



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: August 22, 2024
Time: 7:00 p.m.
Meeting No. 2024-0822R

CALL TO ORDER

Mayor Sandra L. Welch called the meeting to order at 7:03 p.m.

PRESENT UPON ROLL CALL:

Mayor Sandra L. Welch
Vice Mayor Jacqueline Railey
Commissioner Joshua Rydell
Commissioner John A. Brodie
Commissioner Jeffrey R. Wasserman
City Manager Sheila N. Rose
City Attorney Terrill C. Pyburn
City Clerk Joseph J. Kavanagh

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

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

PRESENTATION(S)

1. **24-140** A PRESENTATION RECOGNIZING COCONUT CREEK POET LAUREATE LAURA MCDERMOTT MATHERIC FOR HER SERVICE TO THE CITY OF COCONUT CREEK.

Mayor Welch recognized Coconut Creek Poet Laureate Laura McDermott Matheric for her service to the City, highlighting accomplishments during her two (2) year term as the City's first Poet Laureate. Ms. Matheric shared brief comments and a video of her time representing Coconut Creek as Poet Laureate.

2. **24-135** A PROCLAMATION RECOGNIZING SEPTEMBER 12, 2024, AS "BROWARD MENTAL HEALTH SUMMIT DAY."

Vice Mayor Railey read the proclamation into the record and presented it to Broward Mental Health Summit committee member Simone Edwards.

INPUT FROM THE PUBLIC

Ralph Rapa, 4800 W Hillsboro Boulevard, Coconut Creek, thanked the City for embracing his business, Rule G Brewing, and shared the details of their upcoming six month anniversary event.

Lisa Henry, 4800 W Hillsboro Boulevard, Coconut Creek, thanked City staff for their assistance in the process of getting Rule G Brewing off the ground and sought direction on opportunities for additional

signage and promotion to improve visibility. City Manager Rose suggested Ms. Henry meet with Sustainable Development Director Justin Proffitt regarding the promotional event permit process.

Phyllis Cambria, 2250 Seagrape Circle, Coconut Creek, shared a poem titled “A Thankless Job,” thanking those who run for and hold office.

CONSENT AGENDA (Items 3, 4, 5, and 6)

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

- 3. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND OPTUM HEALTHCARE SOLUTIONS, LLC REGARDING THE USE OF COCONUT CREEK FACILITIES FOR OPTUM FITNESS PASSPORT PROGRAM CLIENTS.
 2024-112

- 4. **RES** A RESOLUTION AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH BROWARD COUNTY FOR THE PURPOSE OF PROVIDING THE CITY WITH ACCESS TO COUNTY-OWNED LAND (HELENE KLEIN PINELAND PRESERVE AND SAW PALMETTO NATURAL AREA) FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF HILLSBORO BOULEVARD (STATE ROAD 810) ASSOCIATED WITH THE HILLSBORO BOULEVARD REDEVELOPMENT PROJECT.
 2024-125

- 5. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONSTRUCTION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE PURPOSE OF CONSTRUCTING SIDEWALK IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF HILLSBORO BOULEVARD (STATE ROAD 810) ASSOCIATED WITH THE HILLSBORO BOULEVARD REDEVELOPMENT PROJECT.
 2024-124

- 6. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA) WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE PURPOSE OF MAINTAINING SIDEWALK IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF HILLSBORO BOULEVARD (STATE ROAD 810) ASSOCIATED WITH THE HILLSBORO BOULEVARD REDEVELOPMENT PROJECT.
 2024-126

MOTION: Rydell/Brodie – To approve Consent Agenda Items 3, 4, 5, and 6.

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

REGULAR AGENDA

City Attorney

- 7. **24-129** A MOTION TO APPOINT CASSANDRA (“CASSIE”) HARVEY AS ASSISTANT CITY ATTORNEY FOR THE CITY OF COCONUT CREEK.

Mayor Welch read the Motion title into the record.

Vice Mayor Railey moved Item 7 for discussion, seconded by Commissioner Rydell.

City Attorney Pyburn introduced Cassandra (“Cassie”) Harvey, who was selected as the new Assistant City Attorney following an extensive interview process. She provided an overview of Ms. Harvey’s background and discussed next steps briefly.

Commissioner Rydell credited City Attorney Pyburn for her selection of a team beyond reproach with a reputation in the community. Vice Mayor Railey and Mayor Welch welcomed Ms. Harvey to the City.

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

MOTION: Wasserman/Brodie – To approve the Motion.

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

Community Relations

Agenda Item 8 was postponed and not heard on the Agenda.

- ~~8. RES 2024-119 A RESOLUTION APPOINTING A POET LAUREATE FOR A TWO (2) YEAR TERM, BEGINNING ON SEPTEMBER 1, 2024, AND ENDING AUGUST 31, 2026.)~~

Finance Department

9. RES 2024-118 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT FOR AUDITING SERVICES WITH CITRIN COOPERMAN & COMPANY, LLP PURSUANT TO RFP NO. 05-08-24-11.

Mayor Welch read the Resolution title into the record.

MOTION: Rydell/Railey – To approve Resolution No. 2024-118.

Finance and Administrative Services Director Peta-Gay Lake outlined the work of the previously-approved Auditor Selection Committee and stated, after careful review and consideration of the six (6) proposals received, the recommendation was to authorize an agreement with Citrin Cooperman & Company, LLP to provide auditing services. She stated Citrin Cooperman & Company, LLP had acquired the City’s previous audit firm, Keefe McCullough & Company, LLP, but a new lead auditor partner had been assigned as per City Code.

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

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

Public Works Department

10. ORD 2024-032 AN ORDINANCE AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO THE LEASE AGREEMENT WITH METROPCS FLORIDA, LLC, WHICH PROVIDES FOR THE CONTINUED LEASING OF CITY

LAND FOR A COMMUNICATIONS TOWER AND A MODIFICATION TO THE
LOCATION OF EQUIPMENT ON THE TOWER AT SABAL PINES PARK.
(SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Wasserman/Brodie – To adopt Ordinance No. 2024-032.

Public Works Director Harry Mautte presented the item on second reading. There were no questions or comments from the Commission.

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

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

Sustainable Development

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to Agenda Item 11 as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Item 11 on tonight's agenda, that are to be treated differently than other items considered by the Commission. In these quasi-judicial applications, the Commission is applying existing rules and policies to a factual situation and is therefore acting like a Judge and Jury do in a trial held in the courtroom. In such cases, the courts have decided that due process and fundamental fairness require that more formal procedures be followed.

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

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

Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications to be considered tonight, you will be sworn in before your testimony is taken. Please know if you speak, you may be subject to cross examination; the City

Commission may comment or ask questions of persons addressing the Commission at any time. If you refuse to either be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross examine witnesses but may request that the Commission direct questions on their behalf to the applicant or staff.

City Clerk Kavanagh confirmed the public notice requirements had been met for Agenda Item 11 and swore in the witnesses.

11. **RES 2024-100** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF LYONS ROAD GROUP, LLC FOR A 2,376 SQUARE FOOT, TACO BELL FAST FOOD RESTAURANT WITH A DRIVE-THROUGH ON THE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF SAWGRASS BOULEVARD WEST OF LYONS ROAD AT 6061 LYONS ROAD, LEGALLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Welch read the Resolution title into the record.

Vice Mayor Railey made a motion to move Item 11 for discussion, seconded by Commissioner Rydell.

City Attorney Pyburn asked if there were any disclosures or ex-parte communications on behalf on the Commission for Item 11, and the following disclosures were made:

- Commissioner Rydell, Commissioner Wasserman, Vice Mayor Railey, and Mayor Welch each stated they met with the architectural and engineering team, and a phone call with Attorney Dwayne Dickerson.
- Commissioner Brodie stated he met with the development team at City Hall, had three (3) phone calls with Mr. Dickerson, attended the community outreach meeting the previous week, and visited ten (10) Taco Bells.

City Attorney Pyburn stated there were a number of emails received from residents which would be included in the record for the meeting. She asked each Commissioner to confirm they believed they could be fair and impartial in the hearing. Each member of Commission confirmed.

Sustainable Development Director Justin Proffitt presented the item, noting the request was for site plan approval for a 2,376 square foot Taco Bell with dual drive-through lane at 6061 Lyons Road in an outparcel of the existing El Dorado shopping plaza. He discussed the zoning of the site as part of the Sawgrass Exchange Plat. He noted that the application had been reviewed by the City’s Development Review Committee (DRC), and the applicant held two (2) community outreach meetings. He stated City staff had received one hundred forty-nine (149) emails from the public prior to this meeting, which were entered into the record along with his resume, the City of Coconut Creek Comprehensive Plan, and the Sawgrass Exchange Planned Commerce District (PCD) regulations. Mr. Proffitt advised that the Planning and Zoning Board recommended approval of the site plan subject to the conditions as outlined in the staff report, and staff found that the application, subject to conditions of approval and the City Commission’s evaluation of the proposed use and site design, complied with the Sawgrass Exchange PCD Development Plan, the Land Development Code, and the Comprehensive Plan.

Dwayne Dickerson, Miskel Backman, LLP, representing Lyons Road Group, requested that all previously submitted documents related to the application be included in the record, including the application, plans, narratives, supporting documents, staff reports, and related documents. Mr. Proffitt had no objections. Mr. Dickerson introduced the development team and provided a

PowerPoint presentation, including an overview of the site and its access points. He stated the applicant was not requesting any variances, special approvals, or waivers, and the application was submitted consistent with the requirements of Code. Mr. Dickerson proffered voluntary conditions of site plan approval based on resident feedback that the hours be reduced to opening at 7 a.m. and closing at 12 a.m. for the lobby and 1 a.m. for the drive-through, and that bollards be added to the drive aisle median providing access to and from Lyons Road consistent with Code to prevent left out movement from the southeast access point. He discussed the landscape plan, elevations, and renderings and commented on features of the restaurant and site briefly. He reviewed ways the application incorporated sustainable elements and initiatives to enhance communities that Taco Bell incorporates into their facilities.

Mr. Dickerson asked a series of brief questions to qualify Karl Peterson as an expert in traffic engineering. Commissioner Rydell asked Mr. Peterson to confirm how many times in the past five (5) years he had been qualified as an expert in a Court of Law. Mr. Peterson advised that he had been confirmed in municipal and quasi-judicial proceedings, but not in a Court of Law. Commissioner Rydell asked how much of Mr. Peterson's income in the past two (2) years came from private developers. Mr. Peterson stated approximately \$400,000 had been received. City Attorney Pyburn agreed to the stipulation that Mr. Peterson was a qualified expert in traffic engineering. Mr. Dickerson entered Mr. Peterson's curriculum vitae into the record. Mr. Peterson reviewed the details of the traffic and trip generation studies in 2022 and 2024, noting the data was reflective of industry data on traffic to a fast-food restaurant and queuing analysis.

Mayor Welch asked about the significantly different traffic numbers provided in the August 2024 study versus those of the 2022 study. Mr. Peterson stated the differences should be minor, as they were adjusted due to a change in square footage.

Mr. Dickerson sought to enter Mr. Peterson's August 2024 drive-through lane analysis into the record. City Attorney Pyburn noted the November 2022 report was in the record and asked if staff had reviewed the updated submission. Mr. Proffitt advised that staff had not been provided with the August 2024 analysis, but a portion of the data was included in the traffic generation study. He stated he objected to not having the ability to review the information.

Commissioner Rydell clarified that the *PowerPoint* presentation had been provided to the Commission and staff at 5:32 p.m. and the numbers were different than those provided in previous meetings. City Attorney Pyburn confirmed this was correct.

Mr. Dickerson asked that Mr. Proffitt be provided with an opportunity to review the report as he continued his presentation to determine whether he would object to it being admitted into evidence. City Attorney Pyburn agreed and advised that it was under reservation of rights for the City to review and state whether there were any objections, and at this point in time it was difficult to say because they had not had an opportunity to review.

Mr. Dickerson continued his presentation, discussing the Sawgrass Exchange PCD land development requirements, including setbacks, signage, access points, nuisance abatement, buffers, and lighting, and stated the application met or exceeded all standards. He noted the applicant had reviewed and accepted all comments submitted by the Police Department during the DRC process. He discussed the February and August community outreach meetings and shared the notice provided. He reviewed the conditions of approval in the staff report and advised the applicant accepted each, in addition to the two (2) proffered conditions. Mayor Welch opened the public hearing on the item.

Kenneth Martel, 6093 NW 45 Avenue, Coconut Creek, spoke in opposition to the application. He

stated it would not make an aesthetic contribution to the neighborhood and would increase traffic and include excessive light. He commented on the notice of the public outreach meeting and asserted none had received notice of the February meeting. He asked that the item at least be deferred.

Glendaly Berthiaume, 4509 NW 60 Court, Coconut Creek, spoke in opposition to the application. She commented that none of the neighboring communities had an establishment like Taco Bell so close to residential properties because they were looking out for citizens. She commented on the hours and expressed concern that additional traffic would exasperate congested conditions already present in the morning and afternoon. She stated there would be issues with middle school students using the restaurant as a hangout and asserted security and cleanliness had not been addressed.

Leslie Florez, 782 NW Le Jeune Road, Miami, Lyons Road Group, spoke in support of the application. He stated the shopping plaza had been good corporate neighbors and been there to help when it was needed. He asserted they had been deliberate in choosing a partner for the parcel that was compatible with the community, and Taco Bell was stepping up to build to standards that were almost impossible to meet. He asked that the Commission be fair to the owners as well.

Pablo Camposano, 6061 Lyons Road, Coconut Creek, Colliers International, spoke in support of the application. He advised that he had worked with the property owner to find a tenant for the space, and noted this outparcel had been vacant since the property was purchased in 2004. He stated there were proposals from uses that would have been more controversial, and he hoped this was an adequate solution.

Murita James, 5705 NW 49 Way, Coconut Creek, yielded her time to the next speaker.

Chalton James, 5705 NW 49 Way, Coconut Creek, spoke in opposition to the application. He stated residents had received information too late to fact check it and asserted the proposal should have been rejected by all of the previous reviewers. He stated it would increase congestion in the area and impact the safety of children and property values. He asked that the Commission prioritize the well-being of the City and its residents over the interests of large corporations.

Tiffany Whitters, 4877 NW 57 Manor, Coconut Creek, spoke in opposition to the application. She stated she did not support the project for the same reasons previously stated. She expressed concern with the impact of traffic on her elderly grandmother and asked if those wanting the restaurant would want a Taco Bell in their community.

Verlaine Whitters, 4877 NW 57 Manor, Coconut Creek, yielded her time to Ms. Whitters.

Marcos Gomes, 5921 NW 47 Terrace, Coconut Creek, spoke in opposition to the application. He commented that the feedback at the public meeting was overwhelmingly negative, including concerns with a lack of supervision, higher law enforcement needs, negative impact on the volume of traffic, and safety concerns. He noted the applicant spoke to addressing the needs of the community, but he did not see any changes to the plan in response to concerns brought forward. He asked about revenue projections and commented on traffic backing up in the neighborhood.

Elizangela Gomes, 5921 NW 47 Terrace, Coconut Creek, yielded her time to Mr. Gomes.

Elise Orter, 5735 NW 49 Way, Coconut Creek, spoke in opposition to the application. She stated her plea was emotional, and Taco Bell near a residential area would have a negative impact on property values, increase traffic and noise pollution, attract vagrants, and become an unsupervised hangout for local youth. She expressed concern with trash associated with a fast-food restaurant and asserted the Sawgrass Expressway expansion would cause additional traffic concerns. She stated the late-night hours could be especially problematic and that the Taco Bell would pose risk to the tranquility of the neighborhood. She asked that alternate options be considered.

Petra Strong, 5834 NW 49 Lane, Coconut Creek, yielded her time to Ms. Orter.

Tatiana Castro, 6013 NW 45 Avenue, Coconut Creek, spoke in opposition to the application. She thanked the Commission for the beautiful City they have created through the years and the standard built. She stated her main concern was the safety of her four (4) children. She commented on traffic and advised the latest Texas Roadhouse was open was 11 p.m., and the community did not want a business open until 1 a.m. She asked that the Commission think of the neighborhood families.

Vincent Coldwell, 6102 NW 45 Avenue, Coconut Creek, spoke in opposition to the application. He highlighted existing concerns with unsafe traffic due to congestion and stated there were times he could not get out of his driveway, and now a business was being discussed that would bring in even more traffic. He stated more law enforcement would be needed in the area due to placing a fast-food restaurant in proximity to a school and suggested a Broward County Internal Affairs case to look into for further background on his concern.

Gavin Rembach, 6040 NW 42 Avenue, Coconut Creek, spoke in opposition to the application. He stated he heard the presentation at the community meeting, and there was no doubt that the applicant had catered to the law, but what they had not done was to listen to anyone in the community. He explained that he had asked the City for a deferral of the application due to concerns with the notice and argued the traffic study had been done in Coral Springs, and residents could not get to their homes with existing conditions. He asked how safety and security would be addressed.

Jodi Dicuia, 4549 NW 60 Court, Coconut Creek, spoke in opposition to the application. She stated there were three (3) Taco Bells within three (3) miles, and the residents did not need this in their community. She commented that it would be open after surrounding businesses were closed and interrupt the quiet. She stated there would be problems with young people, and traffic was already an issue. She asserted more restaurants were needed, but not fast-food.

Humberto Paez, 6045 NW 45 Way, Coconut Creek, yielded his time to the next speaker.

Elba Paez, 6045 NW 45 Way, Coconut Creek, yielded her time to the next speaker.

Eliana Plata, 6045 NW 45 Way, Coconut Creek, spoke in opposition to the application. She stated she was sympathetic to the developers, but a business on the site had to be a business that did not impact the community in a negative way. She commented that property values would be impacted and there would be issues with crime. She cited Florida Statutes regarding property owner's rights and stated residents were not notified of the February public meeting. She sought to submit a recording of the August 15, 2024, public meeting for the record, and asserted the resident concerns were not taken into account and there had been deliberate deceit. She stated putting in two (2) electric vehicle charging stations would attract more people.

City Attorney Pyburn spoke with Ms. Plata and Mr. Dickerson regarding entering a recording of the August 15 meeting into the record. Ms. Plata did not have the recording with her in submittable form. Mr. Dickerson confirmed that the development team did not record the meeting, but were aware that Ms. Plata was recording as she stated during the meeting.

Jill Steinberg, 5824 NW 49 Lane, Coconut Creek, spoke in opposition to the application. She asked the Commission to put themselves in her shoes when looking at the request to put a fast-food drive-through in a beautiful plaza. She stated there was the ability to put a nice restaurant in the space with less impact on traffic and discussed accidents and backed up traffic. She asked for a sixty (60)-day extension to allow residents to hire an engineer to complete an independent traffic study.

John Parrinello, 5818 NW 48 Avenue, Coconut Creek, spoke in opposition to the application. He spoke about efforts over the years to elevate Victoria Isles, and stated a fast-food restaurant would do no favors to the area. He asserted the location was not a fit and would impact quality of life. He commented on the traffic impacts.

Peter Smeryage, 5724 NW 49 Lane, Coconut Creek, spoke in opposition to the application. He commented that missing from the traffic study was the fact that there was no left turn access into the property, so drivers either have to make a U-turn or go down the street past the pre-school. He stated when he was a teenager, his friends would meet up at Taco Bell late at night, and it was not always the best things happening. He expressed concern with safety and proximity to the middle school.

Cesar Delgado, 4559 NW 60 Court, Coconut Creek, spoke in opposition to the application. He stated his house faces Lyons Road, and he has seen many accidents there. He asserted traffic was an issue and stated he did not want a Taco Bell.

Alain Troadec, 7920 NW 84th Avenue, Parkland, spoke in opposition to the application. He reiterated a previous speaker's suggestion that the Commissioners review a Broward County Internal Affairs case related to what happens in a shopping plaza when there was a large number of students there after school and the issues it created.

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

Staff had no closing remarks.

Mr. Dickerson provided brief closing remarks. He stated all notice was provided as required under the Code, and notice was expanded for the second public meeting. He advised that because the applicant had not been able to listen to or authenticate the audio recording of the public meeting, it would not be appropriate for it to be added to the record at this time. He stated the application met all requirements and requested Commission approval.

City Attorney Pyburn responded briefly. She noted that under the Commission rules, materials submitted were to be provided with ten (10) copies at least twenty-four (24) hours in advance of the meeting and accepting the recording would not be consistent with the rules.

Commissioner Brodie asked if the updated slides provided by the applicant at 5:30 p.m. would fall under the same rules. City Attorney Pyburn responded briefly. She noted the applicant was in a unique position under the rules, but the Commission has the right to determine there was not adequate time for review of the materials. Mayor Welch sought and received consensus that

hearing of the item should proceed.

Mayor Welch asked Mr. Proffitt if he had an opportunity to review the updated traffic numbers during the meeting. Mr. Proffitt stated he had looked them over, but was cautious of making determinations either way, in part because the Transportation Manager was not present to conduct a review and because there was new information that had been introduced.

Mayor Welch stated the hours were a significant concern to her because they did not coincide with any of the hours of the existing businesses or other drive-throughs in the City. She noted that regardless of which data was used, the new trips generated were significant, the unsupervised juveniles were a concern, and the design did not fit with the neighborhood.

Commissioner Rydell asked for clarification on the certification of the notice for the community outreach meetings. Mr. Dickerson confirmed the notice was certified by a third party, who was not present to be questioned. Commissioner Rydell inquired as to the dates the traffic study was completed. Mr. Peterson advised the original study was November 8, 2022, and an update to the memo was made August 19, 2024, based on follow up queuing analysis completed on August 8, 9, and 10, 2024. Commissioner Rydell pointed out school started on August 12, so there was no current data regarding traffic when Broward County Schools were in session. Mr. Peterson stated he believed it was appropriate to look at the data collected November 8, 2022. Commissioner Rydell asked if the traffic analysis took into account proximity to the Sawgrass Expressway and the potential for a sign at the exit pointing to a fast-food restaurant. Mr. Peterson advised it was his understanding there would not be signage and advised it was not the standard of the industry to analyze with that respect. Commissioner Rydell noted traffic off the Sawgrass Expressway was routed north, so access to the Taco Bell would require a U-turn. He asked if the analysis included any request through Broward County for a change to traffic patterns or signage. Mr. Peterson stated no change was contemplated. Commissioner Rydell referenced the definition of nuisance under the City Code of Ordinance and asked if any information being presented dealt with potential nuisance such as congregation of youth. Mr. Dickerson stated he believed they did, and that they would be willing to entertain the conversation. He subsequently advised he had not looked at calls for service at other fast-food restaurants. Commissioner Rydell asked if the outreach had included meeting with schools, school officials, or neighboring businesses. Mr. Dickerson stated anyone who attended the community outreach meeting was met with, but there was no direct outreach or communication with schools. Commissioner Rydell stated he found the submission lacking and did not believe the burden had been met.

Commissioner Wasserman questioned the timing of providing the presentation to the City and stated staff and the Commission were not provided with enough time to process changes. He noted the proximity to the Sawgrass Expressway should have been considered and stated people did not want a quick service restaurant near their homes.

Commissioner Brodie stated there were zero fast-food restaurants with drive-throughs on Lyons Road due to the way it had been governed. He asserted the architecture and colors were not designed to be compatible with the plaza or the neighborhood. He commented on his experience visiting a series of corporate and franchise stores, noting he found issues with homelessness and moisture from air conditioning. He asked for clarification on the hours proposed at the community meeting. Mr. Dickerson clarified the proposed hours. Commissioner Brodie shared his experience with noticing community outreach meetings. He stated he had never been to a meeting where not one (1) person claimed to have received notice and advised that the witness should have been present to speak to the notice provided. He discussed concerns with compatibility with the neighborhood and with traffic being blocked, students who are not welcome in other places, and homelessness. He stated the first responsibility was the safety of the

residents, and this development would be a mistake.

Vice Mayor Railey commented that the Commissioners were not worried about votes, but about doing what was right for the residents. She stated she appreciated both sides of the presentation but could not get past the problems with kids and adding to existing traffic problems, specifically the concern with U-turns. She added that unsupervised youths in establishments needed to be addressed across the board.

MOTION: Rydell/Wasserman – To approve Resolution No. 2024-100.

Mr. Dickerson highlighted the issue of the traffic study and whether it would be admitted into evidence. He stated if it were not admitted, he would like the opportunity to have his traffic engineer further address the issue. Discussion ensued and consensus was not given to admit the August 2024 traffic study into the record.

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

CITY MANAGER REPORT

City Manager Rose provided a written briefing of the status of the Fire Station and Police Department remodels. She advised that a basis for the cost estimates as discussed in the budget hearing was included, and a report would be provided at least once a month going forward. She stated the Request for Proposals (RFP) for design of the Fire Station was expected to be released by December 2024. City Manager Rose asked that the Commission consider an alternate date for the November Commission meeting. Discussion ensued, and consensus was to leave the date as-is.

CITY ATTORNEY REPORT

City Attorney Pyburn stated the City had filed its response to the Greystar case on August 16, and the Petitioners had until September 3 to file their reply brief, with the court decision thereafter. She advised that she would keep the Commission updated. City Attorney Pyburn stated she, City Manager Rose, and Transportation Planner Michael Righetti were scheduled to travel on October 7 for a meeting with the Florida's Turnpike executive team to discuss the Turnpike Expansion Project.

COMMISSION COMMUNICATIONS

Commissioner Rydell highlighted the kickoff of girls' basketball and noted exciting upgrades to the basketball hoops and nets at the Recreation Complex. He commented that Broward County was pushing forward with the landfill expansion, both in footprint and height on October 8, with a public hearing planned for September. He asserted it was mind blowing that the County had signed on to participate in the Solid Waste Authority and that the County was engaging in ongoing negotiations with Waste Management for the expansion ordinance. He asked for continued support in his effort to become part of the executive leadership of the Broward County Solid Waste Authority. Discussion ensued regarding continued advocacy efforts, engaging the County's realtors and other municipalities' leadership.

Commissioner Wasserman asked about the selection process for the Poet Laureate. City Manager Rose stated a more formal process could be developed if that was the direction of the Commission. Discussion continued regarding the vision for an inclusive process and engagement of the community. Consensus was that staff would bring forward options for a selection process at the second Commission

meeting in September.

Commissioner Brodie recognized his son and wife, who were in attendance at the meeting and Vice Mayor Railey and her husband John on their 59th wedding anniversary.

Vice Mayor Railey stated she had attended an event earlier in the day for a resident's 100th birthday and noted she had asked him to speak as a Holocaust survivor. Commissioner Wasserman shared that March for the Living may also be interested in connecting. Vice Mayor Railey thanked staff and her colleagues for being on top of the landfill and turnpike issues and stated the residents were ready and willing to activate, as needed.

Mayor Welch spoke about attending the Florida League of Cities conference. She asked about further Commission training regarding expectations. City Manager Rose stated a proposal was pending.

ADJOURNMENT

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

Joseph J. Kavanagh, MMC
City Clerk

Date