



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: December 13, 2018
Time: 7:00 p.m.

CALL TO ORDER

Mayor Rydell called the meeting to order at 7:04 p.m. and thanked Commissioner Sarbone for the evening's music selection by jazz musician Cannonball Adderley.

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

Mayor Rydell asked all to rise for the Pledge of Allegiance led by the Coconut Creek Honor Guard.

PRESENTATIONS

- 1. 18-177** A CEREMONY RECOGNIZING THE PROMOTION OF LIEUTENANT FREDERICK C. HOFER II TO CAPTAIN AND SERGEANT DANIEL S. NOORDELOOS TO LIEUTENANT.

Police Chief Albert "Butch" Arenal introduced Captain Hofer and Lieutenant Noordeloos and invited them and their families to come forward for the badge pinning ceremony.

- 2. 18-185** A SWEARING-IN CEREMONY FOR NEW POLICE OFFICER CHASE T. PICOTTE.

Police Chief Arenal introduced Police Officer Picotte and invited him and his family to come forward for the swearing-in. The Oath of Office was administered by City Clerk May followed by the badge pinning.

INPUT FROM RESIDENTS OF COCONUT CREEK

There was no input from the residents.

CITY MANAGER REPORT

City Manager Blasi announced that the "Jazz Under the Stars" event was being held on Friday, December 14 from 7 p.m. to 10 p.m. and that the Mayor's Chess Challenge was being held on

Saturday, December 15 at the Community Center from 10 a.m. to noon.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Sarbone encouraged everyone to attend the “Jazz Under the Stars” event.

Commissioner Tooley spoke about participating in the Margate-Coconut Creek Firefighters Benevolent Association’s “A Visit From Santa” event. She attended the Drug Abuse Resistance Education (D.A.R.E.) graduation at Coconut Creek Elementary School.

Commissioner Belvedere attended the Special Needs Art Show at the Community Center and commended the Parks and Recreation Department staff for their work on the event.

Vice Mayor Welch spoke about The Women’s Club of Coconut Creek “Santa’s Brunch” event. She requested to add a discussion item to the next Lunch Bunch meeting agenda regarding Police Department communications following school threat assessments. She spoke about the Northwest Council of Elected Officials meeting where there was a presentation of the City of Coral Springs’ Opioid Public Service Announcement (PSA) and discussion regarding the Broward County School Board’s workshop related to hardening of classrooms. She thanked Police Chief Arenal for providing input to the City’s School Board Representative on the hardening of classrooms. She wished everyone happy holidays.

Mayor Rydell received consensus for the following items:

- Staff to schedule a workshop in January regarding Fire/Emergency Medical Services (EMS).
- Staff to schedule a workshop regarding the vision for the MainStreet Project Area with stakeholders;
- Staff to prepare an ordinance for consideration that amends Chapter 13, Land Development Code, to require the sending of public notices to commercial tenants regarding development projects; and
- Staff to prepare an ordinance for consideration that amends Chapter 13, Land Development Code, to permit tattoo establishments in the Master Business List.

Mayor Rydell wished everyone happy holidays and thanked City Manager Blasi and her staff for their hard work.

CONSENT AGENDA (*Items 3, 5, 6, and 7*)

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

Agenda Item 4 was pulled by Commissioner Belvedere.

- 3. 18-186 A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2018-0806WS, 2018-1025R, 2018-1108WS, AND 2018-1108R)**

5. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2018-243 TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT WITH
 SUNGARD PUBLIC SECTOR, LLC, RENAMED SUPERION, LLC, FOR
 ONESOLUTION PUBLIC SAFETY AND JUSTICE/OSSI SOFTWARE
 LICENSE AND MAINTENANCE SERVICES.

6. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2018-262 TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT WITH
 SUNGARD PUBLIC SECTOR, LLC RENAMED SUPERION, LLC FOR
 PENTAMATION SOFTWARE LICENSE AND MAINTENANCE
 SERVICES.

7. **RES** A RESOLUTION PROVIDING THAT THE CITY SHALL BECOME A
 2018-287 MEMBER OF THE AMERICAN FLOOD COALITION AT NO COST TO
 THE CITY FOR THE PURPOSE OF ADVOCATING FOR FEDERAL
 FUNDING AND NATIONAL SOLUTIONS TO SEA LEVEL RISE AND
 RELATED FLOODING.

MOTION: Tooley/Welch – To approve Consent Agenda Item Nos. 3, 5, 6, and 7.

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

REGULAR AGENDA

City Clerk

4. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2018-237 TO EXECUTE AN AGREEMENT WITH THE BROWARD COUNTY
 SUPERVISOR OF ELECTIONS PROVIDING FOR HIRING, TRAINING,
 ASSISTING, AND PAYING POLL WORKERS, AS WELL AS FOR THE
 DELIVERY AND PICK-UP OF ELECTION EQUIPMENT FOR THE
 MARCH 12, 2019, MUNICIPAL ELECTION.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Belvedere – To approve Resolution No. 2018-237.

Discussion ensued regarding the receipt of a sample ballot before it is published and security at school polling locations.

AMENDMENT: Belvedere/Welch - To amend Resolution No. 2018-237 to require the Supervisor of Elections to provide the City with a proof of the sample ballot.

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

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

Public Works Department

8. **RES 2018-275** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH BIG DOG CONSTRUCTION SERVICES, INC. TO PROVIDE FOR THE CONSTRUCTION OF PHASES III AND IV OF THE GOVERNMENT CENTER REHABILITATION PROJECT PURSUANT TO BID NO. 09-26-18-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Welch – To approve Resolution No. 2018-275.

Public Works Director Jim Berkman presented the item and noted that Dave Rosenof, owner of Big Dog Construction Services, Inc., was present to answer questions. Mr. Rosenof addressed the Commission and introduced Project Executive Sam Hodge. Discussion ensued regarding implementing additional security measures at City Hall.

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

Finance and Administrative Services

9. **ORD 2018-037** AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, "UTILITIES," ARTICLE V, "RATES AND CHARGES," BY AMENDING SECTION 20-82, "SCHEDULE OF RATES, FEES AND CHARGES," SUBSECTION 20-82(8), "OUTSIDE CITY CUSTOMERS," TO REDUCE THE SURCHARGE FOR WATER AND WASTEWATER SERVICES PROVIDED TO OUTSIDE CITY CUSTOMERS FROM TWENTY-FIVE PERCENT (25%) TO FIFTEEN PERCENT (15%). (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Belvedere – To approve Ordinance No. 2018-037 on first reading.

Deputy City Manager / Chief Financial Officer Karen Brooks presented the item. Mayor Rydell recognized Parkland Commissioner Bob Mayersohn who was in attendance. Discussion ensued regarding the utility rate structure. Commissioner Mayersohn thanked the Commission and City staff for their review of the surcharge.

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

10. **RES 2018-276** A RESOLUTION WAIVING THE AUTOMATIC ANNUAL INCREASE FOR WATER AND WASTEWATER CHARGES FOR FISCAL YEAR 2019 EFFECTIVE ON APRIL 1, 2019.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2018-276.

Deputy City Manager / Chief Financial Officer Karen Brooks presented the item. Commissioner Sarbone commended staff for their infrastructure planning efforts.

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

Sustainable Development

- 11. RES 2018-283** A RESOLUTION ACCEPTING THE ACTION PLAN PROGRAM YEAR (PY) 2017 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS. (PUBLIC HEARING)

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2018-283.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item and discussed the City's community development programs. She noted that Sustainable Development Deputy Director Scott Stoudenmire and a representative from Community Redevelopment Associates of Florida, Inc., the City's Housing Consultant, were present to answer questions.

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 Resolution passed by a 5-0 vote.

- 12. ORD 2018-028** AN ORDINANCE TO MODIFY AN EXISTING PLANNED COMMERCE DISTRICT (PCD) IN ORDER TO ACCOMODATE THE CONSTRUCTION OF A CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE LOCATED IN THE VILLAGE SHOPPES OF COCONUT CREEK AT THE NORTHEAST CORNER OF WILES ROAD AND STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to Agenda Items 12-15. City Clerk May confirmed that the public notice requirements were met for Agenda Items 12-15 and swore in the witnesses. Mayor Rydell 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.

City Attorney Pyburn read the titles for Ordinance No. 2018-028 and Ordinance No. 2018-030 into the record, and Mayor Rydell read the title for Resolution No. 2018-231 into the record.

Commissioner Tooley made a motion to hear Agenda Item 12, seconded by Commissioner Belvedere.

Commissioner Tooley made a motion to hear Agenda Item 13, seconded by Commissioner Belvedere.

Commissioner Tooley made a motion to hear Agenda Item 14, 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:

- Mayor Rydell spoke with the applicant's Attorney Dwayne Dickerson.
- Vice Mayor Welch met with the applicant's Attorney Dwayne Dickerson, members of the Chick-Fil-A staff, and made a site visit with Assistant City Manager / Sustainable Development Director Sheila Rose.
- Commissioner Tooley met with the applicant's Attorney Dwayne Dickerson, Project Manager, and City staff and made a site visit.
- Commissioner Belvedere met with the applicant's Attorney Dwayne Dickerson, Project Manager, and City staff and made a site visit.

City Attorney Pyburn noted that the meetings were logged in accordance with the City's Lobbyist Registration Ordinance.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item and stated that the applications were first heard at the City Commission Meeting October 25 where they were tabled to a time certain. She noted that the applicant was available to make a presentation and answer any questions.

Attorney Dwayne Dickerson, Dunay, Miskel & Backman, 14 South East 4 Street, Boca Raton, on behalf of the applicant, Chick-Fil-A, introduced himself and began a *PowerPoint* presentation. He gave an overview of each of the proposed applications, provided an update on outreach to the plaza tenants, and read into the record a letter of support from Passport Preschool. Discussion ensued regarding an alternate building orientation, the changes relating to the proposed alternate layout, and the approved parking ratios for the plaza.

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

Jason Pociask, Chick-Fil-A Development Manager, discussed recent changes made to the Davie location for improved traffic flow and the Chick-Fil-A mobile app. Discussion ensued regarding the alternate site layout, sidewalk connections, buffering between the drive aisle and preschool playground, garbage collection, and parking.

The Commission took a ten-minute recess, and the meeting reconvened at 9:33 p.m.

Mr. Dickerson stated that the applicant was willing to provide a raised curb buffer at the south side of the drive aisle, and a landscaped and bollard buffer area adjacent to the preschool playground with the cooperation of the preschool if the alternative design is preferred. He commented that the applicant was concerned about eliminating the two access points on the northeast and southwest side of the site as suggested by the Commission. Discussion ensued.

Due to the additional discussion on the alternate design scenario, Mayor Rydell opened the public hearing again. There were no questions or comments, and the public hearing was closed.

Mayor Rydell passed the gavel to Vice Mayor Welch.

MOTION: Rydell/Tooley - To approve Ordinance No. 2018-028 on first reading.

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

13. **ORD 2018-030** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS, LLC TO PERMIT A CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE TO BE LOCATED IN THE VILLAGE SHOPPES OF COCONUT CREEK AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 (US 441) PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S CODE OF ORDINANCES. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

MOTION: Rydell/Tooley - To approve Ordinance No. 2018-030 on first reading.

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

14. **RES 2018-231** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS, LLC FOR THE DEVELOPMENT OF A FREE STANDING CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE LOCATED IN VILLAGE SHOPPES OF COCONUT CREEK AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Rydell passed the gavel to Vice Mayor Welch. Discussion ensued regarding the site plan approval process and the need for staff to review the modified site plan prior to reconsideration by the Commission.

MOTION: Rydell/Tooley - To table Resolution No. 2018-231 pending the site plan changes that were suggested by the Commission to be completed before second reading of Ordinance Nos. 2018-028 and 2018-030.

Upon roll call, the Resolution was tabled pending the site plan changes that were suggested by the Commission by a 3-2 vote, with Commissioner Sarbone and Vice Mayor Welch voting nay.

15. **RES 2018-281** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF PALMIERS INVESTMENTS LLC FOR THE DEVELOPMENT OF SIX (6) SINGLE-FAMILY HOMES GENERALLY LOCATED ON THE SOUTH SIDE OF COCONUT CREEK BOULEVARD, EAST OF NW 39 AVE, AND ADJACENT TO THE BROWARD COLLEGE CAMPUS. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch - To approve Resolution No. 2018-281.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Item 15, and the following disclosures were made:

- Commissioner Tooley spoke with the applicant and attended the Planning & Zoning Board where the site plan was considered.

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

advised that the applicant was available to make a presentation and answer any questions.

The applicant, Alexandre Burkhardt, 2691 East Oakland Park Boulevard, Suite 201, Fort Lauderdale, introduced himself and began a *PowerPoint* presentation. He gave an overview of the single-family project, noting that it was a sustainable development using Structural Insulated Panels (SIP) to construct the homes.

Mayor Rydell opened the public hearing.

Andrew Phillips, 4320 Vinkemulder Road, Coconut Creek, asked the applicant about the maintenance of the material. Mr. Burkhardt explained the availability the construction material and repair process. There were no further questions or comments from the public, and the public hearing was closed.

Discussion ensued.

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

City Attorney

16. **ORD 2018-036** AN ORDINANCE AUTHORIZING THE VOLUNTARY ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF COCONUT CREEK OF APPROXIMATELY FIVE (5) ACRES OF LAND LOCATED AT 4425 NW 71 STREET AND OTHER SURROUNDING LAND, SAID LANDS LYING AND BEING SITUATE IN BROWARD COUNTY, FLORIDA, AND HAVING COMMON OWNERSHIP BY ALLEY FARMS LLC; BEARING PROPERTY ID NUMBERS 474232010260, 474232010250, AND 474232010251; PROVIDING FOR IMPLEMENTATION AND FILING WITH THE APPROPRIATE GOVERNMENTAL AGENCIES. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Tooley – To adopt Ordinance No. 2018-036.

City Attorney Pyburn clarified that Vice Mayor Welch's disclosure at first reading of the ordinance regarding a meeting with Pastor Adam Alley and Jordan Klemow was not required to be logged in accordance with the City's Lobbyist Registration ordinance because neither individual was considered to be a lobbyist pursuant to the ordinance. She noted that their attorney, Dick Coker, was present to answer questions. It was noted that Commissioner Tooley and Commissioner Belvedere also met with Pastor Alley and Mr. Klemow regarding the annexation.

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.

17. **ORD 2018-039** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 2 TO THE LEASE AGREEMENT DATED NOVEMBER 13, 2014, AND AMENDMENT NO. 1 DATED JANUARY 10, 2017,

WITH KRISTIN JACOBS, MEMBER OF THE FLORIDA HOUSE OF REPRESENTATIVES, PROVIDING FOR AN ADDITIONAL TWO (2) YEAR TERM FOR THE LEASE OF OFFICE SPACE WITHIN THE COCONUT CREEK GOVERNMENT CENTER. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Belvedere – To approve Ordinance No. 2018-039 on first reading.

City Manager Blasi presented the item.

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

18. **ORD 2018-040** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC TO PROVIDE FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AND AN EQUIPMENT MODIFICATION ON THE TOWER AT THE CITY'S GOVERNMENT CENTER. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2018-040 on first reading.

City Attorney Pyburn presented the item and noted that Elizabeth Herington-Smith, CityScape Consultants, was present to answer questions.

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

19. **ORD 2018-041** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FOURTH AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC TO PROVIDE FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AT THE CITY'S WINSTON PARK AND A MODIFICATION FOR THE INSTALLATION OF A NEW 48 KILOWATT GENERATOR WITHIN THE EXISTING SPACE AND REPLACEMENT OF THE EXISTING SIX (6) FOOT FENCE WITH AN EIGHT (8) FOOT FENCE TO CONCEAL THE GENERATOR. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To approve Ordinance No. 2018-041 on first reading.

City Attorney Pyburn presented the item.

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

20. **ORD 2018-042** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE SPACE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC TO PROVIDE FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AT THE CITY'S LAKESIDE PARK AND A MODIFICATION TO REMOVE THE EXISTING

GENERATOR AND INSTALL A NEW 25 KILOWATT GENERATOR
WITHIN THE EXISTING SPACE. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2018-042 on first reading.

City Attorney Pyburn presented the item.

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

21. **RES 2018-292** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO THE USE AGREEMENT DATED DECEMBER 14, 2017, WITH SEMINOLE PROPERTIES II, INC. PROVIDING FOR AN ADDITIONAL ONE (1) YEAR TERM FOR THE USE OF PROPERTY LOCATED WITHIN THE CITY OF COCONUT CREEK FOR TEMPORARY AND NON-EXCLUSIVE OVERFLOW PARKING.

Mayor Rydell read the Resolution title into the record.

MOTION: Belvedere/Welch – To approve Resolution No. 2018-292.

City Attorney Pyburn presented the item.

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

22. **RES 2018-294** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FOR ACCESS TO THE DRIVER AND VEHICLE INFORMATION DATABASE (DAVID).

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2018-294.

Police Legal Advisor Jeannette Camacho presented the item.

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

ADJOURNMENT

The meeting was adjourned at 10:42 p.m.

Transcribed by: Marianne Bowers


Leslie Wallace May, MMC
City Clerk

1/24/2019
Date