present to support the previous comments. She asserted people were hurting and wanting to leave the community because they cannot afford to live here anymore. She asked for relief from the tree replacement costs.

Dan Ewing, 4722 NW 22 Street, Coconut Creek stated he was a Board Member in Baywood Village II and was intimately familiar with the incredible financial squeeze many condominium associations were going through. He advised he was in support of the previous comments and of Ms. Lettieri's proposals.

Mary Trees, 3963 Cocoplum Circle, Coconut Creek commented that she was present to support the tree canopy request.

Edward Trees, 3963 Cocoplum Circle, Coconut Creek, commented that he was present to support the tree canopy request.

Warren Salomon, 3358 Carambola Circle South, Coconut Creek, stated the insurance for their HOA had jumped from \$84,000 to over \$250,000 over two (2) years. He commented that someone was making a killing and asked that the Commission look into it.

Jeralyn Salomon, 3358 Carambola Circle South, Coconut Creek, stated she was a Board Member in Ginger Tree and was present to support Ms. Lettieri's proposals. She asserted they were in pain, and she was concerned there were going to be a lot of foreclosures because of the rising maintenance costs. She pleaded that the Commission provide relief.

Maria Lacson, 4131 NW 9 Street, Coconut Creek, commented that she had received a violation because someone complained about the four (4) chickens belonging to herself and her neighbors, which were housed at her residence. She stated she had addressed the issue with letters in 2020 to explain the situation, and the chickens do not get out of her yard. She followed up on an item she had brought forward in December regarding blue poly pipe. Mayor Rydell stated the Utilities and Engineering Director

had met with each member of the Commission to provide an update, and he was investigating the situation.

Stu Hengber, 3298 Carambola Circle South, Coconut Creek, stated he was a Board Member at Ginger Tree and was present to support the previous comments. He asked that the Commission consider everything going on.

Joanne Tuna, 4167 NW 22 Street, Coconut Creek, commented on her experience in dealing with the City regarding issues with broken water pipes in her community. She stated this had led her to become an Ambassador and get more involved in her community. She discussed her experience with the City's tree giveaway program and spoke in support of City beautification efforts. She stated she loved the City and felt it was important to move forward and not backward, commenting that HOAs need to follow the Code and plan ahead to budget appropriately.

Cat Uden, 1120 Lyon Tree Street, Hollywood, representing the nonprofit organization Oceana, spoke regarding the plastic pollution crisis facing the world's oceans. She stated the equivalent of two (2) garbage trucks of plastic were dumped into the oceans every minute and addressed the health concerns associated with plastic. She spoke about the State's waste crisis and the Legislature's actions to limit municipalities' power when it comes to regulating single use waste, but commented that there were still policies that could be passed. She stated 31 cities had passed policies and discussed the Gainesville policy "Skip the Stuff," which makes disposable food service items by request only to reduce unnecessary waste without requiring restaurants to switch out products.

Mayor Rydell stated the ordinance that Ms. Uden had shared with him had been circulated amongst the members of the Commission and reviewed by staff. He noted that staff was working diligently on the issues they could control related to the tree canopy. He advised that the Commission wanted to be helpful, and not tax its residents unnecessarily. He discussed programs available to help with hardening to improve insurance rates and assured the residents they had been heard.

Vice Mayor Welch stated she was sensitive to the rising costs being passed down to the HOAs and the communities in Coconut Creek. She recognized Ms. Lettieri's efforts to come forward with not just a problem, but a solution, and thanked everyone for coming to make their voices heard.

Commissioner Wasserman commented that he was a resident of the Township and discussed his own increasing maintenance fees, special assessments, and property insurance, and said he understood where the residents were coming from. He stated the Commission would do everything they could to fight to bring the costs down.

Mayor Rydell highlighted the City's recently-adopted legislative agenda, pointing out that insurance was identified as the top priority for this session. He assured that the Commission had engaged the right people to advocate for the residents and asked that the residents share their stories with Representative Christina Hunschofsky.

Commissioner Railey thanked the residents for coming and discussed efforts to address condominium issues, including reserves and insurance. She shared her experiences in the Wynmoor community briefly and encouraged the associations to continue to keep maintenance up despite rising costs.

REGULAR AGENDA

Sustainable Development

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to Agenda Item 1 as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Item 1 on tonight's agenda, that are to be treated differently than other items considered by the Commission. In these quasi-judicial applications, the Commission is applying existing rules and policies to a factual situation and is therefore acting like a Judge and Jury do in a trial held in the courtroom. In such cases, the courts have decided that due process and fundamental fairness require that more formal procedures be followed.

The City Commission's decision must be based on the evidence and information that is presented at the public hearing including the agenda materials, Planning and Zoning Board recommendation, testimony presented at the public hearing, and the deliberations of the City Commission. The quasi-judicial procedures require that the Commission consider the evidence presented to it and base their decision on the applicable law and primarily on credible evidence presented whether by staff, the applicant, or members of the public.

In a quasi-judicial proceeding, the City Commission is not allowed to take into consideration public sentiment or the popularity of a particular development proposal or application. The City Commission may only consider competent substantial evidence. This means testimony or other evidence that a reasonable mind would accept as credible and adequate to support a conclusion. Florida courts have made it clear that mere generalized statements of opposition are to be disregarded, but fact-based testimony can be considered competent and substantial evidence. This can include eyewitness observation testimony about relevant facts and documentary evidence, including photographs, aerials, and maps. Citizens who want to participate in a quasi-judicial hearing can testify as to factual matters and any element of the case that would not require specialized training or specific academic degrees. Their testimony will be considered provided their testimony is backed up by established facts, studies, or evidence that is not conjecture or just based on a feeling. The quasi-judicial hearing process is not a popularity contest. The strict rules of evidence do not apply during the public hearing, but any comments must be relevant to the agenda item.

Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications to be considered tonight, you will be sworn in before your testimony is taken. Please know if you speak, you may be subject to cross examination; the City Commission may comment or ask questions of persons addressing the Commission at any time. If you refuse to either be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross examine witnesses, but may request that the Commission direct questions on their behalf to the applicant or staff.

City Clerk Kavanagh confirmed the public notice requirements for Agenda Item 1 had been met and swore in the witnesses.

- 1. ORD 2023-036** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY LUNA CHRISTIAN ACADEMY, LLC TO OPERATE A PAROCHIAL SCHOOL FOR KINDERGARTEN THROUGH EIGHTH GRADE TO BE LOCATED AT 3720 COCONUT CREEK PARKWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(SECOND READING)(SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Vice Mayor Welch made a motion to move Item 1 for discussion, seconded by Commissioner Brodie.

City Attorney Pyburn asked if there were any disclosures or ex-parte communication on behalf of the Commission for Item 1, and there were no disclosures.

Sustainable Development Director Scott Stoudenmire explained the item was a Special Land Use application for a private school to be located at 3720 Coconut Creek Parkway, known as the Associated Builders and Contractors building, and the applicant had made a detailed presentation on first reading. He advised that the applicant was present to answer any questions.

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

Staff, nor the applicant, had closing remarks.

MOTION: Wasserman/Brodie – To adopt Ordinance No. 2023-036.

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

2. **ORD 2024-001** AN ORDINANCE AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE CITY OF COCONUT CREEK COMPREHENSIVE PLAN TO UPDATE SCHOOL CONCURRENCY STANDARDS IN ACCORDANCE WITH THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING OF BROWARD COUNTY, FLORIDA. (FIRST READING)(FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Railey/Wasserman – To approve Ordinance No. 2024-001 on first reading.

Sustainable Development Assistant Director Justin Proffitt stated that if there were no objections, he would present Items 2 and 3 together, as they were related. There were no objections. He advised the items were City-initiated to amend the Comprehensive Plan and Land Development Code to be consistent with the agreement between the City and the Broward County School Board made in 2017 and to update Statutory references. He explained that any development approved after the 2017 agreement date was subject to these standards.

Mr. Proffitt reviewed the proposed changes, including the updated level of service standard for school planning, statutory references, and maps. He explained the level of service standard briefly. He stated staff recommended approval and reviewed next steps to transmit the amendment to the State.

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

Vice Mayor Welch asked whether future residential development was vested for school concurrency. She noted the information was updated with the November 2023 report, but it still was not taking into account the 2,300 units in the MainStreet development. She asked when that would be taken into consideration. Mr. Proffitt confirmed these numbers did not include any vested developments, including MainStreet. He stated as the site plans and building permits come forward, capacity would be assessed. He noted the Regional Activity Center where the

MainStreet development was located had a separate set of school impact fees, which escalate each year. Vice Mayor Welch commented that this was a flag for the Commission to watch for and determine if schools were needed. Mr. Proffitt explained that the Broward County School Board would make a determination of the capacity at that time.

Mr. Stoudenmire noted the MainStreet developer would be subject to the agreement Mr. Proffitt had mentioned so they would pay a fee, and it would be the Broward County School Board's determination how to spend the money and how to build capacity for impacted schools.

Commissioner Wasserman highlighted the declining enrollment of each school except Coconut Creek High School and the capacity of the schools. He stated there had been a conversation about a school in the MainStreet area, but there were two (2) elementary schools nearby that were in need of filling.

Mayor Rydell asked when the metric of service provided was triggered. Mr. Proffitt advised capacity was decided at the time of building permit. Mayor Rydell stated that meant the capacity was based on the authorized number of residences, regardless of occupancy. Mr. Stoudenmire provided additional clarification on the calculations utilized. Discussion ensued. Mayor Rydell asked who set the metric. Mr. Proffitt stated it was language provided by the Broward County School District.

Vice Mayor Welch asked which cities the five (5) schools being considered for repurposing were located in. Commissioner Wasserman stated he believed the schools were east and south of Coconut Creek.

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

3. **ORD 2024-002** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 1, "GENERALLY," TO AMEND SECTION 13-147, "PUBLIC SCHOOL CONCURRENCY," IN ACCORDANCE WITH THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING OF BROWARD COUNTY, FLORIDA. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Railey/Brodie – To approve Ordinance No. 2024-002 on first reading.

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 Ordinance passed on first reading by a 5-0 vote.

City Manager

4. **ORD 2024-003** AN ORDINANCE RESCINDING ORDINANCE NO. 2023-027, WHICH AUTHORIZED THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE LEASE AGREEMENT WITH BROWARD COUNTY FOR THE LEASE OF REAL PROPERTY LOCATED AT 4900 WEST COPANS ROAD FOR A 911 EMERGENCY DISPATCH CENTER. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To approve Ordinance No. 2024-003 on first reading.

City Manager Brooks explained this item would rescind the ordinance adopted related to the lease agreement with Broward County for the 911 Emergency Dispatch Center. She stated the agreement was sent to the County, and the County made amendments to the approved agreement prior to their approval. She advised they had removed two (2) aspects of the agreement, including a payment of \$60,000 and language related to payment for conflict resolution.

There were no questions or comments from the public on the item.

Mayor Rydell stated sometimes regardless of who was right or wrong, it was better to be the best neighbor and work together.

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

5. **RES 2024-001** A RESOLUTION AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE LEASE AGREEMENT WITH BROWARD COUNTY FOR THE LEASE OF REAL PROPERTY LOCATED AT 4900 WEST COPANS ROAD FOR A 911 EMERGENCY DISPATCH CENTER.

Mayor Rydell read the Resolution title into the record.

MOTION: Railey/Wasserman – To approve Resolution No. 2024-001.

There were no questions or comments from the public on the item. Mayor Rydell asked the City Attorney to confirm adoption of the lease agreement by resolution was an acceptable form, and City Attorney Pyburn confirmed.

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

CITY MANAGER REPORT

City Manager Brooks advised that the Broward County School Board had voted against standing up its own police force. She stated the City did not have a School Resource Officer (SRO) agreement for the current school year and explained that leadership from the Broward County City Managers' Association and the Broward League of Cities had met with Superintendent of Schools Dr. Peter Licata to discuss the agreements. She commented that Dr. Licata had committed to providing for a five percent (5%) increase in funding to the last agreement approved, retroactive to the beginning of the school year. Mayor Rydell noted that all of the Commissioners had been engaged in the SRO discussion. He stated he did not support full cost recovery and felt that conversation had led to the discussion of the School Board standing up their own police force. He commented that at the end of the day, the Commission would support the police being in the schools no matter what. City Manager Brooks stated there was a committee being formed to ensure communication between the City Managers, the Police Chiefs Association, and the School Administration. Mayor Rydell commented on the value of maintaining local control. He sought and received consensus to agree to the five percent (5%) increase in funding by the School Board.

CITY ATTORNEY REPORT

City Attorney Pyburn stated the State legislature passed a requirement last session that municipal elected officials must fill out the expanded Form 6 financial disclosure effective January 1, 2024. She advised that dozens of elected officials throughout the State had resigned as a result of the new requirement, and the local law firm of Weiss Serota had reached out asking if cities were interested in joining a lawsuit they were considering filing to challenge the new requirement on the basis of privacy, among other things. She stated Weiss Serota was seeking ten (10) cities at an approximate cost of \$10,000 each. She asked whether there was interest in further discussion at this time. Discussion ensued, and there was no direction to pursue litigation at this time.

COMMISSION COMMUNICATIONS

Commissioner Wasserman highlighted the success of the holiday caravan event. He announced the birth of his daughter. Commissioner Wasserman stated he and Mr. Stoudenmire had met with the property manager of Coconut Creek Plaza at the corner of Coconut Creek Parkway and Lyons Road and stated there had been good conversation. He advised that the property had allocated \$300,000 to remedy issues with flooding and had hired a local company for design and engineering. He stated they had also discussed the outparcel, as Code Enforcement had been out and issued warnings to the property. Mr. Stoudenmire stated because of the lack of interest on that particular parcel, they would not be moving forward with demolition at this time. He noted since that time, there has been an inquiry about the parcel for a bank.

Commissioner Brodie commented that he had misspoken on Tuesday and would be addressing that issue with the Principal at Lyons Creek Middle School face-to-face. He stated the coming week was Broward Days in Tallahassee. He sought and received consensus to allow him to go to Tallahassee and advocate for the City, including for Monarch High School in light of recent events. Mayor Rydell asked that staff generate a list of potential grants and priorities for Commissioner Brodie to assist him in his meetings.

Commissioner Railey wished everyone a happy, healthy new year and reminded everyone in the face of rising Covid-19 numbers, to get back to basics and social distance, sanitize, and mask. She stated it was a great pleasure and honor to be part of the holiday caravan and asserted 2024 was going to be epic with all of the things planned.

Vice Mayor Welch agreed with previous comments regarding the holiday caravan. She expressed her appreciation that the School Resource Officer (SRO) vote had gone the way it did. She spoke about the upcoming Solid Waste Authority Executive Committee meeting on January 12 in Cooper City, and stated she intended to ask again if they would submit an official opinion on the Waste Management Land Use Plan Amendment (LUPA) application. Vice Mayor Welch asked if the City was anticipating bussing for the LUPA meeting on January 23 before the County Commission. City Manager Brooks stated she would follow up with Deputy City Manager Sheila Rose the following week. Vice Mayor Welch stated she was hoping to rally engagement on the issue from the neighboring communities, whether it was for a position of a hard no or a request for a pause until the Master Plan process had an opportunity to take place. Vice Mayor Welch stated that in addition to the SRO vote and the discussion of repurposing schools that had taken place at the School Board meeting, it was interesting to hear about the Prison to Pipeline meeting. She commented that she would like to know more. Vice Mayor Welch advised that she had spoken with SOS Children's Village and the Florida Department of Transportation (FDOT) to discuss the impact of future expansion of the Turnpike and had been pleasantly surprised by some of the preferred alternatives offered. She reviewed some of the changes briefly and stated she looked forward to the public hearings scheduled for February 26 and 27.

Mayor Rydell recognized his youngest daughter's upcoming birthday, and each member of the Commission wished her a happy birthday. Mayor Rydell stated a takeaway from the School Board meeting was that they were in different financials stated than he previously thought. He reiterated previous comments that he believed the City could lead the charge by not seeking full cost reimbursement for the SRO program. Mayor Rydell explained he had signed letters to each Ambassador and anyone who had previously submitted a comment regarding the landfill on behalf of the Commission. He stated he believed it was foolish for the County to approve the LUPA while there was continuing comment County-wide on regional solid waste solutions. He provided a brief overview of the Waste Management lobbying effort and commented on sustainability concerns. He advised this was one of the most important issues for the Commission to show up to address with the County.

ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date