



CITY OF COCONUT CREEK SPECIAL MEETING CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: March 18, 2020
Time: 11:00 a.m.
Meeting No. 2020-0318SP

1. CALL TO ORDER

Mayor Sarbone called the meeting to order at 11:00 a.m.

PRESENT UPON ROLL CALL:

Mayor Lou Sarbone
Vice Mayor Joshua Rydell
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere (via telephone)
Commissioner Sandra L. Welch
Assistant City Manager/Sustainable Development Director Sheila Rose
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

Mayor Sarbone opened the meeting by explaining that the Commission was following social distancing rules as best they could.

2. DISCUSSION – COVID-19 AND CONTINUITY OF CITY OPERATIONS

Sheila Rose, Assistant City Manager/Sustainable Development Director, provided an overview of the City's emergency response efforts. She noted that staff was skilled at responding to hurricane emergencies but had to retool efforts to respond to the type of emergency presented by COVID-19. She discussed the core group involved in operations and the intergovernmental communication being undertaken and noted the critical issue moving forward was to set the tone.

City Attorney Pyburn provided an explanation of the resolutions and proclamation before the Commission and discussed the intent of each.

The Proclamation setting an emergency curfew was discussed following Resolution Nos. 2020-092 and 2020-093.

20-107 A PROCLAMATION SETTING AN EMERGENCY CURFEW.

Mayor Sarbone read the Proclamation into the record. Ms. Rose corrected a typo.

Mayor Sarbone stated that while the Proclamation did not require a vote, he would be seeking consensus from the Commission before signing. City Attorney Pyburn clarified the reason for drafting the order as a proclamation was that issues related to COVID-19 were changing quickly, and a change may be required in a timeframe that would not allow for an emergency meeting of the Commission. Commissioner Welch stated she agreed with Vice Mayor Rydell's previous request to add food delivery workers to the exemptions. She asked for clarification regarding the logistics and asked whether guidelines should be provided regarding an end time for those exempted. Mayor Sarbone stated he believed the demands of the business would determine the times, following supply and demand.

Commissioner Welch said the addition of food delivery and takeout gave first responders options.

The Commission and staff discussed package and grocery delivery services.

Vice Mayor Rydell stated he was in support of the Proclamation as long as a subsection was added regarding food and food delivery services. He asked where the curfew time had originated. Ms. Rose stated 10 p.m. was the time contemplated in similar municipalities in the region. Mayor Sarbone said he wanted to set the tone in western Broward, rather than following the standard set on the east side of Broward County.

Vice Mayor Rydell asked for input from Police Captain Fred Hofer regarding curfew times. Captain Hofer stated 10 p.m. to 6 a.m. was acceptable. The Commission discussed potential reasons to adjust the time. Vice Mayor Rydell recommended an adjustment to 11 p.m. to 5 a.m.

Mayor Sarbone clarified that he could make adjustments to the Proclamation later if the times were found to be an undue burden on local businesses. Commissioner Welch expressed concern that a later end time would encourage alcohol service.

INPUT FROM THE PUBLIC

Bruce Bandler, Wynmoor Community Council Administrator, asked if the curfew would apply to guards and all-night gate workers. Mayor Sarbone stated he was fine with adding security personnel to the exemption list, but noted the intention was not to pull people over but to address people gathering in groups. Ms. Rose pointed out that through traffic on State and County Roads also could not be stopped.

Craig Valvo, Amici's Pizza Café, 4800 W. Hillsboro Boulevard, Coconut Creek, thanked the City for its efforts and commented that he was unsure of the purpose of the curfew and the connotation implied when curfews are set.

Mayor Sarbone stated it was his preference not to sign the curfew if it was not going to help the community to substantially impede the spread of the virus, but was open to implementing it later if the Police Department reported problems with people congregating at night.

City Attorney Pyburn clarified that the Proclamation did not need to be signed during the meeting and could be enacted later. She reiterated the intention to give the Police Department authority to disperse crowds, noting that the possibility exists for enhanced security in the near future.

Jackie Railey, Wynmoor Community Council President, stated shutting down facilities seemed to be enough in Wynmoor, as there was no place for people to go. She reiterated Mr. Valvo's comments that a curfew would step up anxiety.

Commissioner Welch stated the curfew was a proactive approach, noting that areas around the country which had not taken a proactive approach were dealing with the consequences. She said she thought it was a clear message that the City was taking it seriously. Vice Mayor Rydell stated it was about optics and the message of leadership taking action. He said he was questioning the details, but also thought action was necessary.

Commissioner Tooley, commenting on her experience as a healthcare worker for more than 50 years, said she thought the purpose of the curfew was for the City to keep people inside to help flatten the curve of virus spread, and that she took it very seriously. She stated she believed there should be a curfew to protect the residents. Commissioner Belvedere said she believed the Proclamation should be

signed. She encouraged the Police Department to exercise good judgment.

Vice Mayor Rydell asked for input from Community Relations Director Yvonne Lopez, who stated her only concern was how to manage and monitor exceptions. Mayor Sarbone asked Captain Hofer to share his thoughts on the issue. Captain Hofer said in speaking with the other officers, they had seen a lot of self-regulation.

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek, spoke in support of Commissioner Tooley's statement. She said COVID-19 was different than a hurricane, and because this was a nationwide medical emergency, action needed to be taken.

Jackie Railey, Wynmoor Community Council President, stated the safety of the residents was first and foremost on everyone's mind but that shutting down everything and making sure people are not congregating should be thought hard about. She applauded the City Commission and staff for holding the meeting and the discussion.

City Attorney Pyburn recommended the curfew cover everyone with the exception of those working for the health, safety, and welfare of the community in order to avoid issues with First Amendment rights and other protections. She noted the 10 p.m. recommendation was under the advisement of a higher level of government than the City.

The Commission and staff discussed possible consequences related to the Proclamation. Vice Mayor Rydell stated property crime had the potential to increase with the closure of businesses and said the issue may go beyond health concerns. Commissioner Tooley reiterated how dangerous the virus was and stated she did not agree with pushing the curfew back to midnight. Commissioner Belvedere stated she believed the curfew should be issued because it sent the message to the residents that the City is concerned about them.

Vice Mayor Rydell suggested three whereas clauses to add to the Proclamation, laying out the intent as a public safety measure.

Mayor Sarbone said he would sign the Proclamation with an adjustment making the curfew effective March 20 from 11 p.m. to 5 a.m., with the addition of Vice Mayor Rydell's suggested whereas clauses. He stated he would be encouraging neighboring municipalities to adopt similar proclamations. He asked that the Police Department remain in contact to communicate whether the curfew was effective or needed to be expanded or removed. The Commission and staff discussed methods of sharing the information relating to the curfew with the community.

Ms. Rose asked if there was consensus regarding signing the Proclamation with the recommended amendments. She noted additional amendments discussed earlier, including adding security personnel and those working at restaurant or in food delivery to the exemption list, and correcting the highlighted typo.

**RES
2020-092**

A RESOLUTION PROVIDING EMERGENCY TEMPORARY RELIEF FROM SECTION 13-331(d)(10) OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES RELATING TO COMMERCIAL LOADING AND UNLOADING OPERATIONS FOR A PERIOD OF 30 DAYS FOR GROCERY STORES, PHARMACIES, AND HARDWARE/HOME IMPROVEMENT STORES, AND TO ENCOURAGE GROCERY STORES AND PHARMACIES TO PROVIDE A DESIGNATED "GOLDEN HOUR" FOR SENIOR CITIZENS TO ADDRESS IMPACTS REPLEATED TO THE COVID-19 VIRUS.

Mayor Sarbone read the Resolution title into the record.

Commissioner Tooley moved the item for discussion, seconded by Vice Mayor Rydell. Commissioner Welch expressed concern regarding other areas where more than 10 people are gathering, such as supermarkets and other critical services. She asked if restrictions on the number of people going into a store or service needed to be discussed. Mayor Sarbone stated he had witnessed employees focusing on cleanliness and shoppers appear to be exercising voluntary distancing. City Attorney Pyburn explained that the City did not have the resources to enforce social distancing but would encourage people to take actions according to their risk groups.

Vice Mayor Rydell reviewed his position on the emergency curfew and the golden hour for seniors and vulnerable populations. He stated the City's Master Business List should be utilized to reach out to business owners not only to issue suggestions, but also to offer support. He said the community needed to get creative in finding ways to promote local businesses.

Commissioner Tooley stated she was concerned disabled veterans were being left out of the conversation. She asked that they be added to the golden hour. Mayor Sarbone stated he was in favor of all of the things his colleagues had said. He noted he was disappointed in the County's lack of taking responsibility but was proud of the Coconut Creek Commission and staff.

INPUT FROM THE PUBLIC

Craig Valvo, Amici's Pizza Cafe, 4800 W. Hillsboro Boulevard, Coconut Creek, spoke about the opportunity for progress to be made in a difficult time. He recommended utilizing resources to ensure that contact information for the Master Business List was current, communicating with the businesses, and sharing information with the public regarding which businesses were open and the services they provide. He suggested using social media to celebrate businesses who were responsibly responding to the COVID-19 outbreak.

Seth Fellman, Morlin Hospitality Group, expressed gratitude for the City's proactive steps. He shared the strong measures being taken at the Hampton Inn and Residence Inn in the City to protect team members and guests.

Jackie Railey, Wynmoor Community Council President, shared efforts to clean and disinfect within the Wynmoor community. She stated she would like to go a step further and disperse supplies from inside the community to eliminate the need for seniors to go outside to shop. Mayor Sarbone asked what the Commission could do to support the effort, and Ms. Railey stated they would reach out if necessary.

Vice Mayor Rydell asked that an email address or phone number be set up so that people could reach out if they needed help. Commissioner Tooley asked that staff reach out to the City of Parkland to learn about an app that City had recently implemented.

At the request of Mayor Sarbone, City Attorney Pyburn explained that Commissioner Belvedere was being permitted to participate in the conversation via telephone and vote due to the emergency nature of the meeting and the emergency measures to be voted on. She noted the current items were only being implemented for 30 days, as the situation was changing rapidly.

Commissioner Tooley moved to amend the item to include lowering the golden hour age from 65 to 60 to match Center for Disease Control (CDC) guidelines, as well as adding language to include "disabled veterans and other immunocompromised people," seconded by Commissioner Welch.

MOTION: Tooley/Welch – To amend Resolution No. 2020-092.

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

MOTION: Tooley/Rydell – To adopt Resolution No. 2020-092 as amended.

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

RES 2020-093 A RESOLUTION RECOGNIZING THE THREATENING TRAJECTORY OF THE COVID-19 VIRUS AND DIRECTING BUSINESS AND FACILITY CLOSINGS AND BUSINESS PRACTICES TO IMPLEMENT PROTOCOLS ISSUED BY THE PRESIDENT OF THE UNITED STATES AND THE CENTER FOR DISEASE CONTROL (CDC); PROVIDING FOR STRINGENT EMERGENCY ENFORCEMENT OF PRESIDENTIAL AND CDC PROTOCOLS AND THIS RESOLUTION.

Mayor Sarbone read the Resolution title into the record. He clarified that proclamations of the Governor's Office were also included in the "Whereas" clauses.

Commissioner Welch moved the item for discussion, seconded by Vice Mayor Rydell. Ms. Rose provided a brief background on the Resolution, which was written to mirror those of Miami-Dade County and Fort Lauderdale. City Attorney Pyburn provided additional clarification, noting the City declared a Local State of Emergency on March 12 and was working to limit gatherings of 10 or more, with some exceptions. She outlined the exemptions and requirements.

Commissioner Welch stated she appreciated the idea of following consistency across the City and allowing small business restaurants to sustain themselves in a restricted manner. She applauded the Chamber of Commerce for sharing information on delivery availability early on. Vice Mayor Rydell asked that pet stores be added to the list of exemptions and noted that the Fort Lauderdale Resolution was more restrictive. He read a section from that resolution postponing or cancelling meetings and recommended it be added to Resolution No. 2020-093. Discussion ensued regarding Vice Mayor Rydell's recommended amendments and how they should be incorporated.

Commissioner Tooley asserted the City was bound by the CDC and Florida Health Department. She stated she believed a lockdown was impending and said she would like to hold another emergency meeting if that were to happen. Commissioner Tooley asked how enforcement would be handled. She shared stories regarding kids gathering in parks at night and fights in grocery stores.

The Commission and staff discussed park closures and how best to disperse large groups of people.

Vice Mayor Rydell moved the item be amended to include pet stores and to include language from the Fort Lauderdale Resolution regarding meeting and event cancellations while the State of Emergency is in effect, which was seconded by Commissioner Welch.

Commissioner Welch stated she thought options should be left open, rather than applying a rule to all meetings. Ms. Rose explained staff's recommendation to continue Code Enforcement meetings under narrow circumstances regarding risk of life or immediate threat to health. Vice Mayor Rydell expressed concern due process would not be available due to adjacent closures such as the courthouse.

MOTION: Rydell/Welch – To amend Resolution No. 2020-093.

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

MOTION: Welch/Rydell – To adopt Resolution No. 2020-093 as amended.

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

The Proclamation setting an emergency curfew was heard after Resolution No. 2020-093.

COMMISSION COMMUNICATIONS

Vice Mayor Rydell stated it was his understanding from speaking with the Police Department that additional resources were on the ground in response to school closures. He asked that an open window policy be enacted during road patrol to encourage checking on people and putting forth an effort to engage in community policing. Vice Mayor Rydell asked for an update on the status of City Manager Karen Brooks, who was out of the country, and whether she would be self-quarantining upon her return. Discussion ensued, and the Commission decided by consensus to require Ms. Brooks self-quarantine for 14 days or until adequate testing had been completed to clear her.

Vice Mayor Rydell stated he had read the department reports regarding how operations were moving forward and credited the legal department for its efforts in unchartered waters. He asked Ms. Rose to outline the plan for emergency heads of departments. Ms. Rose explained to assure continuity of operations, staff had gone to a 50 percent telecommuting situation and directors and assistant directors were alternating being in the office a week at a time.

Vice Mayor Rydell stated it was his intent with the amendment to Resolution No. 2020-093 that City Hall not be open to the public. City Attorney Pyburn said this was an item staff had intended to bring forward for discussion, and noted the consensus was appreciated. Vice Mayor Rydell stated it was his opinion utilities should be operational and no one's water should be turned off. He asserted non-essential employees should be telecommuting as much as possible. Mayor Sarbone stated telecommuting was moving forward, with the emergency purchase of equipment as necessary. He noted the goal was that anyone who could telecommute, would be.

Ms. Rose stated staff wanted to make the Commission aware that employment and emergency pay policies would be circulated in the next couple of days, and it may become necessary to implement those policies. Vice Mayor Rydell asked how many employees were hourly, and Pam Kershaw, Human Resources Director, answered more than half.

Mayor Sarbone responded to a question from Ms. Rose by stating it would be his direction to keep all employees whole for as long as possible. The Commission discussed the issue and agreed.

Discussion ensued regarding Florida's Sunshine Law. City Attorney Pyburn explained staff was monitoring for potential relaxation of rules that might occur to allow virtual discussion during an emergency. She noted the state was not at that stage yet.

Commissioner Tooley stated she would like to see a way other than the Citizen Request Management System (CRM) for residents to make inquiries and get a response within 48 hours. She said it wouldn't replace in-person input but would at least allow residents to provide input. Ms. Rose stated staff would investigate potential options.

Commissioner Tooley asked Fire Marshall Jeff Gary to provide an update regarding nursing homes and assisted living facilities. Jeff responded that staff was in contact with the facilities and no problems had been identified at this time. He noted the facilities were completely locked down, with a mechanism in place to allow first responders immediate access.

Commissioner Belvedere asked for clarification regarding the casino and the City curfew, and Mayor Sarbone explained the casino was on sovereign land and not under City jurisdiction.

Ms. Rose thanked the team for coming together to provide services during difficult times to the best of their ability. She thanked the Commission for their support. Mayor Sarbone shared thoughts related to a recent Mayors' call with the Governor related to the Covid-19 outbreak, including increasing capacity to test and addition of medical supplies and meals. He said this was news that the Governor's office was doing a lot to support the state.

Mayor Sarbone stated that as the virus develops, he would like to see staff not tied to the 50 percent telecommuting number but trying to get as many people as possible working from home so the interiors of buildings could have more separation. He asked how food for seniors was being handled, and supported the idea presented by Jackie Railey to allow the at-risk population to get supplies without going out.

Mayor Sarbone reiterated that he did not take lightly what the City Commission had to do during the meeting, noting the curfew was an extraordinary step in an extraordinary time. Vice Mayor Rydell commended Mayor Sarbone for his leadership during this time.

The Commission discussed the possibility of having a conference call to update them on developments. City Attorney Pyburn commented that Commission participation or conversation on the call would not be allowable, but it was possible they could listen to an update. She asked for the opportunity to research the issue and any notice requirements, then report back before a call was scheduled.

Ms. Rose stated she had just received a text that utilities permits cannot be issued electronically, so she would request limited access to facilities for ongoing construction issues on an as needed basis. She stated they would work through the logistics of whether to screen people outside. Vice Mayor Rydell stated that issue could be handled by appointment only.

ADJOURNMENT

The meeting was adjourned at 2:44 p.m.


Leslie Wallace May, MMC
*City Clerk


Transcribed by: C. Parkinson, Prototype

4/23/2020
Date