



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: January 11, 2018
Time: 7:00 p.m.

CALL TO ORDER

Mayor Tooley called the meeting to order at 7:03 p.m.

PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley
Vice Mayor Joshua Rydell
Commissioner Lou Sarbone
Commissioner Mikkie Belvedere
Commissioner Sandra L. Welch
City Manager Mary C. Blasi
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

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

PRESENTATIONS

1. **18-001** A PRESENTATION FOR THE "DO THE RIGHT THING" PROGRAM.

Police Chief Albert "Butch" Arenal began a *PowerPoint* presentation on the new "Do the Right Thing" Program created to recognize Coconut Creek students for their good deeds. He noted that the program would run annually each month during the school year from August to June and explained that five students would be selected each month to be recognized at an award ceremony. He gave a brief history of the nationally recognized program. Discussion ensued.

2. **18-014** A PROCLAMATION DECLARING SUPPORT FOR THE BROWARD COUNTY LEAGUE OF WOMEN VOTERS GUN SAFETY COMMITTEE.

Mayor Tooley read the Proclamation into the record. Gregory Gayle and Bradette Jepsen, on behalf of the Broward County League of Women Voters, accepted the Proclamation and spoke about the importance of gun safety.

INPUT FROM RESIDENTS OF COCONUT CREEK

Mark Pannella, 6603 NW 42 Avenue, Coconut Creek, stated that he previously reported to the City that a business was being operated at 4153 NW 66 Drive, Coconut Creek, a residential property. He spoke about the business operations he witnessed at the property. Assistant City Manager/Sustainable Development Director Sheila Rose stated that a written warning for operating a business without a

license had been issued, and she explained that when Code Enforcement originally visited the property, they were denied access. Mayor Tooley informed Mr. Pannella that he could speak with Ms. Rose regarding the next steps that would be taken. Mr. Pannella went on to speak about the Regional E-911 Dispatch System and the tax increase to fund a locally operated dispatch center.

Mayor Tooley implemented the Time-Certain; and the City Manager Report, City Attorney Report, and Commission Communications were heard after the Consent and Regular Agenda.

CITY MANAGER REPORT

City Manager Blasi mentioned two traffic fatalities that had just occurred within the City. She announced that the Jazz Under the Stars event was being held at City Hall on Friday, January 12, 2018.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Belvedere commented on the Jazz Under the Stars event.

Commissioner Welch gave her condolences to the families affected by the two traffic fatalities. She spoke about the new solar lights installed at the bus stops along Lyons Road. She mentioned that she spoke to a resident who thanked the City for their assistance with cleaning up the canal behind Donaldson Park, and Commissioner Welch commended City staff for working with the Cocomar Water Control District to ensure the waterways were maintained. She attended the Banyan Trails neighborhood crime spotters meeting where they spoke about car break-ins and recognized the Police Department for their efforts within the community.

Commissioner Sarbone spoke about the odor at the Monarch Hill landfill. City Manager Blasi explained that the City had received an inspection report from Broward County and the odor was anticipated to improve in February when the state of emergency issued in response to Hurricane Irma expires. Commissioner Sarbone spoke about the truck traffic on local roads, and City Manager Blasi commented that in order to limit commercial and industrial vehicles on local roads the County would have to adopt an ordinance prohibiting through traffic on these roads. She noted that she had contacted the County regarding the issue.

Vice Mayor Rydell gave his condolences to those affected by the traffic fatalities. He spoke about two Coconut Creek residents who were brothers and played against each other in the College Football National Championship Game. He noted that Coconut Creek football programs were highlighted during the game.

Mayor Tooley announced that Police Officer Larry Christopher's mother passed away. She noted that the Broward County Commission would be discussing changes to the civil citation program at their January 23, 2018, meeting. She spoke about House Bill 521 and Senate Bill 574 regarding regulations for tree trimming and removal, and noted that the proposed legislation infringed on local home rule power. She spoke with several residents who requested additional speed humps on Serko Boulevard, and spoke about speeding along NW 43 Avenue and NW 45 Avenue. She discussed code issues in the

South Creek neighborhood regarding hurricane shutters and downed fences and asked that Code Enforcement address the issues. She announced that she would be attending the Jazz Under the Stars event at City Hall and spoke about the State Legislative Session.

CONSENT AGENDA (Items 3, 4, 6, 7, 8, 9, 10, 11, and 12)

Mayor Tooley read each of the titles of the Consent Agenda items into the record.

Consent Agenda Item 5 was pulled by Commissioner Welch and heard during the Regular Agenda.

3. **18-012** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2017-1211WS, 2017-1214WS, AND 2017-1214R)

4. **18-002** A MOTION TO AUTHORIZE A BUDGET TRANSFER IN THE AMOUNT OF \$150,000 FROM GENERAL FUND CONTINGENCY ACCOUNT 0199-9901 TO PARKS AND RECREATION PROFESSIONAL SERVICES ACCOUNT 0183-3190 FOR THE DEVELOPMENT OF A COMPREHENSIVE PARKS AND RECREATION MASTER PLAN.

6. **RES
2018-004** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$64,542.50 TO MBR CONSTRUCTION, INC. FOR RESURFACING OF THE EXISTING PARKING LOT AND INSTALLATION OF NEW CURBING AT WINDMILL PARK ASSOCIATED WITH THE WINDMILL PARK IMPROVEMENT PROJECT.

7. **RES
2018-009** A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM BMOC-MIA (FL) LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO THE CITY FOR PARCEL "A," NORTH BROWARD SCHOOL REPLAT.

8. **RES
2018-015** A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM EP LOX LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO THE CITY FOR A PORTION OF LAND LYING WITHIN PARCEL "A" OF THE MECCA COMMERCIAL PLAT.

9. **RES
2018-016** A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM FIRST BAPTIST CHURCH OF COCONUT CREEK, INC., A FLORIDA NON-PROFIT CORPORATION, TO THE CITY FOR A PORTION OF LAND LYING WITHIN TRACTS A AND LB OF THE FIRST BAPTIST CHURCH AT HILLSBORO PLAT.

10. **RES
2018-017** A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM KLEMOV AT 5100 HILLSBORO LLC, A FLORIDA LIMITED LIABILITY COMPANY, TO THE CITY FOR A PORTION OF LAND LYING WITHIN TRACTS A, B, AND LB1 OF THE FIRST BAPTIST CHURCH AT HILLSBORO PLAT.

11. **RES
2018-018** A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM EW PARKLAND, A DELAWARE LIMITED LIABILITY COMPANY, TO THE CITY FOR A PORTION OF LAND LYING WITHIN PARCEL A OF THE LOUIS COMMERCIAL PLAZA PLAT.

- 12. RES 2018-024** A RESOLUTION OPPOSING HOUSE BILL 521 AND SENATE BILL 574 AND URGING THE FLORIDA LEGISLATURE TO REJECT THESE BILLS RELATED TO THE REGULATION OF THE TRIMMING, REMOVAL, OR HARVESTING OF TREES AND TIMBER ON PRIVATE PROPERTY AND PROHIBITING CERTAIN LOCAL GOVERNMENT ACTIONS RELATING TO THE TRIMMING OR HARVESTING OF TREES.

MOTION: Welch/Belvedere – To approve Consent Agenda Item Nos. 3, 4, and 6-12.

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

REGULAR AGENDA

Public Works

- 5. RES 2018-003** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ALLSTATE RESOURCE MANAGEMENT, INC. FOR MAINTENANCE OF PRESERVE AREAS AND AQUATIC VEGETATION CONTROL SERVICES PURSUANT TO RFP NO. 11-15-17-10.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2018-003.

Commissioner Welch asked about debris removal in the canals. Public Works Director Jim Berkman commented that the agreement did not cover debris removal, but it did cover ongoing aquatic plant and preserve area maintenance. Discussion ensued regarding debris in the canal adjacent to the Coral Tree Circle passive park and about the ownership of the canal. Ms. Rose stated that Code Enforcement would contact the appropriate homeowners association regarding maintenance.

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

Fire Rescue Administration

- 13. ORD 2017-054** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 9, "FIRE PREVENTION AND PROTECTION," TO PROVIDE FOR UPDATED REGULATIONS AND FEES. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Belvedere – To adopt Ordinance No. 2017-054.

Fire Marshal Jeff Gary presented the item.

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

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

Utilities and Engineering

14. **RES 2018-005** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ROHL GLOBAL NETWORKS LP TO PROVIDE CONSTRUCTION SERVICES FOR THE RECLAIMED WATER MAIN EXPANSION PROJECT ON WILES ROAD AND LYONS ROAD PURSUANT TO BID NO. 10-25-17-11.

Mayor Tooley read the Resolution title into the record.

MOTION: Rydell/Welch – To approve Resolution No. 2018-005.

Utilities and Engineering Director Osama Elshami presented the item. Discussion ensued regarding potential road closures. Mr. Elshami noted that, of the surrounding municipalities, the City of Pompano had been investing in similar infrastructure improvements.

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

15. **RES 2018-006** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A WORK AUTHORIZATION FOR CONSTRUCTION ENGINEERING SERVICES WITH ECKLER ENGINEERING, INC. FOR THE CONSTRUCTION OF THE RECLAIMED WATER MAIN EXPANSION ON WILES ROAD AND LYONS ROAD.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2018-006.

Utilities and Engineering Director Osama Elshami presented the item.

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

16. **RES 2018-008** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND KIMLEY-HORN AND ASSOCIATES, INC. TO PROVIDE COMPREHENSIVE STREET IMPROVEMENTS PHASE II DESIGN FOR CITY OWNED ROADWAYS LOCATED BETWEEN COCONUT CREEK PARKWAY AND SAMPLE ROAD, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 06-21-17-11.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2018-008.

Utilities and Engineering Director Osama Elshami presented the item. Commissioner Welch commended Utilities and Engineering Senior Project Manager Asaad Akar for his work on the project.

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

17. **RES 2018-019** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) THAT WILL PROVIDE FOR THE FDOT'S FUNDING TO THE CITY OF \$250,000 FOR THE PURCHASE AND INSTALLATION OF SOLAR POWERED LED BIKE LANE DELINEATORS AT WINSTON PARK BOULEVARD BETWEEN LYONS ROAD AND STATE ROAD 7 (SR-7/US-441).

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Rydell – To approve Resolution No. 2018-019.

Utilities and Engineering Director Osama Elshami presented the item. Discussion ensued regarding keeping the bike lanes free of debris and maintenance of the delineators. Assistant City Manager/Sustainable Development Director spoke about FDOT's efforts to improve the safety of bike lanes and the approval process to implement changes to the design standards. Discussion ensued.

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

18. **RES 2018-020** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CHANGE ORDER TO THE COMPREHENSIVE STREET IMPROVEMENTS PHASE I CONTRACT WITH STANFORD CONSTRUCTION CO. IN THE AMOUNT OF \$249,782.50 FOR THE PROCUREMENT AND INSTALLATION OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SPECIFIED SOLAR POWERED LED BIKE LANE DELINEATORS.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Rydell – To approve Resolution No. 2018-020.

Utilities and Engineering Director Osama Elshami presented the item. Discussion ensued. Commissioner Welch thanked FDOT for providing the funding to install the bike lane delineators.

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

19. **ORD 2017-053** AN ORDINANCE AMENDING CHAPTER 16, "OUTDOOR SALES AND ACTIVITIES," ARTICLE I, "IN GENERAL," SECTION 16-1, "PURPOSE AND INTENT," TO PROVIDE FOR AN UPDATED PURPOSE AND INTENT; AMENDING SECTION 16-2, "DEFINITIONS," TO PROVIDE FOR UPDATED TERMINOLOGY; AMENDING ARTICLE IV, "SOLICITOR REGULATIONS," SECTION 16-5, "SOLICITOR REGULATIONS," TO PROVIDE FOR UPDATED REGULATIONS; ENACTING A NEW SECTION 16-6, "PROHIBITED ACTS" IN ORDER TO PROVIDE FOR SAME; ENACTING A NEW SECTION 16-7, "RIGHT-OF-WAY CANVASSERS AND SOLICITORS" IN ORDER TO PROVIDE FOR REGULATIONS REGARDING CANVASSING AND SOLICITING IN THE TEN MOST DANGEROUS INTERSECTIONS IN THE CITY; AND ENACTING A NEW SECTION 16-8, ENFORCEMENT AND PENALTIES. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn announced that Ordinance No. 2017-053 was being postponed to the January 25, 2018, meeting.

20. **ORD 2017-052** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC, WHICH PROVIDES FOR THE CONTINUED LEASING OF CITY LAND FOR A COMMUNICATIONS TOWER AND A MODIFICATION AND INCREASE IN THE AMOUNT OF T-MOBILE'S EQUIPMENT ON THE TOWER. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Welch – To adopt Ordinance No. 2017-052.

City Attorney Pyburn presented the item and noted that Kay Miles and Rick Edwards from Cityscape Consultants were present to answer questions.

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

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

21. **ORD 2017-055** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT WITH VERIZON WIRELESS PERSONAL COMMUNICATIONS LP D/B/A VERIZON WIRELESS COMMUNICATIONS ("VERIZON") TO PROVIDE FOR THE LEASING OF CITY LAND AND A TELECOMMUNICATIONS TOWER AT SABAL PINES PARK. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Rydell – To adopt Ordinance No. 2017-055.

City Attorney Pyburn presented the item and noted that Kay Miles and Rick Edwards from Cityscape Consultants were present to answer questions. Discussion ensued regarding the expansion of Verizon's broadband wireless service at Sabal Pines Park.

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

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

Sustainable Development

22. **ORD 2017-008** AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," IN ORDER TO PROVIDE FOR UPDATED TERMINOLOGY AND PROCEDURES FOR REVIEW AND PROCESSING OF DEVELOPMENT APPLICATIONS. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To adopt Ordinance No. 2017-008.

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

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

23. **ORD 2018-001** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A PORTION OF A 15-FOOT WATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS GUNTHER MOTORS LOCATED AT 4350 NORTH STATE ROAD 7. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Rydell – To adopt Ordinance No. 2018-001.

Assistant City Manager/Sustainable Development Director Sheila Rose presented the item.

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

24. **ORD 2018-003** AN ORDINANCE AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," BY AMENDING SECTION 13-321, "MEDICAL MARIJUANA TREATMENT CENTERS," BY RENAMING IT "MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES" IN ORDER TO UPDATE THIS SECTION TO COMPORT WITH RECENT CHANGES TO STATE LAW; PROVIDING FOR APPLICATION REQUIREMENTS, DEVELOPMENT CONDITIONS, AND PROCEDURES FOR DENIAL AND REVOCATION. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Rydell/Welch – To adopt Ordinance No. 2018-003.

City Attorney Pyburn presented the item and summarized the recent changes to state law. Discussion ensued.

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

25. **ORD 2018-004** AN ORDINANCE AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," SECTIONS 13-621, "MASTER BUSINESS LIST - B-2, B-3, AND B-4," 13-623, "MASTER BUSINESS LIST - O-2, O-3," AND 13-625, "MASTER BUSINESS LIST - MSOA," TO PROVIDE FOR "MEDICAL MARIJUANA DISPENSARY" USES AS A SPECIAL LAND USE AMONG THE USES LISTED. (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To adopt Ordinance No. 2018-004.

Assistant City Manager/Sustainable Development Director Sheila Rose presented the item.

Mayor Tooley opened the public hearing. Ruth Gure, 2402 Episa Avenue, Coconut Creek, stated she was concerned about allowing medical marijuana dispensary use within the City. There were no further questions or comments from the public, and the public hearing was closed.

City Attorney Pyburn noted that the Ordinance provided that medical marijuana dispensaries would be treated the same as pharmacies regarding their location and requirement for special land use approval by the City Commission. Discussion ensued regarding required identification and home delivery.

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

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date