



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: March 14, 2019
Time: 7:00 p.m.**

CALL TO ORDER

Mayor Rydell called the meeting to order at 7:00 p.m.

PRESENT UPON ROLL CALL:

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

Mayor Rydell asked all to rise for the Pledge of Allegiance. Following the Pledge, he thanked Vice Mayor Welch for the evening's music selection, U2's "Beautiful Day."

PRESENTATIONS

- 1. 19-072** A PRESENTATION BY BROWARD COUNTY SUPERVISOR OF ELECTIONS PETER ANTONACCI.

Broward County Supervisor of Elections Peter Antonacci addressed the City Commission and Coconut Creek residents. He listed the various positive changes made to the election day process and noted that Coconut Creek's cost for the March 12, 2019, election would be approximately \$52,000.

- 2. 19-061** INVESTITURE OF ELECTED COMMISSIONER FOR DISTRICT D.

City Clerk May administered the Oath of Office to Commissioner Sarbone.

- 3. 19-036** A PRESENTATION OF A DEPARTMENT COMMENDATION FOR MIRAMAR POLICE OFFICER JOSHUA BALOUGH AND BROWARD SHERIFF'S OFFICE DEPUTIES AMY BARTLETT, DAVID CELIS, ANTHONY ORTEGA, AND AMY TUBBERGEN.

Captain John Leonard presented each officer with a department commendation for their efforts.

- 4. 19-065** A PROCLAMATION RECOGNIZING MARCH 16, 2019, AS "HOPE FLOATS DAY."

Mayor Rydell read the proclamation into the record and presented it to Abby Mosher, Executive Director of Tomorrow's Rainbow, Inc.

INPUT FROM RESIDENTS OF COCONUT CREEK

There was no input from the residents.

CITY MANAGER REPORT

City Manager Blasi reported that she was in contact with the City of Coral Springs Fire Chief, who stated that their City Attorney's Office would be finished writing the Interlocal Agreement for E-911 dispatch services by the end of next week. She added that efforts were being made to schedule a joint workshop between all three cities (Coconut Creek, Coral Springs and Margate) the fourth week of April to review and negotiate the terms. She noted that the City of Margate also requested a joint public meeting with the Coconut Creek City Commission regarding appointment of their new fire chief and discussion of a new fire contract. She recommended holding both meetings on the same night.

CITY ATTORNEY REPORT

City Attorney Pyburn congratulated Commissioner Sarbone and Commissioner Tooley on their re-election.

COMMISSION COMMUNICATIONS

Commissioner Sarbone congratulated Commissioner Tooley on her re-election and said he was pleased to be working with the City Commission and City staff for the next four years.

Commissioner Tooley thanked her colleagues and everyone who supported her during her campaign. She commented that she looked forward to continue working with the City Commission.

Commissioner Belvedere congratulated Commissioner Sarbone and Commissioner Tooley on their re-election. She attended the Broward County Metropolitan Planning Organization (MPO) meeting and mentioned that there would be an upcoming vote on the Complete Streets and Other Localized Initiatives Program and briefly spoke about the distribution of funds for each City. She also distributed a summary handout from the MPO meeting.

Vice Mayor Welch congratulated Commissioner Sarbone and Commissioner Tooley on their re-election. She thanked the Coconut Creek Police Department on behalf of Coconut Creek resident, Kevin Sadler, for their recent exercise with members from the U.S. Immigration and Customs Enforcement (ICE) group. She attended the Northwest Council of Elected Officials meeting where there was discussion on the Text-to-911 proposed legislation. She wanted confirmation that it was included on the City's Legislative Agenda. City Manager Blasi confirmed that Broward County was holding a meeting next week with city managers regarding this subject. Vice Mayor Welch mentioned that Monarch High School and Coconut Creek High School recently participated in a contest to remove the invasive exotic air potato vine plant from a park in North Lauderdale. She noted that the schools received funding for their participation in the exercise. She suggested holding the same program in Coconut Creek if the air potato vines were also growing here. She received positive feedback from the school principals regarding the Teen Political Forum presentation conducted at the March Lunch Bunch meeting. She requested to have another student group make a presentation at the next meeting. She also asked if re-enforced glass would be used in the City Hall Lobby renovations. City Manager Blasi

confirmed that it would be used, and Public Works Director Jim Berkman explained that reinforced glass would be used at the counter by the cashier's window.

Mayor Rydell addressed the issues relating to the Pompano Equipment Company machinery near the location of Tomorrow's Rainbow. He asked for staff to follow-up on the matter. Assistant City Manager / Sustainable Development Director Sheila Rose addressed Mayor Rydell's concerns. Mayor Rydell commended the Utilities and Engineering Department and Sustainable Development Department for their responsiveness and creative solutions to recent resident complaints on non-city issues. He congratulated Commissioner Sarbone and Commissioner Tooley on their re-election.

CONSENT AGENDA (Items 5 through 7)

Agenda Item 8 was pulled by Vice Mayor Welch.

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

- 5. **19-042** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2019-0214R)

- 6. **RES**
 2019-062 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ADVANCED ROOFING, INC. TO PROVIDE FOR ROOF REPLACEMENT AND THE INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM AT THE GOVERNMENT CENTER PURSUANT TO BID NO. 01-16-19-10.

- 7. **RES**
 2019-045 A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM FC LAND INVESTMENTS A, LLC, A FLORIDA LIMITED LIABILITY COMPANY, TO THE CITY FOR A PORTION OF LAND LYING WITHIN A SECTION OF BERBER PLAT TWO.

MOTION: Tooley/Welch – To approve Consent Agenda Item Nos. 5 through 7.

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

REGULAR AGENDA

Police Department

- 8. **RES**
 2019-044 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO PROVIDE INTEROPERABLE RADIO COMMUNICATIONS.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Belvedere – To approve Resolution No. 2019-044.

Captain John Leonard presented the item.

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

Sustainable Development

9. **RES 2019-009** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED LOCALLY FUNDED AGREEMENT (LFA) AND THE SUPPORTING AGREEMENTS ATTACHED TO THE LFA WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO CONSTRUCT AND DELIVER THE MOBILITY PROJECT ALONG LYONS ROAD FROM THE C-14 CANAL TO THE SAWGRASS EXPRESSWAY IN ACCORDANCE WITH FDOT PROGRAM BULLETIN 15-03, INCLUDING THE ADDITIONAL WORK FOR PATTERNED PAVEMENT CROSSWALKS AND LIGHTING CONDUIT.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2019-009.

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

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

10. **ORD 2018-026** AN ORDINANCE APPROVING THE REZONING REQUEST OF RPT REALTY, L.P. TO REZONE FROM B-2 (CONVENIENCE SHOPPING) AND B-3 (COMMUNITY SHOPPING) TO PLANNED COMMERCE DISTRICT (PCD) FOR THE PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7 (US 441) WITHIN THE SAWGRASS PARK OF COMMERCE PLAT. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to Agenda Items 10 and 11. City Clerk May confirmed that the public notice requirements were met for Agenda Items 10 and 11 and swore in the witnesses. Mayor Rydell asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 10 and 11 together as they were all related, and there were none.

City Attorney Pyburn read the title for Ordinance No. 2018-026 and Ordinance No. 2018-027 into the record.

Commissioner Belvedere made a motion to hear Agenda Item 10, seconded by Vice Mayor Welch.

Commissioner Belvedere made a motion to hear Agenda Item 11, seconded by Vice Mayor Welch.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 10 and 11, and the following disclosures were made:

- Commissioner Belvedere visited the site after first reading.

There were no additional disclosures by the City Commission other than those made at first reading.

Assistant City Manager / Sustainable Development Director Sheila Rose stated that the two items provide for the necessary rezoning and special land use. She mentioned that at first

reading, there was discussion relating to a master signage plan and noted that it was added as a condition of approval for the master site plan.

Janna Lhota, Holland & Knight, 515 East Las Olas Boulevard, Fort Lauderdale, introduced herself, noting that she was present on behalf of RPT Realty, L.P. She also introduced Project Engineer and Architect Eduardo Carcache, CKE Group Inc. and Traffic Engineer Karl Peterson, KBP Consulting, who were in attendance.

Mayor Rydell requested that speed humps be added along the access road. Ms. Lahotta noted that Publix might have some consent rights to that type of change, and she would need to find out if there was any issue relating to access by Police and Fire. City Attorney Pyburn advised that a condition of approval could be added directing the applicant to work with staff to provide traffic calming measures as agreed upon by both city staff and the applicant. Ms. Rose suggested that the condition be added to the motion for Item 11, the special land use, because that item requires a building permit that would serve as a trigger for the condition.

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

MOTION: Belvedere/Welch - To adopt Ordinance No. 2018-026.

Upon roll call, the Ordinance passed by a 4-1 vote, with Mayor Rydell voting nay.

11. **ORD 2018-027** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF RPT REALTY, L.P., TO PERMIT A DRIVE-THRU FOR THE PROPOSED WENDY'S RESTAURANT LOCATED AT THE SOUTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7 (US 441) PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S CODE OF ORDINANCES. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

MOTION: Belvedere/Welch - To adopt Ordinance No. 2018-027.

After Mayor Rydell passed the gavel to Vice Mayor Welch, the following amendment was made to the motion.

AMENDMENT: Rydell/Tooley – To have the applicant provide traffic calming measures that will be worked out and agreed upon by both the applicant and staff.

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

Upon roll call, the Ordinance as amended passed by a 4-1 vote, with Mayor Rydell voting nay.

12. **ORD 2019-002** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-295, "DEFINITIONS;" AND DIVISION 8, "MASTER BUSINESS LIST," SECTIONS 13-621, "MASTER BUSINESS LIST-B-2, B-3, AND B-4," AND 13-625, "MASTER BUSINESS LIST-MSOA," TO PROVIDE A DEFINITION FOR TATTOOING ESTABLISHMENTS AND ALLOW THE USE IN ZONING DISTRICTS B-3, B-4, AND MSOA SUBJECT TO CERTAIN

REQUIREMENTS. (FIRST READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2019-002 on first reading.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item. She noted that there was a proposed amendment to the ordinance made by the Planning & Zoning Board (P&Z) relating to a standard in the law that requires interpretation where there is not a specifically defined use. More specifically, the discussion of the P&Z related to whether or not a tattoo facility would be defined as a personal service if an old permitted use was being evaluated in a document such as a Planned Commerce District (PCD). She stated that the P&Z specifically motioned that it not be the interpretation and directed the Assistant City Attorney to draft the proposed amendment that provides for a tattooing establishment in a PCD to be considered as an ambulatory surgical center or other comparable use.

Discussion ensued about removing, “to be used as a personal service” or to restrict the use to those properly licensed establishments that provide other grooming type services. Discussion also ensued regarding conducting research to see if it could be an accessory use. A concern was made about not looking at this subject matter for one business, but to look at it objectively as an overall type of business and where would it be best placed.

MOTION: Sarbone/Welch – To table Ordinance No. 2019-002 to April 25, 2019.

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

City Attorney

13. **19-053** A MOTION TO APPOINT KATHRYN M. MEHAFFEY AS DEPUTY CITY ATTORNEY FOR THE CITY OF COCONUT CREEK.

Mayor Rydell read the Motion into the record.

MOTION: Sarbone/Tooley– To appoint Kathryn M. Mehaffey as Deputy City Attorney.

City Attorney Pyburn presented the item and introduced Ms. Mehaffey, who made a brief introduction.

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

14. **ORD 2019-003** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE II, “CITY COMMISSION,” SECTION 2-25, “DECLARATION OF CITY-WIDE STATE OF EMERGENCY,” TO AUTHORIZE THE MAYOR TO DELINEATE MANDATORY EVACUATION ZONES AND SET CURFEWS DURING A DECLARED CITY-WIDE STATE OF EMERGENCY; BY AMENDING CHAPTER 6, “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE V, “EMERGENCY TEMPORARY HOUSING,” SECTION 6-55, “HOUSING EMERGENCY DECLARATION,” TO REMOVE INCONSISTENT PROVISIONS AS TO THE ENACTMENT OF EMERGENCY ORDINANCES; BY AMENDING CHAPTER 12, “GARBAGE AND

REFUSE,” ARTICLE II, “COLLECTIONS AND DISPOSAL,” SECTION 12-42, “PUBLIC SERVICES ON PRIVATE ROADWAYS,” TO CLARIFY THE MAYOR’S AUTHORITY TO DECLARE A CITY-WIDE STATE OF EMERGENCY; BY AMENDING CHAPTER 21, “PERSONNEL ADMINISTRATION,” ARTICLE 1, “CIVIL SERVICE CODE,” SECTION 21-10, “ATTENDANCE AND LEAVE,” SUBSECTION 21-10.1, “HOURS OF WORK,” TO CLARIFY THE MAYOR’S AUTHORITY TO DECLARE A CITY-WIDE STATE OF EMERGENCY. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To adopt Ordinance No. 2019-003.

City Attorney Pyburn presented the item.

Mayor Rydell 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.

City Commission

- 15. **ORD 2019-004** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES TO PROVIDE FOR THE CREATION OF AN EDUCATION ADVISORY BOARD. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Belvedere – To adopt Ordinance No. 2019-004.

City Manager Blasi presented the item.

Mayor Rydell 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.

- 16. **ORD 2019-005** AN ORDINANCE AMENDING THE CITY’S CODE OR ORDINANCES TO PROVIDE FOR THE CREATION OF A COMMUNITY OUTREACH ADVISORY BOARD. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Welch – To adopt Ordinance No. 2019-005.

City Manager Blasi presented the item.

Mayor Rydell 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.

17. **ORD 2019-006** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES TO PROVIDE FOR THE CREATION OF A PUBLIC SAFETY ADVISORY BOARD. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Tooley – To adopt Ordinance No. 2019-006.

Mayor Rydell 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.

ADJOURNMENT

The meeting was adjourned at 8:39 p.m.

Transcribed by: Leslie Wallace May, Daphne Haynie, and Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date