

# CITY OF COCONUT CREEK

## CITY COMMISSION MINUTES

Government Center  
4800 W. Copans Road  
Coconut Creek, Florida

Date: February 14, 2013  
Time: 7:00 P.M.  
Regular Meeting No. 2013-06

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1. Mayor Marilyn Gerber called the meeting to order at 7:19 p.m.
2. The Pledge of Allegiance was led by Mayor Gerber.
3. Present upon roll call:

Mayor Marilyn Gerber  
Vice Mayor Mikkie Belvedere  
Commissioner Lou Sarbone  
Commissioner Becky Tooley  
Commissioner Lisa Aronson  
City Manager David Rivera  
City Attorney Paul Stuart  
City Clerk Barbara Price

4. APPROVAL OF MINUTES: Workshop Mtg. No. 2012-35 – November 8, 2012  
Workshop Mtg. No. 2013-03 – January 24, 2013  
Regular Mtg. No. 2013-04 – January 24, 2013

MOTION: Aronson/Belvedere – To approve the Minutes as listed.  
Upon roll call, the motion was passed on a 5-0 vote.

5. PROCLAMATIONS

Vice Mayor Belvedere presented her colleagues with a certificate in recognition of the City's leadership and dedication to preparedness for the 2013 South Florida Regional Citizens Corps Drill, which took place on February 2, 2013, at Monarch High School.

6. INPUT FROM RESIDENTS OF COCONUT CREEK: Three (3) minutes per resident on non-agenda items.

Richard Albano, 6375 NW 43 Terrace, made brief comments pertaining to the City Manager's evaluation portion of the Workshop earlier this evening.

Daniel Ablett, 6375 NW 43 Terrace, requested the status of the employee and compensation surveys that were requested by the City Commission in August, 2012.

7. CITY MANAGER REPORT

Mr. Rivera commented that although several expenditures were approved by the City Commission in August, there are some that have not been concluded to date.

8. CITY ATTORNEY REPORT

REQUEST FOR SETTLEMENT NEGOTIATION OR LITIGATION STRATEGY MEETING PURSUANT TO SECTION 286.011(8).

None.

9. COMMISSION COMMUNICATIONS

a. Committee Reports

Commissioner Tooley noted that February is "Women's Heart Month" with "Go Red for Women Day," and she encouraged all to wear red during the month. The Commissioner also attended the Regional CERT drill, which was very productive. She also mentioned the recent problems with graffiti and vandalism that occurred recently in the south end of the City in Hosford Park.

Commissioner Aronson reported that the Broward League of Cities is having a day of service at Feeding South Florida on Tuesday, February 26, and she would provide additional information to the Commission. She noted that at the next meeting of the Broward League of Cities, information would be provided on homestead exemption fraud. She requested that two Resolutions be prepared. One relating to climate change, which Mr. Rivera advised was being prepared for the next Commission meeting, and the other regarding an expansion to the Let's Move program. The Broward League of Cities has provided information regarding the Complete Streets program, an initiative supported by Mayor Jacobs, and suggested a joint workshop with the City Commission and the Planning and Zoning Board to discuss incorporation of this program into the City.

Commissioner Sarbone commented that Tammy Terrell, District Coordinator in Parks and Recreation, is leaving the City, and he commended her work during her service to the City. He also announced that this coming Saturday is opening day for girls' softball and the Butterfly Festival is Saturday, February 23<sup>rd</sup>.

Vice Mayor Belvedere commended the Parks and Recreation Department for the recent Antique Show and the Sabal Pines Park dedication. The Commissioner also noted that she has been attending the water academy, which has been very informative. She was pleased that the Police Department provided the shredder event at Wynmoor with over 280 cars providing records for destruction. Also, City Commissioners Lisa Aronson and Becky Tooley, as well as Mayor Marilyn Gerber, have received Certificates of Appreciation for their participation as judges in the American Legion Speech contest.

Mayor Gerber commented on her 17 years as a member of the City Commission and felt that Coconut Creek is a wonderful city with a knowledgeable and caring staff, led by the City Manager.

**REGULAR AGENDA**

**FINANCE AND ADMINISTRATIVE SERVICES**

10. MOTION TO ADOPT an ordinance amending Chapter 14, Code of Ordinances, entitled "Offenses" to expand the definition of nuisances that arise when property is allowed to deteriorate and provide for cleanup of property under specific circumstances, and provide for assessments using the uniform method of collection for non-ad valorem assessments. (ORDINANCE NO. 2013-003 – SECOND READING) (PUBLIC HEARING)

Ordinance No. 2013-003 was read by title by City Attorney Paul Stuart.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2013-003.

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

Upon roll call, the motion was passed on a 5-0 vote.

### **INFORMATION TECHNOLOGY**

11. MOTION TO ADOPT a resolution authorizing the City Manager to execute the AT&T Equipment and Services Purchase Agreement #2K3A007435 to enhance the City Hall telephone PBX to accommodate the Public Works administration building telephone network expansion. (RESOLUTION NO. 2013-18)

MOTION: Belvedere/Tooley – To adopt Resolution No. 2013-18.  
Upon roll call, the motion was passed on a 5-0 vote.

### **POLICE**

12. MOTION TO ADOPT a resolution authorizing the use of Federal Confiscated Funds in the amount of \$300,000 at the request of the Chief of Police. (RESOLUTION NO. 2013-19)

MOTION: Tooley/Belvedere – To adopt Resolution No. 2013-19.

Commissioner Aronson requested information on how the funds were being used.

Police Chief Mann explained that this would provide a mesh system for future surveillance cameras and a license plate reader (LPR) system. The LPR system had been previously approved. Discussion ensued. Upon Commissioner Sarbone stating that he was not in favor of cameras at the entrances to the City monitoring vehicles entering and leaving, Chief Mann explained that the intent was to address license plates that have an alert placed on them. Mr. Rivera added that the City has a LPR truck, which travels throughout the City searching for stolen or suspicious vehicles.

In response to Commissioner Tooley's inquiry if in the future occurrences in City parks could be transmitted to the officers' laptops, it was confirmed that it would be feasible along with the surveillance cameras.

Upon roll call, the motion was passed on a 5-0 vote.

**SUSTAINABLE DEVELOPMENT**

13. MOTION TO ADOPT an ordinance amending Chapter 13, Code of Ordinances, entitled "Land Development Code," by amending section 13-35, 13-91, 13-93, and 13-535 through 13-541 related to the review and approval of wireless communications facilities. (ORDINANCE NO. 2013-002 – SECOND READING) (PUBLIC HEARING) (Tabled from January 24<sup>th</sup> meeting)

Ordinance No. 2013-002 was read by title by Mr. Stuart.

MOTION: Sarbone/Belvedere – To adopt Ordinance No. 2013-002.

MOTION: Tooley/Belvedere – To table Agenda Item No. 13 indefinitely.  
Upon roll call, the motion was passed on a 5-0 vote.

14. MOTION TO ADOPT an ordinance amending Ordinance No. 2006-029, as amended by Ordinance No. 2008-003, which approved the Lyons/Wiles Planned MainStreet Development District (PMDD) Zoning Plan, and approving the modification request of Garrison Investment Group, relating to PMDD Design Standards, permitted uses, and project signage. (ORDINANCE NO. 2013-004 – FIRST READING) (PUBLIC HEARING) (QUASI-JUDICIAL)

Ordinance No. 2013-004 was read by title by Mr. Stuart.

MOTION: Tooley/Aronson – To adopt Ordinance No. 2013-004.

Mayor Gerber requested that all speaking on this item be sworn by the court reporter.

Director of Sustainable Development Sheila Rose gave a brief overview of the project.

Attorney Barbara Hall, representing the Garrison Group, introduced the development team: Mitch Salmon, Senior Vice President and Director, Garrison Group; Kathy Swain, Swain Group, leasing consultant; Scott Seger, General Manager, Silverspot, Naples, Florida; Victor Yue, Karina Blanco, and Giovana Henao, Dorsky & Yue International; Eric Schwarz, Civil Engineer, Langan Engineering & Environmental Services; John Kim, Traffic Engineer, McMahon Engineering Associates; and Hugh Johnson, Architectural Alliance.

Ms. Hall explained that the purpose of the rezoning was to change the permitted uses in the Planned MainStreet Development District (PMDD) to allow a theater and to reconfigure a few of the other buildings for better leasing opportunities. She displayed a PowerPoint presentation showing the conceptual plans for the theater and noted that Phase II and III remain to be developed, which are the phases proposed to be changed. Displaying the site plan, Ms. Hall pointed out the location for the theater as well as other changes in the Promenade.

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Architect Victor Yue added that this would be an upscale movie theater with a restaurant and lounge. He discussed an art sculpture on the south side of the building, which addresses an environmental component for the City.

Vice Mayor Belvedere noted, for the record, that she had a conversation with Ms. Hall regarding the project. She also inquired if the seating was stadium style, which was confirmed by Mr. Yue, who added that there would be 11 auditoriums.

Commissioner Aronson asked if film festivals and foreign films would also be offered at the theater. Scott Seger, General Manager, Silverspot Cinema, Naples explained that his theatre has been open for four years and has hosted the Naples International Film Festival, which has been extremely successful. Foreign films are offered on a regular basis with opera and ballet also available. He added that businesses and private parties can rent the auditoriums for their use.

Commissioner Sarbone asked if the wind turbine would be used for electricity to assist in reducing the cost. Ms. Hall explained it would be used for lighting and the electric car charging station. He commended the project and felt it would attract a more mature crowd.

Commissioner Aronson disclosed a conversation with Ms. Hall on this day and on February 5<sup>th</sup>. Commissioner Tooley disclosed, for the record, a brief conversation with Ms. Hall regarding the project, as did Mayor Gerber.

Mr. Stuart cautioned that this discussion would focus on the rezoning. Ms. Hall further explained that the rezoning involved the parcel that was previously designated multi-family, which would now be designated for the movie theater, as well as a change in configuration to the other two commercial parcels. The changes are consistent with the City's MainStreet regulations as well as the City's Comprehensive Plan. A full report on impacts to traffic trips is part of the record.

Ms. Rose elaborated that there is a signal warrant study included showing that after analysis was completed it was deemed that the signal warrants are met currently, but as a condition of the approval the staff has recommended that the applicant bond for the construction of 50 percent of the value of a signal at that location.

Eric Schwarz, Langan Engineering & Environmental Services, added that after the analysis there are 41 fewer peak hour trips associated with the theater use than with the residential use.

Ms. Rose added that the applicant is required to commit to the LEED certification process, and will register the building. Mr. Yue advised that as of this date the project is registered with the U.S. Green Building Council for the start of the LEED process.

Mr. Rivera asked how the rezoning could be assessed for the other two parcels, which are an unknown quantity. Ms. Rose explained that the PMDD is very specific, which makes it difficult to separate site plan and rezoning issues. The site plan is used to vest the entitlements, and the zoning approves the general concept and compatibility. Ms.

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Hall added that a plat amendment is required to change from multi-family to a movie theater. Discussion ensued.

Commissioner Aronson suggested that the City ensure the bond does not lapse for a possible traffic signal in the future, and Ms. Rose indicated that there is expectation that a signal will be warranted at the location.

Mayor Gerber opened the public hearing.

Patricia Duaybes, 4106 Oxbow Drive, was sworn in and asked about the loss of tax revenue with the reduction of 456 homes to accommodate the movie theater. Mr. Rose indicated that the commercial tax base is more lucrative and actually the 456 apartment style homes are considered more of a drain on the tax base.

Deputy City Manager Mary Blasi added that the minimum construction contribution for this project is \$8.9 million. With the City's current millage and fire assessment rate, she anticipated \$65,000 in annual revenue from the theater. She confirmed that residential always impacts the City more than commercial property. Mr. Stuart added that the project also provides ancillary benefits to the complete center.

Mayor Gerber closed the public hearing.

Upon roll call, the motion was passed on a 5-0 vote.

15. MOTION TO REAPPOINT Lou Sarbone as the City's representative to the Resource Recovery Board.

MOTION: Tooley/Aronson – To reappoint Lou Sarbone as the City's representative the Resource Recovery Board.

Upon roll call, the motion was passed on a 5-0 vote.

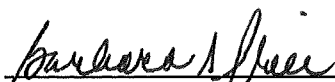
16. MOTION TO APPOINT one Commissioner as the City's Metropolitan Planning Organization (MPO) representative.

MOTION: Aronson/Sarbone - To appoint Mikkie Belvedere as the Metropolitan Planning Organization representative.

Upon roll call, the motion was passed on a 5-0 vote.

17. ADJOURNMENT

The meeting was adjourned at 8:49 p.m.

  
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Barbara S. Price, MMC  
City Clerk