



CITY OF COCONUT CREEK VIRTUAL REGULAR MEETING CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: June 25, 2020
Time: 7:00 p.m.
Regular Meeting No. 2020-0625R

CALL TO ORDER

Mayor Sarbone called the meeting to order at 7:00 p.m.

PRESENT UPON ROLL CALL:

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

Mayor Sarbone explained that the City Commission was conducting this meeting using communications media technology pursuant to Governor Ron DeSantis' Executive Order 20-69, as extended by Executive Order 20-112, which provided that local governments may conduct meetings without the requirement to have a quorum physically present or to hold the meeting at a physical location in response to the emergency circumstances resulting from the COVID-19 pandemic.

He further explained that the Governor's Executive Order 20-52, as extended by Executive Order 20-114, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting would be conducted consistent with the virtual meeting procedures adopted by the Commission April 15, 2020. City Attorney Pyburn explained the procedures for public participation and comment for the virtual statement.

PRESENTATIONS

1. **20-139** A PROCLAMATION RECOGNIZING JULY 2020 AS "NATIONAL PARKS AND RECREATION MONTH."

Commissioner Tooley read the proclamation into the record. The Commission thanked the Parks and Recreation Department for their hard work to make the City a great place to live.

2. **20-131** A PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR THE CITY'S FISCAL YEAR 2020 ANNUAL BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

Finance Director Peta-Gay Lake gave a brief presentation, explaining the City was proud to receive the Distinguished Budget Presentation Award for the 20th consecutive year. Budget and Grants Manager

Kisha Bolden accepted the award on behalf of the Finance Department and thanked staff for the countless hours spent putting the document together. Mayor Sarbone thanked staff for the high standard set.

INPUT FROM THE PUBLIC

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

CITY MANAGER REPORT

City Manager Brooks addressed Broward County's recent enforcement order related to COVID-19. She explained that City Code Enforcement staff had been reaching out to local businesses with the clear and direct message that orders were not to be ignored and that there would be a concentrated effort over the next 30 days to ensure compliance with emergency orders.

She noted that City staff would be bringing a resolution in opposition to Broward County agenda items 81 and 82, proposing amendments to the County Charter at the July 23 City Commission meeting.

She stated during a recent workshop, the Coral Springs City Commission had given consent to move the dispatch agreement with Coconut Creek to their July 15 meeting agenda.

City Manager Brooks stated the "Unity in Our Community" virtual town hall forum was set for Wednesday, July 1. She spoke about the forum discussion topics and encouraged the Commission to invite the public to participate in the forum.

CITY ATTORNEY REPORT

City Attorney Pyburn further addressed Broward County Commission agenda items 81 and 82 from the previous week's County Commission meeting. She stated there would be a Zoom meeting of City Attorneys around Broward County to discuss their concerns with the items on June 30, and she would relay what was discussed.

COMMISSION COMMUNICATIONS

Commissioner Welch thanked City Manager Brooks for sharing the lineup for the town hall forum, and commented that she looked forward to hearing the input from the community. She stated she had received positive feedback regarding the inspirational banners around the City and was using one as her virtual meeting backdrop. She referenced the recent Coral Springs Commission Workshop and stated she had an opportunity to review that City's business plan. She requested follow up on the solid waste assessments discussed to determine how Coral Springs' glass was being recycled, and whether Coconut Creek could piggyback on a contract with them. City Manager Brooks stated she would follow up. She mentioned that she requested Florida Department of Transportation (FDOT) staff to meet with City staff before the July 9 Metropolitan Planning Organization (MPO) meeting so she could share the City's concerns at the meeting regarding several FDOT projects, including the southwest connector project, Florida's Turnpike widening, the Texas U-turn at Lyons Road and the Sawgrass Expressway, and proposed wall heights.

Commissioner Tooley announced that Deputy City Attorney Kathy Mehaffey had been named to the

Florida Trends Legal Elite list for Government and Nonprofit Lawyers, joining the ranks of City Attorney Pyburn, who had previously been named to the list. She stated she was proud that Coconut Creek was the only municipality outside of Miami with two (2) attorneys listed from the same office. She encouraged everyone to continue wearing masks and washing hands.

Commissioner Belvedere stated she was practicing social distancing while working from home and had been attending meetings virtually to stay informed. She attended the meeting of the Broward County Crime Commission where they spoke about practicing kindness, civility, and compassion. She said she was happy the City was engaging in listening through the upcoming virtual town hall forum and the availability of outreach programs like the City's victim advocate. She suggested for the City to look into providing a virtual vocational program to assist residents who lost their jobs due to the pandemic. She congratulated Deputy City Attorney Mehaffey and City Attorney Pyburn for their recognition by Florida Trends Legal Elite. She reminded everyone to stay safe, wear a mask, and remember that we can all do better to flatten the curve.

Vice Mayor Rydell commended Police Chief Albert "Butch" Arenal for his presentation at the Crime Commission and thanked him for representing the City well. Vice Mayor Rydell received several messages about the Chief's engaging attitude and forward thinking in a unique climate of community relations tied into police relations. He added to the congratulations for City Attorney Pyburn and Deputy City Attorney Mehaffey, noting it was rare to see municipal attorneys included on the list, and he credited Assistant City Attorney Eve Lewis for working towards her board certification in municipal law. Vice Mayor Rydell thanked City Manager Brooks and staff for expeditiously putting together the upcoming "Unity in Our Community" virtual town hall forum. He stated he looked forward to the engagement and felt it was necessary to be upfront, open, and vulnerable in this respect.

The Commission and staff discussed Independence Day celebrations in surrounding communities and at the casino. City Manager Brooks reported that the casino fireworks were cancelled for 2020 and announced the City of Coconut Creek would be hosting a virtual fireworks event featuring fireworks from around the world.

Vice Mayor Rydell encouraged the City to continue urging residents to social distance and wear masks. He asked that items be added to the homepage of the City's website to show residents how to contact Republic Services regarding garbage pickup, as well as to promote the upcoming primary election on August 18.

Mayor Sarbone stated he would be publishing a new social media video to educate the residents about the County's recent enforcement order regarding COVID-19. He congratulated the legal staff, noting the recognition reflected on the entire team. Mayor Sarbone expressed concern regarding the increase in positive COVID-19 tests and said he believed the County was doing the right thing in advancing enforcement measures.

REGULAR AGENDA

City Clerk

3. **2020-135** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-0513SP)

Mayor Sarbone read the Motion into the record.

MOTION: Rydell/Tooley – To approve the minutes of the May 13, 2020, Special Commission meeting.

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

MOTION: Rydell/Welch – To amend the minutes of the May 13, 2020 meeting with an addendum to include all email and written communication received for the meeting.

There was consensus by the Commission to direct staff to include written public comments for all virtual meetings as part of the meeting minutes.

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

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

Police Department

4. **RES 2020-125** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED MEMORANDUM OF UNDERSTANDING (MOU) WITH PINELLAS COUNTY SHERIFF'S OFFICE TO PROVIDE THE CITY WITH ACCESS TO THE SHERIFF'S FLORIDA FACIAL RECOGNITION NETWORK.

Mayor Sarbone read the Resolution title into the record.

MOTION: Tooley/Rydell – To approve Resolution No. 2020-125.

Police Chief Albert "Butch" Arenal presented the item, noting that the City had been using the FACES program since 2013, which had been previously executed administratively by the previous Chief of Police before procedural changes that now require Commission approval. Chief Arenal explained that the database was used statewide by 268 law enforcement agencies, and described how it is used, noting that a match was not probable cause for arrest nor evidentiary.

Deputy City Clerk Bowers stated there were two (2) public comments received on the item via email; one from Paul and Bevlyn Sagon and another from Dr. Renee McPherson-Salandy. She read both emails into the record. A copy of the email is attached hereto as Exhibit 1, and made part hereof these minutes. Chief Arenal addressed the comments.

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

Sustainable Development

5. **RES 2020-130** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ELECTRIC VEHICLE CHARGING STATION AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY (FP&L) PROVIDING FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC VEHICLE CHARGING STATIONS.

Mayor Sarbone read the Resolution title into the record.

MOTION: Rydell/Welch – To approve Resolution No. 2020-130.

Sustainable Development Director Scott Stoudenmire presented the item, noting the agreement

was in line with the City's efforts toward sustainability and energy efficiency. Discussion ensued regarding procedures and signage for use of the charging stations.

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

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

6. **RES 2020-132** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ENFORCEMENT OF THE COUNTY EMERGENCY ORDERS; PROVIDING FOR REIMBURSEMENT TO THE CITY FOR ENFORCEMENT FUNCTIONS.

Mayor Sarbone read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2020-132.

Sustainable Development Director Scott Stoudenmire presented the item, explaining the agreement was to allow for use of the County's QAlert system and reimbursement of enforcement costs for emergency orders related to the COVID-19 pandemic. Discussion ensued.

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

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

7. **RES 2020-133** A RESOLUTION PROVIDING FOR TEMPORARY WAIVER OF THE DURATION AND FREQUENCY LIMITATIONS OF SECTION 16-20 (A)(2) OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES RELATING TO PROMOTIONAL EVENTS TO ADDRESS IMPACTS ON BUSINESSES, ORGANIZATIONS, AND INSTITUTIONS RELATED TO THE COVID-19 PANDEMIC.

Mayor Sarbone read the Resolution title into the record.

MOTION: Rydell/Belvedere – To approve Resolution No. 2020-133.

Sustainable Development Director Scott Stoudenmire presented the item, explaining the item was a temporary emergency waiver of the Code section related to promotional events to allow businesses better flexibility.

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

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

City Commission

8. **20-132** A MOTION TO CANCEL THE JULY 9, 2020, AND AUGUST 13, 2020, REGULAR COMMISSION MEETINGS.

Mayor Sarbone read the Motion into the record.

MOTION: Tooley/Welch – To approve the Motion.

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

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

Mayor Sarbone noted that Board appointments would take place at the July 23 Commission meeting. He explained applications could be obtained via the City website and submitted through July 6.

9. **20-133** A MOTION TO APPOINT A VOTING DELEGATE TO ATTEND AND VOTE AT THE FLORIDA LEAGUE OF CITIES (FLC) ANNUAL BUSINESS SESSION TO BE HELD DURING THE ANNUAL CONFERENCE ON AUGUST 13-15, 2020.

Mayor Sarbone read the Motion into the record.

MOTION: Rydell/Welch – To approve the Motion.

Commissioner Welch nominated Commissioner Belvedere. Commissioner Belvedere stated she would not be attending in-person meetings at this time and would only accept the nomination if the meetings were virtual.

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

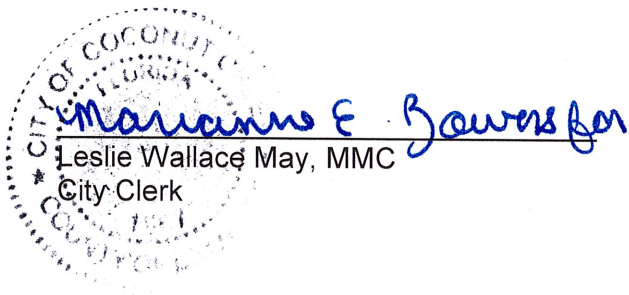
MOTION: Welch/Tooley – To approve the nomination of Mikkie Belvedere to serve as the City's Voting Delegate at the FLC Annual Business Session.

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

ADJOURNMENT

The meeting was adjourned at 8:39 p.m.

Transcribed by: C. Parkinson, Prototype



7/23/2020
Date

EXHIBIT 1

From: Bevlyn Sagon
To: CommissionComments
Subject: Grave concerns regarding RES 2020-125- the adoption of facial recognition MOU by coconut creek police
Date: Wednesday, June 24, 2020 8:40:16 AM

Distinguished Commissioners,

We (Bevlyn Sagon / Paul Sagon) have been residents in coconut creek for over 10 years.

We and our children have always felt safe in this diverse community. However, as persons of Caribbean and African American heritage, we have grave concerns regarding the decision to implement the BSO's facial recognition program in our city. As far as we know, our city is not crime -ridden to the point of that we would need this technology to solve crimes. Furthermore, we are not sure if the commission and city leaders are aware that this program is being examined nationally because of the numerous problems with misidentification of dark-skinned individuals. Many tech companies such as Apple and Google are suspending their involvement in this program. Additionally, the BBC news has reported problems with the use of this technology within the UK. It is unfortunate that we were not aware that the city's police department was considering the implementation of this technology until this late date. Even so, we implore the city to revisit this decision to avoid any future issues of misidentification of its residents. Thank you.

Sincerely,

Paul & Bevlyn Sagon
6101 NW 44 Lane

From: [Bevlyn Sagon](#)
To: [CommissionComments](#)
Subject: AI Responsible For Wrongful Arrest In First Known U.S. Case | HuffPost
Date: Wednesday, June 24, 2020 11:04:57 AM

Please receive addendum to my earlier email regarding MOU for facial recognition software.

https://urldefense.proofpoint.com/v2/url?u=https-3A__www.huffpost.com_entry_ai-2Dresponsible-2Dfor-2Dwrongful-2Darrest-2Din-2Dfirst-2Dknown-2Dus-2Dcase-5Fn-5F5ef3444cc5b663ecc8559306&d=DwIFAg&c=fMF1oOF7Hatatu8pS-Izt2SJMfHT5BY8wPD92rRSSs&r=UcRPCb14APUTkx_8IB5u_Ownn1RBwlsB-VXjxbTirmn55r4IA3bL3pbNJwCpL2Jm&m=cGN58U5AXq8c9J1MRs1KSzLGmTpt-H_U8e4D2bzkJcU&s=oSzvKdaLZXyeSHnUL__2OtH8fo9TeynefW0SEErXK4U&e=

Sincerely,

Bevlyn Sagon

AI Responsible For Wrongful Arrest In First Known U.S. Case

A man was wrongfully arrested after facial recognition software mismatched his driver's license photo to surveillance video of someone shoplifting, according to an ACLU complaint.

 REUTERS

Paresh Dave



DAMIR SAGOLJ / REUTERS Visitors check their phones behind the screen advertising facial recognition software during Global Mobile Internet Conference (GMIC) at the National Convention in Beijing, China April 27, 2018. REUTERS/Damir Sagolj

OAKLAND, Calif. (Reuters) - An incorrect facial recognition match led to the first known wrongful arrest in the United States based on the increasingly used technology, civil liberties activists alleged in a complaint to Detroit police on Wednesday.

Robert Williams spent over a day in custody in January after face recognition software matched his driver's license photo to surveillance video of someone shoplifting, the American Civil Liberties Union of Michigan (ACLU) said in the complaint. In a video shared by ACLU, Williams says officers released him after acknowledging "the computer" must have been wrong.

Government documents seen by Reuters show the match to Williams came from Michigan state police's digital image analysis section, which has been using a face matching service from Rank One Computing.

Detroit and state authorities and Rank One could not be immediately reached for comment.

The ACLU complaint requests Detroit police stop using facial recognition "as the facts of Mr. Williams' case prove both that the technology is flawed and that investigators are not competent in making use of such technology."

Separate guidelines from Michigan state police and Rank One state a face match should not be used as the basis for an arrest. It was unclear whether police had additional evidence before arresting Williams, who is Black, in front of his wife and their two-year-old and five-year-old daughters, ACLU said.

The arrest concerned five watches totaling \$3,800 taken from a Shinola store in October 2018.

Police have used facial recognition in convictions, but activists contend greater precautions are needed to mitigate against issues such as mismatches related to Black individuals.

Rank One in a blog post last year described the concerns about misidentification as “misconceptions,” citing U.S. government research about the high accuracy of top systems.

Jacob Snow, an attorney at ACLU of Northern California, told Reuters, that “even if Rank One performs well, that didn’t help Mr. Williams here and Rank One should take responsibility.”

Microsoft Corp and Amazon.com Inc halted facial recognition sales to police this month following nationwide protests that have demanded an end to law enforcement tactics that unfairly target African Americans and other minorities.

Reporting by Paresh Dave; Additional reporting by Jeffrey Dastin; Editing by Lincoln Feast.

From: [renee.dawn76](#)
To: [CommissionComments](#)
Subject: Facial Recognition MOU Adoption/Implementation by Coconut Creek Police
Date: Wednesday, June 24, 2020 10:47:27 AM

Respected Commissioners,

Myself and my family have been residents of Coconut Creek since 2002 after moving here from New York for a better life for my children. I specifically chose this neighborhood for the feeling of safety and close community. However, as a family of Caribbean and African American heritage with five sons and the current racial travesties that our community as a whole is experiencing I was alarmed to learn of the decision to implement the BSO's facial recognition program in our city. Coconut Creek is still a relatively safe and family friendly neighborhood far from being distinguished as one that is dangerous and crime ridden hence needing such an intensive technology to solve crimes. Furthermore, I have grave concerns of the issues that have been brought up regarding this technology such as: Small image size making facial recognition more difficult, different face angles throwing off facial recognition's reliability and possible automation bias with users believing that the technology is infallible thus leading to faulty decisions and possible mistaken identity. This issue is especially concerning to me as the mother of five Black sons as research has uncovered the numerous problems and highlighted how the algorithms trained on racially biased sets have misidentified dark-skinned individuals. These issues have led to increased examination and scrutiny of this practice. I am requesting a thorough examination of this technology in addition to listening to the concerned voices of your residents to prevent the possible misidentification and possible false criminalization of your residents. I greatly appreciate your time and consideration on this matter.

Sincerely,

Dr. Renee McPherson-Salandy
5542 NW 55 Terrace

Sent from my Sprint Samsung Galaxy S9.