



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: September 28, 2023
Time: 7:00 p.m.
Meeting No. 2023-0928R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:05 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.

Mayor Rydell noted that the meeting was being conducted live with a quorum physically present, and City Attorney Terrill C. Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

1. 23-174 A SWEARING-IN CEREMONY FOR NEW POLICE OFFICER RUBEN ODIO.

Police Chief Albert A. "Butch" Arenal introduced Police Officer Ruben Odio and provided a brief overview of his background. City Clerk Joseph J. Kavanagh administered the Oath of Office, followed by the badge pinning ceremony.

2. 23-185 A PRESENTATION RECOGNIZING MR. DAN GODSTON FOR OUTSTANDING VOLUNTEERISM IN THE CITY.

Parks and Recreation Superintendent Enrique Castro presented Mr. Dan Godston with a certificate of appreciation for his outstanding volunteerism in managing the Community Garden at the Community Center. Mr. Godston spoke briefly, thanking the City and the volunteers, who helped with the efforts. Vice Mayor Welch lauded the virtual presentations Mr. Godston had made to support students in Coconut Creek and around the world. She stated there had been discussion of a community garden for years and thanked Mr. Godston for making it happen.

3. 23-159 A PRESENTATION BY THE U.S. SMALL BUSINESS ADMINISTRATION FOR DISASTER ASSISTANCE PROGRAMS.

Mayor Rydell noted the speaker was not present and proceeded with Input from the Public.

INPUT FROM THE PUBLIC

City Clerk Kavanagh stated that no advanced public comments were received for the meeting for Non-agenda or Consent Agenda items, and no one had signed in to speak.

CONSENT AGENDA (*Items 4 through 7*)

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

4. **23-180** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2023-0824R)
5. **23-169** A MOTION TO CANCEL THE NOVEMBER 23, 2023, AND THE DECEMBER 28, 2023, REGULAR CITY COMMISSION MEETINGS.
6. **RES**
 2023-158 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH BETTOLI TRADING CORP. D/B/A BETTOLI VENDING TO PROVIDE CITYWIDE VENDING MACHINES OPERATIONS AND SERVICES PURSUANT TO RFP NO. 08-09-23-11.
7. **RES**
 2023-171 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED LETTER OF AGREEMENT WITH THE STATE OF FLORIDA, AGENCY FOR HEALTH CARE ADMINISTRATION (AHCA), TO PARTICIPATE IN THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.

MOTION: Brodie/Welch – To approve Consent Agenda Items 4, 5, 6, and 7.

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

REGULAR AGENDA

Public Works Department

8. **RES**
 2023-165 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONSULTING SERVICES WORK AUTHORIZATION WITH MILLER LEGG & ASSOCIATES, INC. TO PROVIDE DESIGN SERVICES FOR THE OAK TRAILS PARK EXPANSION IMPROVEMENTS IN THE AMOUNT OF \$386,210.00 PURSUANT TO RFQ NO. 10-06-21-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Railey/Brodie – To approve Resolution No. 2023-165.

Public Works Director Harry Mautte presented the item, explaining that in 2017 and 2018, the City purchased five (5) acre parcels to the west and east adjacent to Oak Trails Park with the intention of expanding the park in the future. He stated in 2019, the City applied for a Florida Communities Trust grant to partially offset the cost associated with purchasing the parcels. He advised funding has been approved, and the City was currently waiting to receive grant funds in the amount of \$1,135,649.10. Mr. Mautte advised this consulting services work authorization was for the design of the improvements required by the grant, including the creation of two (2) multi-

purpose fields for passive recreation use, a half-mile trail with exercise equipment, a picnic area, water fountain, informational kiosk, planting of one (1) acre of native vegetation, and renovation of an existing house to create a Leadership in Energy and Environmental Design (LEED) Certified nature center. He stated the consultant was present to answer any questions.

Mayor Rydell asked Mr. Mautte to discuss what public input would be included in the design phase of the project before shifting into construction, as needs and wants may have shifted since prior input on conceptual plans for the park. Vice Mayor Welch agreed. She noted the neighborhood near the park had changed and continued to change. She asked if there was sewer and water connected in front of the parcels. Mr. Mautte confirmed there was. Vice Mayor Welch asked for confirmation that there would be no additional lights considered past the house and restroom, that the City would not be irrigating the entire parcel, and the pond would be filled in, and Mr. Mautte stated this was correct, as the public input was for a very passive park without a lot of activities. He noted items being budgeted were the minimum requirements of the grant, and any further development in the future would be subject to public input and a more rigorous planning process.

Vice Mayor Welch asked about the timeline of the project. Mr. Mautte stated the plan was for one (1) year for design services. He explained the project would go through the standard process, with hearings at the Development Review Committee and opportunities for public input. He reiterated that the items listed were required to receive the grant funds, and additional items could be considered subject to budget approval.

Mayor Rydell noted there were no playgrounds in the area and the neighborhood was getting younger. He asked whether the consultant would be able to take direction to make slight modifications to meet changing needs. Discussion ensued regarding resident suggestions for the park, such as a passive park with a children's area or a dog park. Brian Shore, Miller Legg & Associates, stated there was an opportunity for additional components following the initial design. He stated a full schedule had not yet been worked out. Mayor Rydell discussed development projects in the area and stated needs may be changing, and he wanted to make sure there was a conversation about flexibility in small features. Mr. Shore confirmed that flexibility would be considered in the first phase of the design.

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

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to Agenda Items 9 and 10. City Clerk Kavanagh confirmed the public notice requirements for Agenda Items 9 and 10 had been met and swore in the witnesses.

Sustainable Development

9. **RES** A RESOLUTION APPROVING THE SITE PLAN REQUEST SUBMITTED BY
 2023-147 APOSTOLIC MISSION OF CHRIST, INC. FOR THE PROPERTY LOCATED AT
 2730 HAMMOCK BOULEVARD, LEGALLY DESCRIBED IN EXHIBIT "A,"
 ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)
 (PUBLIC HEARING)

Mayor Rydell read the Resolution title into the record.

Commissioner Brodie made a motion to move Item 9 for discussion, seconded by Commissioner Railey.

City Attorney Pyburn asked for any ex-parte communications from the Commission for Item 9, and there were none to disclose.

Sustainable Development Director Scott Stoudenmire presented the item, noting that the Apostolic Mission of Christ had been operating out of the building generally behind the Public Works Complex for a number of years, and a section of the property had always been envisioned for expansion. He stated the expansion was 12,000 square feet for worship, classrooms, and administrative space. He advised that the application had gone before the Planning and Zoning Board in August and had been recommended for approval at that time. He noted staff recommended approval of the item.

Al Capellini, project engineer, began a *PowerPoint* presentation on behalf of the applicant. He stated the site would be used for students and the church. He explained a 20,000 square foot church was previously proposed on the site, and the project had since been reduced to 12,000 square feet. He addressed parking and drainage and shared images of the existing site and proposed elevations.

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

Staff nor the applicant had closing remarks.

Mayor Rydell asked how the classrooms were used. Dr. Paola Weber, Paideia Classical Academy, stated she had been Director of the School and President of the Church since 2012. She explained the school included students from preschool through 12th grade, but the new classrooms would be used primarily for religious education.

Commissioner Brodie and Vice Mayor Welch spoke in support of the project.

Commissioner Wasserman asked how many students attending the school lived in Coconut Creek, and Dr. Weber estimated around half of the 100 students. Discussion ensued regarding School Choice briefly.

MOTION: Welch/Brodie – To approve Resolution No. 2023-147.

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

10. **RES 2023-148** A RESOLUTION APPROVING THE SITE PLAN REQUEST SUBMITTED BY EMMANUEL BAPTIST CHURCH, INC. FOR THE PROPERTY LOCATED AT 5391 JOHNSON ROAD, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Rydell read the Resolution title into the record.

Commissioner Wasserman made a motion to move Item 10 for discussion, seconded by Commissioner Railey.

City Attorney Pyburn asked for any applicable ex-parte communications from the Commission for Item 10, and the following disclosure was made:

- Mayor Rydell stated he had briefly spoken with the applicant's representative prior to the meeting, and applicant's representative had shared that he did not vote on the item when

it was before the Planning & Zoning Board.

Mr. Stoudenmire presented the item, noting the Emmanuel Baptist Church had been operating in the City for many years, and a section of the property had always been envisioned for expansion. He advised that the application had gone before the Planning and Zoning Board in August and had been recommended for approval at that time. He noted staff recommended approval of the item.

Mike Sipula, JMS Architectural Design, began a *PowerPoint* presentation on behalf of the applicant. He stated the original site plan for the church was approved in 2000, and this expansion followed through on phase two (2) of that project. He shared images of the existing site and proposed elevations, to include additional parking and drainage structures.

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

Staff nor the applicant had closing remarks.

Vice Mayor Welch commented on the area where the pond was being filled for parking and asked if it would have any impact on drainage on Johnson Road. Mr. Stoudenmire stated that the drainage proposal was a method that was working well in other places in the City. Discussion ensued briefly.

MOTION: Welch/Brodie – To approve Resolution No. 2023-148.

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

11. **ORD 2023-025** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," TO CREATE SECTION 13-363, "QUALIFYING DEVELOPMENT PURSUANT TO SECTION 166.04151(7), FLORIDA STATUTES, UNDER THE LIVE LOCAL ACT," AND AMENDING DIVISION 5, "SITE PLAN REVIEW REQUIREMENTS," BY AMENDING SECTION 13-546, "APPROVAL REQUIRED," AND CREATING SECTION 13-551, "SITE PLAN REVIEW PROCEDURES FOR APPLICATIONS PURSUANT TO SECTION 166.04151(7), FLORIDA STATUTES," TO PROVIDE FOR DEVELOPMENT REGULATIONS AND ADMINISTRATIVE REVIEW OF CERTAIN AFFORDABLE HOUSING PROJECTS PURSUANT TO STATE LAW; AND BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTION 13-34, "APPEALS," TO PROVIDE FOR CITY COMMISSION REVIEW OF ADMINISTRATIVE DECISIONS. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Brodie – To adopt Ordinance No. 2023-025.

Mr. Stoudenmire stated the item was before the Commission for second reading, and there was a thorough discussion at first reading. He noted staff was directed at that time to do additional research on minimum square footage for unit size, as well as cost information for units

throughout the City. He explained a table was included in the backup materials for the meeting and based on that research the ordinance had been amended to adjust the minimum square footage of units.

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

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

Agenda Item 12 was addressed following Agenda Item 13.

- 12. ORD 2023-029** AN ORDINANCE ACCEPTING THE CONVEYANCE OF TITLE FROM 4211 SP, LLC TO FORM PORTIONS OF THE RIGHT-OF-WAY FOR NW 74TH STREET. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Brodie/Railey – To approve Ordinance No. 2023-029 on first reading.

Mr. Stoudenmire presented the item, noting the ordinance was a dedication of right-of-way from a parcel of land in unincorporated Broward County. He noted this would typically come through the platting process, but this situation was unique. He advised this was a parcel of land across from Oak Trails Park, which was the subject of a County rezoning and assignment of ten (10) flex units. He noted the project was deemed exempt from the platting process by the County, but the applicant was directed to dedicate a 15-foot right-of-way. He noted this was one (1) step in many where up to sixty (60) feet of right-of-way would be dedicated to the City along NW 74 Street as properties were redeveloped.

Daniel Spear, Spear Group, stated he was present to answer any questions.

Mayor Rydell opened the floor for public comment, and there were no questions or comments from the public.

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

City Manager

- 13. ORD 2023-027** AN ORDINANCE 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. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Wasserman/Brodie – To adopt Ordinance No. 2023-027.

City Manager Brooks explained this was the second reading of the lease agreement between the City and Broward County for the space the County occupies in the Public Works building for dispatch services. She stated staff had worked with the County Administrator and Deputy County Administrator and reached an equitable agreement. She advised those modifications were included in the item before the Commission and reviewed the changes briefly. She stated staff

felt comfortable that the agreement would make the City financially whole should the terms of the lease be exceeded and recommended approval.

Mayor Rydell stated he had several conversations on this matter and thanked County staff for working diligently to take direction from leadership. He thanked City Manager Brooks and her team for getting to a resolution.

Vice Mayor Welch agreed it was smart to use actual numbers of what the Fire Administration facilities were costing the City rather than an arbitrary number. She stated it made good fiscal sense and made the agreement more palatable.

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

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

CITY MANAGER REPORT

City Manager Brooks provided an update on the progress related to automated ticketing for speeding in school zones. She stated vendor information was being collected in advance of procurement and noted the Florida Department of Transportation (FDOT) had until December to finalize where speed detection systems could be placed and installation specifications.

Mayor Rydell stated it was his understanding there was no financial expenditure. City Manager Brooks advised that the services still needed to go through the procurement process to provide fair opportunities to the companies to do business with the City.

City Manager Brooks reported that a formal presentation for the new Deputy Police Chief Fred Hofer would take place at the October 26 Commission meeting.

CITY ATTORNEY REPORT

City Attorney Pyburn shared that the City was looking into the possibility of joining a multi-district litigation related to PFAS chemicals in the water system, and possibly retaining the Levin Group, which was the firm retained by Broward County. She stated she was still researching the item, but with Commission direction, she would plan to present it on the October 26 Commission Agenda. Mayor Rydell asked if City Attorney Pyburn believed this was something she would like to see the City engaged in, and City Attorney Pyburn confirmed. Discussion ensued, and consensus was to move forward with exploring joining the litigation.

City Attorney Pyburn advised that she had sent an email to the Commission regarding a case filed in the Florida Supreme Court in the West Flagler matter pertaining to the Seminole Compact against Governor Ron DeSantis.

COMMISSION COMMUNICATIONS

Commissioner Wasserman congratulated Deputy Police Chief Hofer on his promotion and commented he looked forward to the recognition at the next Commission meeting. He wished former Commissioner Mikkie Belvedere well as she recovered from a medical procedure. He recognized the administration of Coconut Creek High School for their professionalism and response to threats in recent weeks. He

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highlighted the Florida's Turnpike expansion public meeting and stated it was great to see Wynmoor turn out and be united against the issue. Commissioner Wasserman suggested a chili cook-off at the Butterfly Festival to get residents engaged.

Commissioner Brodie shared that he visits the Foundation for Independent Living (FIL) on the last Thursday of each month and commented on the positive impact it had on his day. He recognized Detective Clint Corey and Detective Steven James for the work they do with the program. He mentioned the upcoming basketball game on October 13 between the Coconut Creek Police Department and the FIL. He shared his appreciation that he would be going on his first ride-along with law enforcement later in the week.

Commissioner Railey shared that Salsa Night at City Hall the previous week was a fun event, and the residents loved it. She thanked everyone that came to the Florida's Turnpike expansion public meeting, and asserted the support from the community was overwhelming. She stated Wynmoor had hosted a Town Hall earlier in the day where they touched on subjects that affect all residents of Coconut Creek, including insurance hikes, cost of living, the Turnpike, water issues, and solid waste. She thanked City staff and Mayor Rydell for their participation.

Vice Mayor Welch inquired as to whether the City could issue a proclamation for Atlantic Technical College's (ATC) 50th anniversary, which had been in August, and City Manager Brooks confirmed they could. Vice Mayor Welch recognized City Manager Brooks for joining her on a quarterly City tour and discussed the sites they had visited briefly. She discussed the Coral Springs/Coconut Creek Regional Chamber of Commerce presentation of checks from the gala and noted ATC had been included for the first time. She shared that ATC had been reported as the number one (1) technology college in the State and the number eight (8) safest in the nation. She wished everyone a good weekend and thanked the employees for their hard work.

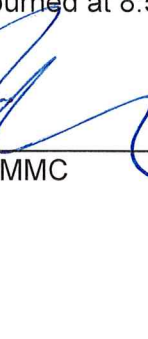
Mayor Rydell stated he had distributed information on a recent seminar presented by Cooper City Mayor Greg Ross on a decorum policy. He asked that the minutes of the March 28, 2023, Cooper City Commission meeting be made a part of the record, and noted the decorum policy resolution passed at that meeting discussed appropriate behavior in public hearings and combining time from multiple residents. He sought consensus to direct staff to write a decorum policy. City Manager Brooks shared, in 2019, the Commission had adopted general rules and procedures, which included decorum rules and rules for addressing the Commission. She suggested it might need updating to meet the times. Discussion ensued, and consensus was to move forward with the discussion at a future meeting. City Attorney Pyburn pointed out the issue may need to be looked at a little differently in the context of quasi-judicial items and asked that the Commission keep that in mind. She stated staff would evaluate the request.

Mayor Rydell sought consensus to separate the performance reviews of the City Manager and City Attorney and to address the contracts in the month of the contract anniversary date. Discussion ensued, and consensus was to move forward with the change. Mayor Rydell stated he believed the City needed to hire a consultant to look at the technology related to video connection in the Commission Chambers and determine if there was a way for it to function better. Consensus was not to pursue a consultant at this time. Mayor Rydell asked for an update on the Hillsboro Marketplace development and anything the Commission could do to move the development along. He stated he had received calls from tenants concerned that the Post Office was leaving, and development was not moving forward. Mr. Stoudenmire stated there had been permits for the Hillsboro Marketplace in the Building Division and the Engineering Division since 2022. He noted some permits had been issued but not picked up because the developer was not ready to begin construction, and other permits were under review. He explained there had been issues with some of the permits at the County level, and agreements with Walgreens had also caused delays. He noted there had been recent progress, and he believed infrastructure work would begin prior

to the end of the year. Vice Mayor Welch suggested Congressman Jared Moskowitz would be a resource for learning about potential closure of the Post Office. Mayor Rydell asked for and received consensus from the Commission to direct him to work with City Manager Brooks to try to bring the shopping center playmakers together to offer assistance with moving the project forward. Mayor Rydell asked his fellow Commissioners to consider the "Pass Up Plastics" initiative. He explained the ordinance would ask restaurants to be more environmentally conscious in their generation of waste, and stated he would be bringing a discussion forward at the next meeting. Discussion ensued briefly.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.



Joseph J. Kavanagh, MMC
City Clerk

10/26/2023

Date