



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: April 28, 2022
Time: 7:00 p.m.
Regular Meeting No. 2022-0428R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:07 p.m.

PRESENT UPON ROLL CALL:

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

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 explained that, in light of the pandemic, accommodations were made to allow the public to provide advanced comments without the need to attend the meeting. City Attorney Terrill Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

1. **22-099** A PROCLAMATION RECOGNIZING THE MONTH OF APRIL 2022 AS "AUTISM ACCEPTANCE MONTH."

Mayor Rydell read the proclamation into the record and presented it to Julliana Carranza of the University of Miami – Nova Southeastern University Center for Autism and Related Disabilities.

2. **22-089** A PROCLAMATION RECOGNIZING THE WEEK OF APRIL 24-30, 2022, AS "NATIONAL CRIME VICTIMS' RIGHTS WEEK."

Vice Mayor Welch read the proclamation into the record and presented it to Police Chief Albert A. "Butch" Arenal and Victim Advocate Tara Arena.

3. **22-060** A PROCLAMATION RECOGNIZING APRIL 28, 2022, AS "ARBOR DAY 2022."

Commissioner Railey read the proclamation into the record and presented it to Mishca Ricketts from Lyons Creek Middle School.

4. **22-097** A PROCLAMATION RECOGNIZING THE WEEK OF MAY 1-7, 2022, AS PUBLIC SERVICE RECOGNITION WEEK."

Mayor Rydell read the proclamation into the record and presented it to Human Resources Director Pam

Kershaw and the employees of the City of Coconut Creek.

5. **22-064** A PROCLAMATION RECOGNIZING MAY 1-7, 2022, AS “MUNICIPAL CLERKS WEEK.”

Commissioner Tooley read the proclamation into the record and presented it to Deputy City Clerk Marianne Bowers and the members of the City Clerk Department.

6. **22-098** A PRESENTATION RECOGNIZING THE 2022 CITIZEN’S ACADEMY GRADUATES.

Community Relations Director Yvonne Lopez recognized the following 2022 Citizen’s Academy graduates:

David Allen	Michael Di Domenico	Joycy Ann Lacombe	Diane Smith
Sylvie Andreou	Marilyn DiPrima	Adam Nagy	Eric Smith
Alessandra Borges	Eric Ema	Lisa Nagy	Adeena Teres
Anabel Borges	Gail Feher	Stephanie Nardelli	Sharon Teres
Jim Caricato	Claudia Fournier	Althea Pemsel	Nikki-Ann Thompson-Parkinson
Maria Carchidi	Matthew Horne	Juliane Pietzsch Murphy	Joel VanHemel
Lia Castro	Scott Krieger	Giancarlo Roman	
Natalie Coon	Sue Krieger	LuAnn Silvestro	
Eileen Diaz	Kurtis Kron	Kathy Sklare	

INPUT FROM THE PUBLIC

Deputy City Clerk Bowers stated that no one was signed in to speak. She read an advanced public comment into the record, a copy of which is attached hereto as Exhibit “1,” from Nancy Fry, 5341 Flamingo Place, regarding the issue of safe gun storage and gun access by adolescents, and encouraging the City to partner with the Be SMART campaign to provide education and resources regarding safe gun storage

CONSENT AGENDA *(Items 7, 8, 9, 11, 12, and 13)*

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

Agenda Item 10 was pulled from the Consent Agenda by Mayor Rydell and heard before the Regular Agenda.

7. **22-088** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2022-0324R)
8. **RES**
 2022-100 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED CONSENT TO ASSIGNMENT IN ORDER TO PROVIDE CONSENT FOR THE ASSIGNMENT OF THE PIGGYBACK AGREEMENT WITH INTERNATIONAL DATA DEPOSITORY, INC. FOR COMMERCIAL RECORDS MANAGEMENT, STORAGE AND SHREDDING SERVICES PURSUANT TO CITY OF HOLLYWOOD BID NO. F-4483-15-RD TO ACCESS INFORMATION MANAGEMENT CORPORATION.

9. **RES** A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER, OR
 2022-080 DESIGNEE, TO EXECUTE AGREEMENTS WITH RSC INSURANCE
 BROKERAGE, INC. INCLUDING ITS DIVISION, GEHRING GROUP, AND
 BENTEK, INC. FOR THE PURPOSE OF PROVIDING INSURANCE
 BROKERAGE AND BENEFITS CONSULTATION SERVICES AND BENEFITS
 ENROLLMENT AND ADMINISTRATIVE SOFTWARE SERVICES TO THE CITY
 OF COCONUT CREEK PURSUANT TO RFP NO. 02-09-22-10.
11. **RES** A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND
 2022-101 RELEASE REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS
 FROM ALLERGAN FINANCE, LLC (F/K/A ACTAVIS, INC., WHICH IN TURN,
 WAS WATSON PHARMACEUTICALS, INC.), ALLERGAN SALES, LLC,
 ALLERGAN LIMITED (F/K/A ALLERGAN PLC, WHICH IN TURN, WAS F/K/A
 ACTAVIS PLC) AS PART OF THE FLORIDA ATTORNEY GENERAL ACTION
 REGARDING THE OPIOID LITIGATION; AUTHORIZING THE MAYOR TO
 EXECUTE ALL NECESSARY AGREEMENTS.
12. **RES** A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND
 2022-102 RELEASE REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS
 FROM CVS HEALTH CORPORATION AND CVS PHARMACY, INC., AS PART
 OF THE FLORIDA ATTORNEY GENERAL ACTION REGARDING THE OPIOID
 LITIGATION; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY
 AGREEMENTS.
13. **RES** A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND
 2022-103 RELEASE REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS
 FROM TEVA PHARMACEUTICAL INDUSTRIES, LTD. AS PART OF THE
 FLORIDA ATTORNEY GENERAL ACTION REGARDING THE OPIOID
 LITIGATION; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY
 AGREEMENTS.

MOTION: Tooley/Welch – To approve Consent Agenda Items 7, 8, 9, 11, 12, and 13.

Upon roll call, the Motion passed by a 4-0 vote.

Police Department

10. **RES** A RESOLUTION AUTHORIZING THE USE OF LOCAL LAW ENFORCEMENT
 2022-093 TRUST FUNDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000)
 TO PROVIDE A DONATION TO THE BROWARD VICTIMS' RIGHTS
 COALITION.

Mayor Rydell read the Resolution title into the record.

Commissioner Tooley made a motion to hear the item, seconded by Vice Mayor Welch.

Mayor Rydell asked staff to explain where the funds were going and what they would be used for. Victim Advocate Tara Arena explained the donations go to an emergency fund for the Broward Victim's Rights Coalition, which was used as a fund of last resort to provide for expenses such as gas and groceries with gift cards or direct payment of expenses.

Mayor Rydell asked whether the donation could be earmarked for Coconut Creek crime victims.

Victim Advocate Arena responded that the fund was distributed based on need, with a maximum of \$500 per victim. She discussed donations made by other municipalities.

Police Chief Arenal asked whether Coconut Creek victims would still be eligible for funds from the coalition if the City did not donate. Victim Advocate Arena stated they would never turn away a victim, but it is a small Broward County non-profit, which is funded by donations from local police departments.

Vice Mayor Welch asked if there was another fund the City could make a donation to which would be restricted to Coconut Creek residents. Victim Advocate Arena responded there was not one she was aware of. Police Chief Arenal provided additional detail and noted that local churches were a source of funds, as needed.

Commissioner Welch expressed concern regarding availability of dollars for victims without this fund. Victim Advocate Arena reviewed the expenditures of the fund in the past year.

Commissioner Railey asked whether the City could self-fund a fund to be dispersed to victims who are residents of Coconut Creek. Police Chief Arenal and Ms. Arena responded briefly. Police Chief Arenal commented that staff could come back to the Commission with additional detail on the donation.

MOTION: Tooley/Welch – To table Resolution No. 2022-093 until the next Commission meeting.

Upon roll call, the Motion to table the item passed by a 4-0 vote.

REGULAR AGENDA

Finance and Administrative Services

14. 22-086 A MOTION TO ACCEPT FOR FILING AS THE RECORD COPY WITH THE CITY CLERK THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (ANNUAL REPORT) AND THE OTHER INDEPENDENT AUDITOR'S REPORTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2021.

Mayor Rydell read the Motion title into the record.

MOTION: Welch/Railey – To approve the Motion.

Finance and Administrative Services Director Peta-Gay Lake presented the item. She explained the audit had been successful, with no recommendations for improvement and no concerns raised by the auditors.

Marc Grace, Partner, Keefe McCullough, made a presentation reviewing the State audit requirements, and the City's 2021 audit.

The Commissioners commended staff on a job well done.

Upon roll call, the Motion passed by a 4-0 vote.

Public Works Department

15. **RES 2022-076** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONTRACTOR SERVICES WORK AUTHORIZATION WITH P.L.A. ELECTRIC, INC. TO PURCHASE AND INSTALL TWO (2) NEW LIGHTED LAKE FOUNTAINS IN THE GOVERNMENT CENTER LAKES.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2022-076.

Public Works Director David Allen presented the item. He explained the proposed fountains would be installed as part of the Government Center rehabilitation project. Discussion ensued regarding the reliability of the equipment, warranty on the fountains, and programming for holidays and special events.

Mayor Rydell asked for a breakdown of the costs involved in the project. Public Works Director Allen explained the cost of the fountains was approximately \$63,000 and the remainder of the expenditure was electrical and installation.

Deputy City Clerk Bowers stated that no advanced public comments were received on the item, and no one had signed in to speak.

Upon roll call, the Resolution passed by a 4-0 vote.

City Commission

City Attorney Pyburn reviewed the appointment process for items 16 and 17 and noted that the District D nomination would take place at the next meeting.

16. **RES 2022-044** A RESOLUTION APPOINTING FOUR (4) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO THE PLANNING AND ZONING ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2023.

Mayor Rydell read the Resolution title into the record.

Vice Mayor Welch made a motion to hear the item, seconded by Commissioner Tooley.

Deputy City Clerk Bowers stated that no advanced public comments were received for the item, and no one had signed in to speak.

- Commissioner Tooley nominated Paul (Doug) Young.
- Commissioner Railey nominated Thomas Casey.
- Vice Mayor Welch nominated Jeffrey Barker.
- After passing the gavel to Vice Mayor Welch, Mayor Rydell nominated Steven Hall as regular member and Colleen LaPlant as alternate.

MOTION: Tooley/Welch – To approve Resolution No. 2022-044.

Upon roll call, the Resolution passed by a 4-0 vote.

17. **RES 2022-045** A RESOLUTION APPOINTING FOUR (4) REGULAR MEMBERS AND ONE (1) ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM ENDING WITH THE NEXT APPOINTMENT IN 2023.

Mayor Rydell read the Resolution title into the record.

Commissioner Tooley made a motion to hear the item, seconded by Vice Mayor Welch.

Deputy City Clerk Bowers stated that no advanced public comments were received for the item, and no one had signed in to speak.

- Commissioner Tooley nominated David Anderson.
- Commissioner Railey nominated Randy Johnson.
- Vice Mayor Welch nominated Joel VanHemel.
- After passing the gavel to Vice Mayor Welch, Mayor Rydell nominated Kenneth Forbes as regular member and deferred his nomination of an alternate member until the next meeting.

MOTION: Tooley/Railey – To approve Resolution No. 2022-045.

Upon roll call, the Resolution passed by a 4-0 vote.

18. **22-062** A MOTION TO APPOINT A DIRECTOR, ALTERNATE, AND SECOND ALTERNATE TO ATTEND AND VOTE AT ANY 2022-2023 BROWARD LEAGUE OF CITIES BOARD OF DIRECTORS OR GENERAL MEMBERSHIP MEETINGS.

Mayor Rydell read the Motion title into the record.

Vice Mayor Welch made a motion to hear the item, seconded by Commissioner Railey.

Deputy City Clerk Bowers stated that no advanced public comments were received on the item, and no one had signed in to speak.

- Commissioner Railey nominated Commissioner Tooley to serve as Director, seconded by Mayor Rydell after passing the gavel to Vice Mayor Welch.
- Vice Mayor Welch nominated Mayor Rydell to serve as the Alternate, seconded by Commissioner Tooley.
- Commissioner Tooley nominated Commissioner Railey to serve as the Second Alternate, seconded by Vice Mayor Welch.

MOTION: Welch/Railey – To approve the slate of nominees.

Upon roll call, the Motion passed by a 4-0 vote.

19. **RES 2022-090** A RESOLUTION APPOINTING A MEMBER TO THE CITY COMMISSION TO FILL THE REMAINDER OF A VACATED TERM FOR DISTRICT D ENDING IN MARCH 2023, PURSUANT TO CITY CHARTER SECTION 305.C., "FILLING OF VACANCIES."

Mayor Rydell read the Resolution title into the record.

Vice Mayor Welch made a motion to hear the item, seconded by Commissioner Tooley.

Mayor Rydell explained there had been consensus at the Commission Workshop earlier in the day to move two (2) candidates forward for consideration of appointment. He stated the process was difficult for the Commissioners but was mandated by Charter. He pointed out an election to allow the voters to fill the position would be held in March 2023. Mayor Rydell stated there had been five (5) impressive candidates who were dedicated to the City. He noted that through discussion the Commission had narrowed the list of candidates to John Brodie and Alfred Delgado, both present.

Mayor Rydell opened the floor for public comment on the item. Deputy City Clerk Bowers stated that no advanced public comments were received on the item.

Mayor Rydell informed Mr. Hall that the Commission had received his email, and it would be made a part of the record for the meeting, attached as Exhibit "2."

Steve Hall, 6214 NW 45 Terrace, Coconut Creek, addressed concerns regarding the Commission and its members, and stated there would have been time to hold an election to fill the District D seat if the issues had been addressed when they first came up.

City Attorney Pyburn thanked Mr. Hall for his comments and stated an investigation was ongoing, but the Commission and staff had been informed by the agency conducting the investigation that they were not able to discuss the nature of that investigation due to confidentiality.

Mayor Rydell added that he takes ethics extraordinarily seriously.

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek, asked for clarification on whether the election in March 2023 would be for an open seat, or if the appointee would be running as an incumbent. City Attorney Pyburn stated she needed to research the question and would follow up. Mayor Rydell provided additional detail regarding legal precedent. He noted the process would be as open and transparent as possible.

Mayor Rydell invited Mr. Delgado and Mr. Brodie to speak.

Mr. Delgado thanked everyone for their participation in the process and stated he appreciated the way the City was defined by families. He shared a brief overview of his background, and that of his young family. He noted it was important to him that the Commission was giving voice to the community's aspirations when selecting a Commissioner to fill the seat.

Mr. Brodie stated this process was about moving the government forward with integrity, openness, and honesty until the opportunity for an election in March 2023. He reviewed his background as a longtime resident of Coconut Creek and explained his interest in participating in the process.

Mayor Rydell stated he believed the City would be well served in the interim by either candidate. He invited additional questions and the Commission discussed the process briefly.

MOTION: Welch/Tooley – To approve Resolution No. 2022-090, appointing John Brodie.

Commissioner Railey nominated Alfred Delgado. The motion failed for lack of a second.

Upon roll call, the Resolution passed by a 4-0 vote.

INVESTITURE OF APPOINTED COMMISSIONER FOR DISTRICT D

Deputy City Clerk Bowers administered the oath of office to newly appointed Commissioner John Brodie.

CITY MANAGER REPORT

City Manager Karen Brooks had no report.

CITY ATTORNEY REPORT

City Attorney Terrill Pyburn had no report. She noted she would be reaching out to Commissioner Brodie to discuss training on ethics, Public Records Law, and Sunshine Law.

COMMISSION COMMUNICATIONS

Commissioner Brodie thanked everyone involved in the process and stated it was an honor to be on the dais. He noted he looked forward to working with the Commission to continue making Coconut Creek the best city in South Florida.

Commissioner Tooley commented on the tree planting ceremony and unveiling of the new butterfly gardens at Lyons Creek Middle School that morning. She stated she looked forward to going back to see how much it grows.

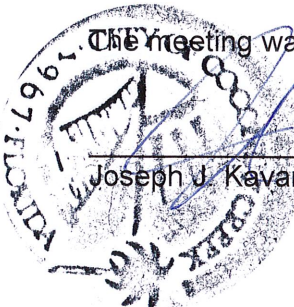
Commissioner Railey echoed Commissioner Tooley's comments on the butterfly garden. She noted that she had also attended the Police Benevolent Association luncheon earlier in the day and congratulated those honored.

Vice Mayor Welch thanked Mr. Delgado and stated she was sorry they were not able to choose two (2) candidates. She shared a conversation with a resident operating his South Creek home on solar power and stated it was a wonderful opportunity for public outreach. She briefly discussed the ribbon cutting at Grandma's Kitchen.

Mayor Rydell shared additional details regarding the proprietor of Grandma's Kitchen. He stated he had residents who had reached out to him regarding an increase of approximately \$700 to \$1,000 per month in rent at St. Andrew's Apartments and would be asking Deputy City Manager Sheila Rose to look into the issue prior to the next meeting.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.



Joseph J. Kavanagh, City Clerk

5/26/2022
Date

EXHIBIT "1"

From: [Nancy Fry](#)
To: [CommissionComments](#)
Subject: Public Comment for the April 28th Coconut Creek Commission Meeting
Date: Wednesday, April 27, 2022 5:01:07 PM

Hello Coconut Creek Commission and City Staff,

My name is Nancy Fry, and I'm a Coconut Creek resident. I apologize I couldn't be there in person tonight, but this is a topic that is too important to wait for the next Commission meeting.

In light of recent events, including the stolen guns recovered by CCPD and the incident involving a gun on campus at Coconut Creek High, it is imperative that education on safe gun storage becomes a priority in our city.

41% of adolescents in gun-owning homes report having "easy access" to firearms, and firearms are the leading cause of children in the US today. Furthermore, approximately 75% of school shooters obtained their gun from their home or the home of a family friend.

With that, I am encouraging Coconut Creek to partner with the Be SMART campaign, which has volunteers and free resources to educate the community on safe gun storage. I know one of the strategic goals in the Vision 2030 plan is to "Enhance community health, safety, and well-being", and, more specifically, that you want to foster partnerships within the community to achieve that goal.

Some ways the Be SMART program could be implemented:

1. Organize a series of City Safety family fun events where BeSmart Volunteers can attend, pass out gun locks & materials, and talk to the community
2. Display digital materials on the City website and TV monitors inside city buildings
3. Hold a City Safety Forum/Panel and invite local business and the media to attend (Be SMART volunteers can present at these events)
4. Provide Be SMART postcards to the City's Police Department to pass out

Clearly, this is a pressing matter in Coconut Creek, and I know our city has taken a strong stance on gun violence prevention as a party to the firearm preemption lawsuit against the State as well as your proclamations in support of Wear Orange for Gun Violence Awareness. I hope you will take advantage of this opportunity for free resources that could save lives, and I'm happy to facilitate any connections needed. You have my email address from my public comment if you would like to reach out, and I will be at the next Commission meeting if you have any questions.

Thank you very much for your time and consideration.

Nancy Fry
5341 Flamingo Pl.
Coconut Creek, FL 33073

EXHIBIT "2"

From: kps93@aol.com
To: [Rydell, Joshua](#); [Tooley, Becky](#); [Welch, Sandra](#); [Railey, Jackie](#); [Bowers, Marianne](#); [Public Records](#); [Pyburn, Terrill](#)
Subject: Commission Workshop 4/28/22
Date: Thursday, April 28, 2022 3:17:18 PM

Hello Mayor, Vice Mayor and Commissioners,

I will not be able to attend the workshop today but wanted to give my view of things for the record. I appreciate your time.

I've been relatively quiet on this subject because I'm appalled that we are in this place. The power of the government and your positions as commissioners derives from the people. It does not derive from City staff or any other place. The way this situation has unfolded has taken the vote from the people.

An election is about getting the best out of the community. Appointments are for political reasons. The group of people YOU are choosing may be good people and viable candidates. But they haven't been vetted by the people. The people do not know - you've taken that from them.

The people had no opportunity because the commission did not hold a member accountable as it was your duty. A commissioner was allowed to remain in office and just quit when that person clearly did not live in the city. It was done in a manner to prevent an election and had limited the people that would have participated. In fact, the person filed a homestead exemption in another county. A homestead exemption is a definitive declaration of primary residence and must be signed by all people on the deed. While I understand the City Attorney stated he had an address in the city, it clearly was not his primary address as required by law. News reports indicated he clearly did not live there. That in and of itself should have been questioned on the dias in an open forum so the people would have the truth. Unfortunately, you need to understand your job is to question things that are questionable and if it was legal, he would have justified it to the people's satisfaction.

In this workshop your going to vett these candidates. I implore you to vett them far deeper than you vetted someone's primary domicile. I'm quite certain that if you don't do this then you will not get the best person to propel Coconut Creek forward.

Regards
Steven Hall
6214 NW 45th Terrace
Coconut Creek, FL 33073