



CITY OF COCONUT CREEK VIRTUAL CITY COMMISSION MEETING MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: April 23, 2020
Time: 7:00 p.m.
Meeting No. 2020-0423R

CALL TO ORDER

Mayor Sarbone called the meeting to order at 7:02 p.m.

PRESENT UPON ROLL CALL:

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

Mayor Sarbone asked all to join in the Pledge of Allegiance.

Mayor Sarbone explained that the City Commission was conducting this meeting using communications media technology pursuant to Governor Ron DeSantis' Executive Order 20-69, which provided that local governments may conduct meetings without the requirement to have a quorum physically present or to hold the meeting at a physical location in response to the emergency circumstances resulting from the COVID-19 pandemic.

He further explained that the Governor's Executive Order 20-52 and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that this meeting would be conducted consistent with the virtual meeting procedures adopted by the Commission on April 15, 2020. City Attorney Pyburn explained the procedures for public participation and comment for the virtual meeting, and there was consensus from the Commission that the procedures provided adequate public access.

PRESENTATION(S)

1. **20-115** A PROCLAMATION RECOGNIZING APRIL 23, 2020, AS "KRISTIN JACOBS DAY."

Mayor Sarbone read the proclamation into the record.

Agenda Item 3 was read before Agenda Item 2.

2. **20-080** A PROCLAMATION RECOGNIZING APRIL 23, 2020, AS "NORTH BROWARD PREPARATORY SCHOOL LEXUS ECO CHALLENGE TEAM MANGROVES MIRACLES DAY."

Commissioner Welch read the proclamation into the record.

3. **20-050** A PROCLAMATION RECOGNIZING APRIL 23, 2020, AS “ARBOR DAY 2020.”

Commissioner Tooley read the proclamation into the record.

4. **20-100** A PROCLAMATION RECOGNIZING THE WEEK OF APRIL 19-25, 2020, AS “NATIONAL CRIME VICTIMS’ RIGHTS WEEK.”

Vice Mayor Rydell read the proclamation into the record.

INPUT FROM THE PUBLIC

City Clerk May read the following comment into the record:

“Marilyn Frisch, 3949 Cocoplum Circle, Coconut Creek: My 6th grade grandniece, Sydney Atherton, shared with me the incredible project that her friends were involved in at her school, North Broward Prep. The Mangrove Miracles, directed by a master teacher and Coconut Creek resident, Hope Kennedy, is extraordinary. After viewing the video on the Coconut Creek website, I was even more impressed that these young students provide reassurance that our planet is going to be in good hands. Kudos to all involved.”

CITY MANAGER REPORT

City Manager Brooks announced that the annual appointment for voting delegates on the Broward League of Cities would be scheduled for the May 14 City Commission Meeting. She noted that the current voting delegate was Commissioner Tooley with Vice Mayor Rydell serving as the first alternate and Commissioner Welch serving as the second alternate.

She mentioned that Broward County was working on Phase I of a three phase re-opening plan for certain activities and services throughout the County and explained that the plan was also being coordinated with Miami-Dade and Palm Beach counties. She noted that the County was working on the availability of testing in order to meet the five criteria established by the White House for re-opening.

City Manager Brooks advised that staff was working on developing a program to provide financial assistance in the form of grants to small businesses within the City, using budgeted economic development funds. She explained that the financial assistance program included two packages: a relief program and a restart program, each with two phases funded at \$50,000, for a total of \$200,000. She added that the City was also looking at a stipend for the Coral Springs Coconut Creek Regional Chamber of Commerce to assist with the implementation of the programs. She noted that the spending thresholds were within her authority so that the programs can provide immediate assistance to those in need, and that staff would bring the full assistance program before the Commission at their next meeting. There was consensus for staff to move forward with the programs.

She shared that the City participated in a car parade in front of the Your Life facility to wish the residents well.

CITY ATTORNEY REPORT

City Attorney Pyburn mentioned that Governor DeSantis’ Executive Order 20-69, which allows the City

Commission to hold virtual meetings, would be expiring on May 8 and she received consensus to contact the Governor's Office and his legal counsel to request that the order be extended. The Commission also gave consensus for City Manager Brooks to contact the Broward County City Manager's Association (BCCMA) for assistance in urging the Governor to extend the order.

COMMISSION COMMUNICATIONS

Commissioner Welch shared a remembrance of State Representative Kristin Jacobs. She was pleased that the Coral Springs Coconut Creek Regional Chamber of Commerce would be supporting the City in implementing its relief programs for small businesses. She commended staff for their work during the pandemic and the community outreach efforts to share information with the residents. She mentioned that street banners would be installed along Lyons Road in recognition of graduating seniors and encouraged everyone to continue to brainstorm ideas to recognize students. City Manager Brooks mentioned that staff additionally was working to prepare a commencement video and *Facebook* page to celebrate the accomplishments of the students. Commissioner Welch asked for an update on the Seminole Education Foundation, and City Manager Brooks commented that the Foundation recently held its first organizational meeting virtually. She reminded the Commission that the City's two appointments to the Board of Directors were former City Manager Mary Blasi and herself, and that the Seminole Tribe of Florida's two appointments were Steve Bonner and Michelle Diffenderfer. She announced that they selected Bob Crawford, Atlantic Technical College and Technical High School Director, as the fifth board member. She noted that they were scheduled to meet next month to continue planning the foundations programs.

Commissioner Tooley was pleased about the appointment of Bob Crawford to the Seminole Education Foundation. She mentioned that former Coconut Creek High School Football Player Benjamin Victor was entering the NFL Draft. She commended staff for their work in responding to the COVID-19 pandemic.

Commissioner Belvedere encouraged everyone to stay connected and active during the "Stay at Home" order and offered several suggestions, including the City's Fitness Program on YouTube, reading, enjoying family activities offered by Broward Children Services, and calling 211 for assistance. She mentioned that the Multicultural Circle of Coconut Creek was offering assistance to local businesses and first responders. She encouraged everyone to support local businesses, including grocery delivery services, and thanked City staff and the Police Department for keeping the City operating during the pandemic. She thanked the residents for following the emergency orders and reminded them to follow the guidelines that would be forthcoming for safely re-opening facilities and services.

Vice Mayor Rydell thanked City Manager Brooks, Police Chief Albert "Butch" Arenal, and Police Department staff for implementing the Birthday Responders Program, and mentioned he was pleased that the program helped bring some normalcy to the lives of residents during the pandemic. He offered his condolences for State Representative Kristin Jacobs and asked everyone to join in a moment of silence for Matt Gotha, former Chief of Staff for Broward County Commissioner Mark Bogen, who recently passed away. He thanked City Manager Brooks for her forward thinking in providing assistance to local businesses and urged her to look for additional funding from programs and services that have been cancelled as a result the pandemic. City Manager Brooks added that the City was in a stable financial position and would look into funds that could be reallocated. He commented that he was supportive of efforts to help small businesses get assistance as soon as possible. He spoke about the re-opening of facilities in a safe and secure manner. He encouraged staff to communicate ways the City can help residents and be a positive voice in the community.

Mayor Sarbone mentioned that former Monarch High School Football Player Jerry Jeudy was also in this year's NFL Draft. He commented that he was in favor of the coordinated regional approach for a phased

re-opening among the four counties in South Florida. He commented on the community's response to the emergency orders in place and said he was proud of the residents. He spoke about a hand painted sign he saw in his neighborhood, thanking essential workers including local government officials. He thanked City Manager Brooks and her team for their efforts in finding ways to help local businesses and City Clerk May for her work in implementing virtual meetings.

CONSENT AGENDA (Items 5 and 7-12)

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

Agenda Item 6 was pulled by Vice Mayor Rydell and heard prior to the Regular Agenda.

5. **20-094** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-0227R, 2020-0312R, AND 2020-0318SP)

7. **RES
2020-087** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SUBMIT TWO (2) FEDERAL TRANSIT ADMINISTRATION (FTA) GRANT APPLICATIONS FOR THE PURPOSE OF OBTAINING FUNDING FOR THE CONSTRUCTION OF APPROXIMATELY SIXTY (60) AMERICANS WITH DISABILITIES ACT (ADA)-COMPLIANT BUS STOP PADS FOR THE COMMUNITY BUS ROUTE AND TO PURCHASE AN ADA-COMPLIANT TROLLEY FOR THE BUTTERFLY EXPRESS ROUTE.

8. **RES
2020-088** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT (ILA) WITH BROWARD COUNTY PROVIDING FOR COST SHARE SUPPORT FOR THE NATURESCAPE IRRIGATION SERVICE AND RESIDENTIAL IRRIGATION REBATE PROGRAM.

9. **RES
2020-089** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A SINGLE SOURCE AGREEMENT WITH FLORIDA SPECTRUM ENVIRONMENTAL SERVICES, INC. FOR LABORATORY TESTING SERVICES.

10. **RES
2020-071** A RESOLUTION APPROVING THE SAWGRASS VILLAGE I HOMEOWNERS ASSOCIATION, INC. APPLICATION FOR MATCHING FUNDS FROM THE NEIGHBORHOOD ENHANCEMENT GRANT PROGRAM FOR A MULTI-PHASE LANDSCAPE DESIGN PROJECT TO REDESIGN THE STREET TREE MASTER PLAN.

11. **RES
2020-072** A RESOLUTION APPROVING THE CRESCENT CREEK HOMEOWNERS ASSOCIATION, INC. APPLICATION FOR MATCHING FUNDS FROM THE NEIGHBORHOOD ENHANCEMENT GRANT PROGRAM FOR A MULTI-PHASE LANDSCAPE DESIGN PROJECT TO REDESIGN THE LANDSCAPE BUFFER PLAN.

12. **RES
2020-101** A RESOLUTION APPROVING THE AMENDED AWARD AMOUNT FOR THE BUTTONWOOD HAMMOCK HOMEOWNERS ASSOCIATION, INC. APPLICATION FOR FUNDS FROM THE NEIGHBORHOOD ENHANCEMENT GRANT PROGRAM FOR A MULTI-PHASE LANDSCAPE DESIGN PROJECT TO REDESIGN THE STREET TREE MASTER PLAN.

MOTION: Tooley/Welch – To approve Consent Agenda Item Nos. 5 and 7 through 12.

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

The following item was pulled from the Consent Agenda for discussion:

City Clerk

6. **20-116** A MOTION TO EXTEND THE POSTPONEMENT, CANCELLATION, OR SUSPENSION OF ALL CITY OF COCONUT CREEK ADVISORY BOARD MEETINGS AND CITY WORKING GROUPS WITH THE EXCEPTION OF THE DEVELOPMENT REVIEW COMMITTEE AND THE CHARTER REVIEW BOARD.

Mayor Sarbone read the Motion into the record.

MOTION: Rydell/Tooley – To approve the Motion.

City Attorney Pyburn presented the item. She explained the Development Review Committee and Charter Review Board had pressing business to complete and were not included in the meeting cancellations. She discussed the logistical challenges with holding virtual meetings for each of the City boards and working groups. She explained the City's authority to cancel such meetings pursuant to the Governor's Executive Order 20-52, the City's State of Emergency Proclamation, and Section 252.38, Florida Statutes.

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

REGULAR AGENDA

Sustainable Development

13. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION OF PROPERTY AS PART OF THE HILLSBORO CORRIDOR REDEVELOPMENT AREA PROJECT.
 2020-078

Mayor Sarbone read the Resolution title into the record.

MOTION: Rydell/Tooley – To approve Resolution No. 2020-078.

Assistant City Manager/Sustainable Development Director Sheila Rose presented the item and noted that Agenda Item 14 was the companion item to the agreement.

City Clerk May advised that there were no public comments submitted for the item.

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

14. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR BROWARD REDEVELOPMENT PROGRAM FUNDING FOR PHASE 1 PUBLIC IMPROVEMENTS IN THE HILLSBORO CORRIDOR REDEVELOPMENT AREA.
 2020-020

Mayor Sarbone read the Resolution title into the record.

MOTION: Welch/Rydell – To approve Resolution No. 2020-020.

Assistant City Manager/Sustainable Development Director Sheila Rose presented the item and noted that the design for the public improvement associated with the agreement was underway.

City Clerk May advised that there were no public comments submitted for the item.

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

City Commission

15. **RES 2020-104** A RESOLUTION AUTHORIZING A NINETY (90) DAY EXTENSION TO THE TERM OF APPOINTMENT FOR CITY BOARD MEMBERS INCLUDING THE PARKS AND RECREATION ADVISORY BOARD, ENVIRONMENTAL ADVISORY BOARD, PLANNING AND ZONING BOARD, COMMUNITY OUTREACH ADVISORY BOARD, EDUCATION ADVISORY BOARD, PUBLIC SAFETY ADVISORY BOARD, AND CHARTER REVIEW BOARD; PROVIDING FOR ADMINISTRATIVE EXTENSION OF SUCH TERMS, AS NEEDED AND AUTHORIZED BY THE COVID-19 EMERGENCY RESPONSE BEYOND THAT FIRST NINETY (90) DAYS.

Mayor Sarbone read the Resolution title into the record.

MOTION: Welch/Tooley – To approve Resolution No. 2020-104.

City Attorney Pyburn presented the item and explained the City's authority to extend board member terms pursuant to the Governor's Executive Order 20-52, the City's State of Emergency Proclamation, and state law. She noted that the City had not received enough applications to fill each of the City boards, and City Clerk May provided a summary of the applications received. Discussion ensued regarding additional community outreach.

City Clerk May read the following public comment into the record:

"Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek: Mayor Sarbone, Vice-Mayor Rydell, Honorable Commissioners. Governor DeSantis' state of emergency declaration does not give this Dais (or any government body) absolute authority to amend/rewrite ordinances (laws) that are date certain within our City's Charter. The passage of Resolution No. 2020-104 during the COVID-19 pandemic sets a dangerous precedent and violates the true spirit of federal and state emergency declaration laws. Emergency declarations and legislative measures passed during the declared emergency are meant to protect the health, safety and well-being of residents. Also, ordinances changed during an emergency declaration are usually rescinded 60 days after the emergency is over. Theoretically, this Dais could move any date certain ordinances concerning City "appointment" or City "election" during any declaration of emergency by passing this ordinance. The one word I want the City Commission and City Attorney to focus on during deliberation on this matter: **SHALL**.

City of Coconut Creek Code of Ordinances Article V Sec. 2-191(b)

The term of office of any board member shall expire on the date of the second regularly scheduled city commission meeting in April of every year. If no second regularly scheduled city commission meeting in April is held, board appointments shall expire on the date of the first

regularly scheduled city commission meeting subsequent to the second meeting in April. Board members may be reappointed to their office.

If the Dais feels compelled to change date certain ordinances within our City Charter, I respectfully ask this commission to do what has been done to change our City's Charter in the past: Put the changes on November's or next City's election ballot."

City Attorney Pyburn clarified that a Charter referendum would not be required to amend the Code section provision referenced by Ms. Duaybes. She noted that the proposed resolution was a temporary measure in response to the fluid nature of COVID-19 to provide additional time for interested applicants to submit applications to serve on a City board. She cited the City's authority to enact the temporary measure under the emergency declarations. Discussion ensued regarding the 90-day timeframe.

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

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.



Leslie Wallace May
Leslie Wallace May, MMC
City Clerk

Transcribed by: Marianne Bowers

5/14/2020
Date

EXHIBIT 1

From: [Marilyn Frisch](#)
To: [May, Leslie](#)
Subject: Fwd: Lexus North Broward Prep Mangrove Miracles
Date: Tuesday, April 21, 2020 1:21:28 PM

I hope you are able to receive this. My initial message to commissioncomments@coconutcreek.net was returned as undeliverable. Please include my comments in the Commission Meeting schedule for this Thursday evening. As always, thank you for all that you do in making this such a wonderful city.

Sincerely,
Marilyn

-----Original Message-----

From: MARILYN FRISCH <frischms@aol.com>
To: commissioncomments <commissioncomments@coconutcreek.net>
Cc: Sandy Welch <sandy.welch@hotmail.com>; Hope Kennedy <Hope.Kennedy@nbps.org>; lauren <Lsatherton@gmail.com>
Sent: Tue, Apr 21, 2020 1:06 pm
Subject: Lexus North Broward Prep Mangrove Miracles

My 6th grade grandniece, Sydney Atherton, shared with me the incredible project that her friends were involved in at her school, North Broward Prep. The Mangrove Miracles, directed by a master teacher and Coconut Creek resident, Hope Kennedy, is extraordinary. After viewing the video on the Coconut Creek website, I was even more impressed that these young students provide reassurance that our planet is in going to be in good hands. Kudos to all involved.

Sincerely,
Marilyn Frisch
3949 Cocoplum Circle - C
Coconut Creek, FL 33063

Sent from my iPad

From: Pat Duaybes <pduaybes@yahoo.com>
Sent: Wednesday, April 22, 2020 4:52 PM
To: CommissionComments <CommissionComments@coconutcreek.net>
Subject: Public Comment to be read aloud

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek, FL 33073

Mayor Sarbone, Vice-Mayor Rydell, Honorable Commissioners.

Gov. DeSantis' state of emergency declaration does not give this Dais (or any government body) absolute authority to amend/rewrite ordinances (laws) that are date certain within our City's Charter!

The passage of Resolution No. [2020-104](#) during the COVID-19 pandemic sets a dangerous precedent and violates the true spirit of federal and state emergency declaration laws. Emergency declarations and legislative measures passed during the declared emergency are meant to protect the health, safety and well-being of residents. Also, ordinances changed during an emergency declaration are usually rescinded 60 days after the emergency is over.

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