



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: July 11, 2019
Time: 7:00 p.m.
Regular Meeting No. 2019-0711R**

CALL TO ORDER

Mayor Welch called the meeting to order at 7:04 p.m.

PRESENT UPON ROLL CALL:

Mayor Sandra L. Welch
Vice Mayor Lou Sarbone
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere
Commissioner Joshua Rydell
City Manager Mary C. Blasi
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

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

PRESENTATION(S)

- 1. 19-145** A PRESENTATION BY THE CITY OF PARKLAND RECOGNIZING THE CITY OF COCONUT CREEK FOR ITS SUPPORT FOLLOWING THE TRAGEDY AT MARJORY STONEMAN DOUGLAS HIGH SCHOOL.

City of Parkland Vice Mayor Ken Cutler; Commissioners Stacy Kagan, Richard Walker and Bob Mayersohn; Chief Administrative Officer Carole Morris; Interim City Manager Nancy Morando; and Assistant City Manager Sowande Johnson were in attendance to recognize the City for its support following the tragedy at Marjory Stoneman Douglas High School in February 2018. Vice Mayor Cutler briefly addressed the City Commission and staff, thanking them for their support, resources, and for honoring the memory of the lives lost in the tragedy. He then presented the Commission with a plaque, recognizing the City's efforts.

INPUT FROM THE PUBLIC

Sherri McGlynn, 854 Banks Road, Coconut Creek, spoke about a proposal from Lennar Homes to rezone a vacant parcel in the City at Atlantic Boulevard and Lyons Road to construct a residential project. She was concerned with traffic, wildlife being displaced, and flooding in the area. Assistant City Manager / Sustainable Development Director Sheila Rose commented that the City received a development application for the vacant parcel and that it had just began staff review. She stated that there was a sign-in sheet available for anyone wishing to be notified of public meetings on the proposed project.

Wanda Calix, 850 Banks Road, Coconut Creek, stated that she was concerned with the proposed project by Lennar Homes. She spoke about potential noise pollution, flooding, and crime. Commissioner Rydell noted that the proposed project had not come before the Commission for consideration as of yet, and Ms. Rose clarified that the application had only been discussed at the Development Review Committee Meeting held earlier in the day and that the applicant was required to resubmit their application to address staff comments before being scheduled for further consideration.

CITY MANAGER REPORT

City Manager Blasi reminded the Commission that the proposed Fiscal Year 2020 Budget Workshop was scheduled for August 7, 2019, at 9 a.m. She received consensus to submit the current millage rate of 6.5378 to the Broward County Property Appraiser (BCPA) for publication on the TRIM Notice. She reported that pursuant to the fire assessment rate study, staff would be submitting a three percent (3%) increase of the fire assessment rate to BCPA.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Rydell attended the grand opening event for the F45 Training Fitness Studio in Winston Park Plaza. He commented that it was a great decision for the Coconut Creek Chamber of Commerce to join with the Regional Coral Springs Chamber of Commerce and spoke about the benefits for small businesses. He commented on the great job that the Coconut Creek Seminole Casino does with their annual fireworks display each July.

Commissioner Tooley noted that she would reserve her comments for discussion on Agenda Item 7 regarding waterfowl.

Commissioner Belvedere had no report.

Vice Mayor Sarbone reiterated Commissioner Rydell's comments on the Coconut Creek Seminole Casino fireworks display and commented on the community atmosphere at the event. He recommended that the City promote the use of reusable straws.

Mayor Welch mentioned that she met with Broward County Sheriff Gregory Tony and his staff, along with Police Chief Arenal, City Manager Blasi, and Deputy City Manager Brooks, and noted that staff would meet in three weeks to discuss improvements made. Commissioner Rydell requested a briefing on the meeting. Mayor Welch commented that she had received numerous complaints about the condition of the lakes and canals within the City and briefly discussed the maintenance responsibilities of adjacent property owners and the Cocomar Water Control District. She noted that many of the concerns with algae blooms result from fertilizer runoff and received consensus for staff to review the City's ordinance regarding fertilizing areas adjacent to water bodies. Ms. Rose suggested that staff could do another education campaign with the homeowners' associations regarding fertilizing.

CONSENT AGENDA (Items 2 through 4)

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

Vice Mayor Sarbone pulled Agenda Items 5 and 6, which were heard during the Regular Agenda.

2. **19-146** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2019-0613R)

3. **RES
2019-159** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT WITH SUNGARD PUBLIC SECTOR, LLC, RENAMED SUPERION, LLC, FOR ONESOLUTION PUBLIC SAFETY AND JUSTICE/OSSI SOFTWARE LICENSE AND MAINTENANCE SERVICES.

4. **RES
2019-169** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY, THE BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO), AND THE CITY OF COCONUT CREEK.

MOTION: Tooley/Rydell – To approve Consent Agenda Item Nos. 2 through 4.

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

REGULAR AGENDA

Police Department

5. **RES
2019-151** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED SCHOOL RESOURCE OFFICER (SRO) AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY TO PROVIDE AN SRO AT COCONUT CREEK HIGH SCHOOL FOR A PERIOD COMMENCING JUNE 24, 2019, AND ENDING JULY 25, 2019.

MOTION: Sarbone/Tooley – To approve Resolution No. 2019-151.

City Manager Blasi explained that the services were to cover the summer school program.

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

6. **RES
2019-154** A RESOLUTION TO EXECUTE THE FIRST AMENDMENT TO THE SCHOOL RESOURCE OFFICER (SRO) AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY (SBBC) TO PROVIDE FUNDING FOR ONE (1) ADDITIONAL SRO AT THE DAVE THOMAS EDUCATIONAL CENTER WEST FOR A PERIOD COMMENCING JUNE 6, 2019, AND ENDING JULY 31, 2019.

MOTION: Sarbone/Belvedere – To approve Resolution No. 2019-154.

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

City Commission

7. **ORD 2019-020** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 5, “ANIMALS,” SECTIONS 5-1, “PURPOSE,” 5-2, “DEFINITIONS,” AND 5-7, “PROHIBITION OF CRUELTY TO ANIMALS,” AND CREATING SECTION 5-8.1, “WATERFOWL,” TO PROHIBIT THE FEEDING OF WATERFOWL, PROVIDE FOR ENFORCEMENT AND PRESUMPTION OF VIOLATIONS, PROVIDE PENALTIES FOR VIOLATION, AND UPDATE RELATED DEFINITIONS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To approve Ordinance No. 2019-020 on first reading.

Assistant City Manager / Sustainable Development Director Sheila Rose explained that the proposed ordinance was in response to concerns regarding the large numbers of Egyptian Geese gathering at Sabal Pines Park resulting from people feeding them. Ms. Rose explained the provisions for enforcement and clarified that the ordinance was not specific to parks but would apply citywide.

Commissioner Tooley commented that she spoke with several residents who were in favor of the ordinance. Discussion ensued regarding the penalty provisions in the ordinance, including fines for violating the ordinance, and enforcement. Commissioner Rydell and Vice Mayor Sarbone were not in favor of issuing fines and suggested an education campaign. Ms. Rose commented that some people refuse the education and the problem persists without enforceable penalties. Commissioner Belvedere was not in favor of issuing the fines per animal, but rather per occurrence. Discussion ensued.

Mayor Welch opened the floor for public comment. Susan Sargis, 4677 Waycross Drive, Coconut Creek, spoke in favor the ordinance and fining residents in violation of the ordinance. She commented that there were a few residents in the Banyan Trails neighborhood who were feeding the waterfowl on a regular basis and stated that many residents in the neighborhood were concerned with the resulting public health hazards.

Christopher Read, 311 SE 13 Street, Fort Lauderdale, stated that he was an attorney representing several Coconut Creek homeowners’ and condominium associations, including Centerpointe and Woodlake Villas. He spoke in favor of the ordinance on behalf of the neighborhoods he represents, commenting on the health hazards and property damage issues associated with the waterfowl.

Michelle Shortino, 3843 Woodfield Drive, Coconut Creek, spoke about the amount of feces at Sabal Pines Park from the waterfowl, and a resident who she had witnessed feeding the waterfowl.

Commissioner Rydell suggested trespassing individuals who violate the ordinance. Discussion ensued. Staff was given direction to draft a second ordinance that contained trespass provisions on public property in coordination with the Police Department.

Upon roll call, the Ordinance passed on first reading by a 4-1 vote, with Commissioner Rydell voting nay.

Public Works Department

8. **ORD 2019-014** AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO REPUBLIC SERVICES OF FLORIDA, L.P. TO PROVIDE SOLID WASTE DISPOSAL SERVICE AND RECYCLING SERVICE WITHIN THE CITY OF COCONUT CREEK; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED FRANCHISE AGREEMENT WITH REPUBLIC SERVICES OF FLORIDA, L.P. PURSUANT TO RFP NO. 04-17-19-10. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Rydell – To approve Ordinance No. 2019-014 on first reading.

City Attorney Pyburn introduced the City’s outside Counsel, David Dee, who assisted the City with the procurement process for solid waste hauling and recycling services. Mr. Dee gave a brief overview of the procurement process and explained the provisions of the new contract, noting that the basic services in the City’s existing service contract would remain the same. He reviewed the new optional services, including cardboard pickup and cart cleaning. He further explained the requirements for increased insurance, performance reporting and tracking, and customer service provisions provided for in the contract. Mr. Dee discussed the rates, noting that there was an increase but commented that they were competitive and consistent with industry trends. City Manager Blasi noted that multifamily communities with chutes or roll out dumpsters would see a decrease as the costs were now included in the base rate.

Discussion ensued regarding the frequency of cart cleaning. There was consensus to provide an addendum service for residents who wanted to have their carts cleaned more frequently than included in the contract for second reading of the ordinance. Discussion ensued regarding the changing market of recycling. The Commission was in favor of including cart cleaning for single-family residences twice per year within the contract, with the exception of Vice Mayor Sarbone.

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

Sustainable Development

City Attorney Pyburn read aloud the City’s quasi-judicial procedures that would be applied to Agenda Items 9 through 14. City Clerk May confirmed that the public notice requirements were met for Agenda Items 9 through 14 and swore in the witnesses.

Mayor Welch asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 9, 10, and 11 together as they were all related, and there were none.

9. **RES 2019-163** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF FOOD FOR THE POOR, INC. FOR THE PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF LYONS ROAD AND NORTH OF THE SAWGRASS EXPRESSWAY. (QUASI-JUDICIAL)(PUBLIC HEARING)
10. **ORD 2019-018** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT FOR THE PROJECT KNOWN AS LYONS EXCHANGE CENTER, GENERALLY LOCATED ON THE WEST SIDE OF LYONS ROAD AND NORTH OF THE SAWGRASS EXPRESSWAY,

WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT “A,”
ATTACHED HERETO. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

11. **ORD** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A
2019-019 UTILITY EASEMENT FOR THE PROJECT KNOWN AS LYONS
EXCHANGE CENTER, GENERALLY LOCATED ON THE WEST SIDE
OF LYONS ROAD AND NORTH OF THE SAWGRASS EXPRESSWAY,
WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT “A,”
ATTACHED HERETO. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

Mayor Welch read the title for Resolution No. 2019-163 into the record, and City Attorney Pyburn read the titles for Ordinance No. 2019-018 and Ordinance No. 2019-019 into the record.

Commissioner Belvedere made a motion to move Agenda Item 9 for discussion, seconded by Commissioner Rydell.

Commissioner Belvedere made a motion to move Agenda Item 10 for discussion, seconded by Commissioner Rydell.

Commissioner Rydell made a motion to move Agenda Item 11 for discussion, seconded by Commissioner Belvedere.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 9-10, and Commissioner Tooley noted that she spoke with the applicant, Malcom Butters, regarding the project.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item, stating that the proposed project was to build an industrial office building on the vacant parcel south of the existing Food for the Poor headquarters. She noted that staff worked with the applicant to ensure compatibility with surrounding area and residential neighborhood.

Dennis Mele, 200 East Broward Boulevard, Fort Lauderdale, on behalf of the applicant, introduced himself and began a *PowerPoint* presentation. He noted that the property was currently zoned for the requested use and that the applicant was not requesting any variances. He commented that the two developers working on the project were Butters Construction and Development, and First Industrial. He reviewed the building elevations, noting that the total building height was 44 feet, and discussed the site layout and circulation. He explained that the request to vacate the utility easements would accommodate the required landscape buffers.

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

Malcom Butters, Butters Construction and Development, 6820 Lyons Technology Circle, Coconut Creek, spoke about potential tenants for the proposed warehouse building but noted that no leases had been executed. He further discussed the landscape buffer that would be installed on the western property line adjacent to the Regency Lakes residential neighborhood. Mr. Mele added that it was 50-foot landscape buffer and an additional 40 feet to the property line. Vice Mayor Sarbone requested that if a pharmaceutical use were to occupy the building that appropriate security be in place, and Mr. Mele stated that the applicant would coordinate with the Police Department should the approved tenant be a pharmaceutical company. He further explained traffic impacts from the project, noting that the proposed development was

less intense than what was originally planned and that an additional driveway was added on Lyons Road for improved circulation.

MOTION: Tooley/Belvedere – To approve Resolution No. 2019-163.

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

MOTION: Tooley/Belvedere – To approve Ordinance No. 2019-018 on first reading.

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

MOTION: Belvedere/Tooley – To approve Ordinance No. 2019-019 on first reading.

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

Mayor Welch asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 12, 13, and 14 together as they were all related, and there were none.

- 12. ORD 2019-016** AN ORDINANCE PROPOSING TO CHANGE THE LIST OF PERMITTED, SPECIAL AND PROHIBITED USES AND TO MODIFY SITE DESIGN STANDARDS WITHIN THE VILLAGE SHOPPES OF COCONUT CREEK PLANNED COMMERCE DISTRICT (PCD) BY AMENDING ORDINANCE NO. 2007-011, WHICH APPROVED THE VILLAGE SHOPPES OF COCONUT CREEK PLANNED COMMERCE DISTRICT (PCD) GENERALLY LOCATED AT 4670 STATE ROAD 7 (441), AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 PURSUANT TO THE PROVISIONS OF SECTIONS 13-36, 13-355, AND 13-356, COCONUT CREEK CODE OF ORDINANCES. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)
- 13. ORD 2019-017** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS, LLC TO PERMIT A CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE FOR THE PROPERTY GENERALLY LOCATED AT 4670 STATE ROAD 7 (441), AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7, PURSUANT TO THE PROVISIONS OF SECTION 13-35, "SPECIAL LAND USE," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)
- 14. RES 2019-162** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS LLC FOR THE PROPERTY GENERALLY LOCATED AT 4670 STATE ROAD 7 (US441), AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(PUBLIC HEARING)

City Attorney Pyburn read the titles for Ordinance No. 2019-016 and Ordinance No. 2019-017 into the record, and Mayor Welch read the title for Resolution No. 2019-162 into the record.

Commissioner Tooley made a motion to move Agenda Item 12 for discussion, seconded by Commissioner Belvedere.

Commissioner Tooley made a motion to move Agenda Item 13 for discussion, seconded by Commissioner Belvedere.

Commissioner Rydell made a motion to move Agenda Item 14 for discussion, seconded by Commissioner Belvedere.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 12-14, and the following disclosures were made:

- Commissioner Rydell spoke with the applicant's attorney, Dwayne Dickerson.
- Commissioner Tooley spoke with the applicant's attorney, Dwayne Dickerson, and staff, including a recent phone conversation; she visited a few Chick-Fil-A sites; and attended the July 10, 2019, Planning & Zoning Board Meeting.
- Commissioner Belvedere visited a few Chick-Fil-A sites and attended the July 10, 2019, Planning & Zoning Board Meeting.
- Vice Mayor Sarbone visited the site.
- Mayor Welch spoke with the applicant's attorney, Dwayne Dickerson; visited the site on multiple occasions, and listened to the audio of the July 10, 2019, Planning & Zoning Board Meeting.

Assistant City Manager / Sustainable Development Director Sheila Rose gave a brief *PowerPoint* presentation, reviewing the history of the project. She discussed the original site plan that was considered and recommended for approval by the Planning & Zoning Board and subsequently tabled by the City Commission to consider an alternative design that flipped the orientation of the building. Ms. Rose noted that staff had been working with the applicant's consultant team for several months to review the alternate design and stated that staff had provided a side-by-side comparison of the two alternatives. She highlighted the following differences in the plans:

- Alternative 2 has a net reduction of five parking spaces;
- Alternative 1 provides for an escape lane from the drive-thru and provides 25 feet between daycare facility and idling cars in the drive-thru lanes;
- Idling cars in Alternative 2 are 5.5 feet from daycare facility but provides for a landscape buffer;
- Alternative 1 has traffic conflicts that occur in the service drive aisle where Alternative 2 internalizes the traffic conflicts;
- All handicap parking spaces in Alternative 2 provide access across a drive aisle, while only one of three handicap parking spaces provide access across a drive aisle in Alternative 1;
- Alternative 2 provides two (2) 180-degree right U-turns on site.

Ms. Rose introduced Sustainable Development Deputy Director Scott Stoudenmire and Senior Planner Linda Whitman who were present to answer questions. Discussion ensued regarding differences in the two design alternatives related to the measured distance from the daycare facility to the stacking aisle, the traffic conflicts, and parking. Ms. Rose spoke about the landscape buffer between the daycare facility and the drive aisle in Alternative 2, noting that the proposed plan included the installation of a podocarpus hedge. She discussed the public notice provisions that were met, including mailed letters to property owners within 500 feet of the subject property, site posting, and tenant notice. She further explained the access for the handicap parking spaces.

Dwayne Dickerson of Dunay, Miskel, and Backman, 14 South East 4 Street, Boca Raton, on behalf of the applicant, introduced his team members who were present, which included Jason Pociask, Chick-Fil-A Development Manager; Bill Pfeffer of Bowman Consulting Group, Civil Engineer of Record; and Karl Peterson of KBP Consulting, Traffic Engineer of Record. He noted, at the Planning & Zoning Board Meeting held the night before, that the Board voted to recommend both Alternative 1 and Alternative 2, with Alternative 2 as the preferred option.

He began a *PowerPoint* presentation and noted that the size of the restaurant was the same in both alternatives. He summarized the direction that was given by the Commission at the December 13, 2018, Commission Meeting for amendments to the site plan including: a site plan that reduced conflicts, contained stacking and restaurant activities within the Chick-Fil-A site, provided an enhanced buffer between the daycare, and substantial community and tenant outreach. He continued highlighting the design modifications made to the site plan for Alternative 2, including the landscape buffer adjacent to the daycare and the removal of five parking spaces for circulation.

Bill Pfeffer of Bowman Consulting Group, Engineer of Record, spoke about the Americans with Disabilities Act (ADA)-accessible parking spaces, explaining that federal code required placement from the shortest distance to the entrance, and discussed design principals that were considered. He stated that the drive-thru would have attendants directing vehicles and pedestrians and discussed the perimeter landscape buffer around the drive-thru lanes. Discussion ensued. Jason Pociask, Chick-Fil-A Development Manager, explained the ingress and egress from the individual parking stalls for Alternative 2, stating that the modified design improved circulation in and out of the spaces. The Commission requested that the applicant provide an ADA-accessible automatic door at the restaurant entrance that would slide away not blocking the sidewalk.

Mr. Dickerson continued to review the changes made to the site plan on Alternative 2, discussing the added landscape buffer between the daycare facility. He stated that the podocarpus plantings would be installed at approximately six feet high and that the existing fencing and bollard system would remain in addition to the plantings. He commented that the daycare owner preferred a landscape buffer to a wall for better ventilation.

Karl Peterson of KBP Consulting, Traffic Engineer of Record, presented on the updated parking analysis that was completed and the methodology used to conduct the analysis to determine the effect of the reduced parking in Alternative 2. He noted that study took place during peak season and days of the week between the hours of 8 a.m. and 8 p.m. and explained that the numbers on the updated table reflected the peak demand parking hours. He noted that the analysis yielded a surplus of parking spaces even with the removal of the five spaces. In response to a question from the Commission, he noted that the parking demand during the 2 p.m. and 4 p.m. timeframe was not as high as the 12 p.m. to 1 p.m. timeframe. Discussion ensued. Mr. Peterson explained the data comparisons to the Deerfield Beach Chick-Fil-A site. Vice Mayor Sarbone provided pictures from the Deerfield Beach location on May 31, 2019, at 11:40 a.m. that show vehicles exceeding the drive-thru stacking. Discussion ensued regarding the stacking patterns for Alternative 2.

Mr. Dickerson discussed the drive-thru operations and speed of service times. He summarized the community outreach efforts conducted and noted that they did not receive any negative feedback. Commissioner Rydell suggested removing the parking spot next to the drive-thru exit to provide more space to accommodate the right turn only out of the drive-thru. He commented that he was ok with Alternative 2 because the traffic was self-contained. He commented that

Chick-Fil-A had a reputation for serving the communities that they are located in and hoped that they would establish similar relationships with the schools in Coconut Creek. Commissioner Tooley was not in favor of Alternative 1. She agreed with Commissioner Rydell to remove the parking spot next to the drive-thru exit and wanted to see a stop sign at the exit. Discussion ensued regarding the parking demand during the timeframe that Monarch High School students leave school. Commissioner Belvedere requested a right turn only at the drive-thru exit stop sign and an automatic door at the restaurant entrance for ADA-accessibility. Vice Mayor Sarbone was concerned with the traffic impacts from the project. Discussion ensued regarding the voting procedures for Alternative 1 and Alternative 2 for each application. Mr. Peterson further explained the potential interior stacking capacity. Ms. Rose noted that staff would support the removal of the parking spot next to the drive-thru exit. She commented that the applicant was required to address outstanding DRC comments prior to the issuance of a building permit and that the request to remove the parking spot and provide for an automatic door could be handled through the outstanding DRC comments.

Mayor Welch opened the public hearing. Following being sworn-in by City Clerk May, Sherri McGlynn, 854 Banks Road, Coconut Creek, spoke about traffic concerns with the project and asked if proper lighting had been addressed. Mr. Dickerson responded that the site plan followed the City's Code for required lighting, stating that the site would be properly lit for safety but would not impact adjacent properties. There were no questions or comments from the public, and the public hearing was closed.

Mr. Dickerson made closing remarks and commented that the applicant agreed to remove the parking spot adjacent to the drive-thru exit to accommodate an improved turning radius, to provide proper signage at the drive-thru exit to include a stop sign and a right turn only, and to provide an automatic door for improved ADA-accessibility.

Mayor Welch asked for a motion regarding for the rezoning for the PCD Plan for Alternative 1. Alternative 1 failed for a lack of a motion.

MOTION: Rydell/Belvedere – To approve Alternative 2 for the rezoning of the PCD Plan.

Upon roll call, Alternative 2 for the rezoning of the PCD Plan passed by a 4-1 vote, with Vice Mayor Sarbone voting nay.

MOTION: Rydell/Belvedere – To approve Ordinance No. 2019-016 on first reading incorporating Alternative 2.

Upon roll call, the Ordinance passed on first reading by a 4-1 vote, with Vice Mayor Sarbone voting nay.

Mayor Welch asked for a motion regarding the Special Land Use Application for a dual lane drive-thru for Alternative 1. Alternative 1 was moved by Commissioner Rydell and failed for a lack of a second.

MOTION: Belvedere/Rydell – To approve Alternative 2 for the Special Land Use Application for a dual lane drive-thru.

Upon roll call, Alternative 2 for the Special Land Use Application passed by a 4-1 vote, with Vice Mayor Sarbone voting nay.

MOTION: Rydell/Belvedere – To approve Ordinance No. 2019-017 on first reading incorporating Alternative 2.

Upon roll call, the Ordinance passed on first reading by a 4-1 vote, with Vice Mayor Sarbone voting nay.

Mayor Welch asked for a motion regarding the Site Plan Application for Alternative 1. Alternative 1 failed for a lack of a motion.

MOTION: Rydell/Belvedere – To approve Alternative 2 for the Site Plan Application.

Upon roll call, Alternative 2 for the Site Plan Application passed by a 4-1 vote, with Vice Mayor Sarbone voting nay.

MOTION: Rydell/Belvedere – To approve Resolution No. 2019-162 incorporating Alternative 2.

Upon roll call, the Resolution passed by a 4-1 vote, with Vice Mayor Sarbone voting nay.

15. **ORD 2019-021** AN ORDINANCE APPROVING AND ACCEPTING A MAINTENANCE MAP FOR LANDSCAPE AREAS, SIDEWALKS, AND FACILITIES IMMEDIATELY ADJACENT TO LYONS ROAD RIGHT-OF-WAY PURSUANT TO FLORIDA STATUTES SECTION 95.361 GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF LYONS ROAD AND HAMMOCK BOULEVARD, MORE PARTICULARLY DESCRIBED IN THE MAINTENANCE MAP, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A;" AND AUTHORIZING EXECUTION. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To approve Ordinance No. 2019-021 on first reading.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

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

16. **ORD 2019-022** AN ORDINANCE APPROVING AND ACCEPTING A MAINTENANCE MAP FOR LANDSCAPE AREAS, SIDEWALKS AND FACILITIES IMMEDIATELY ADJACENT TO LYONS ROAD RIGHT-OF-WAY PURSUANT TO FLORIDA STATUTES SECTION 95.361 GENERALLY LOCATED AT THREE LOCATIONS BETWEEN COCONUT CREEK PARKWAY AND COPANS ROAD, MORE PARTICULARLY DESCRIBED IN THE MAINTENANCE MAP, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A;" AUTHORIZING EXECUTION. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Rydell/Tooley – To approve Ordinance No. 2019-022 on first reading.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

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

17. **ORD 2019-013** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE SOLAR LEASE AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY DATED OCTOBER 26, 2017. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2019-013.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

Mayor Welch 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.

City Manager

18. **19-160** A MOTION TO AUTHORIZE A BUDGET TRANSFER IN THE AMOUNT OF \$406,000 FOR THE PURCHASE OF LAND FROM FUND BALANCE RESERVES, ACCOUNT 0199-9903, TO GENERAL FUND LAND ACQUISITION, ACCOUNT 0198-6100.

Mayor Welch read the Motion into the record.

MOTION: Tooley/Belvedere – To approve the budget transfer in the amount of \$406,000.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item, explaining that the budget transfer would cover the purchase price and closing costs for the option purchase contract being considered by Ordinance No. 2019-011. Commissioner Rydell requested that the Commission be notified when the grant reimbursement was received from Broward County.

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

19. **ORD 2019-011** AN ORDINANCE RATIFYING THE OPTION PURCHASE AGREEMENT SIGNED BY THE CITY MANAGER AND APPROVING THE PURCHASE OF REAL PROPERTY PURSUANT TO THE ATTACHED OPTION PURCHASE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK, AS PURCHASER, AND 4651 W HILLSBORO, LLC, AS SELLER, FOR REAL PROPERTY DESCRIBED AS TRACT A-1 BUFFER TOGETHER WITH TRACT "A," ACCORDING TO THE PLAT OF "JANIS PLAT," AS RECORDED IN PLAT BOOK 174 AT PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 260 FEET OF SAID TRACT "A." (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Belvedere/Tooley – To adopt Ordinance No. 2019-011.

Mayor Welch 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.

ADJOURNMENT

The meeting was adjourned at 11:28 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date