



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: October 28, 2021
Time: 7:00 p.m.
Regular Meeting No. 2021-1028R

CALL TO ORDER

Mayor Rebecca A. Tooley called the meeting to order at 7:01 p.m.

PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley
Vice Mayor Joshua Rydell (virtually)
Commissioner Lou Sarbone
Commissioner Sandra L. Welch
Commissioner Jacqueline Railey
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
Interim City Clerk Marianne Bowers

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

Mayor Tooley noted that the meeting was being conducted live with a quorum physically present, and participation by one Commissioner using communications media technology. She explained that, in light of the pandemic, accommodations were made to allow the public to provide advanced comments without the need to attend the meeting. City Attorney Terrill Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

Item 1 was heard following Item 10.

1. **21-239** A SWEARING-IN CEREMONY FOR NEW POLICE OFFICER JEFFERSON D. RODRIGUEZ.

Police Captain Ryan Marken introduced new Police Officer Jefferson D. Rodriguez. Interim City Clerk Bowers administered the oath of office to Officer Rodriguez, followed by the badge-pinning ceremony.

2. **21-243** A PRESENTATION BY THE FLORIDA LEAGUE OF CITIES RECOGNIZING MAYOR REBECCA A. TOOLEY WITH THE MAYOR JOHN LAND YEARS OF SERVICE AWARD.

Shwanda Barnette, Membership Relations Ambassador for the Florida League of Cities, read a proclamation into the record recognizing Mayor Tooley for 20 years of public service, and presented it to Mayor Tooley.

3. **21-253** A PROCLAMATION RECOGNIZING NOVEMBER 1, 2021, AS "EXTRA MILE DAY."

Commissioner Welch read the proclamation into the record.

4. **21-258** A PROCLAMATION RECOGNIZING NOVEMBER 27, 2021, AS “SMALL BUSINESS SATURDAY.”

Commissioner Railey read the proclamation into the record.

INPUT FROM THE PUBLIC

Sy Schwalb, 4401 Martinique Court, Coconut Creek, spoke in opposition of any resolution regarding reproductive rights. He stated it was a state legislative issue and would cause division.

Trudy Smith, 4741 NW 15 Street, Coconut Creek, thanked the members of the City Commission who opposed a resolution regarding reproductive rights. She stated the science in the matter was clear.

Interim City Clerk Bowers stated that no advanced public comments were received for non-agenda or consent agenda items.

CONSENT AGENDA (Items 5, 6, and 7)

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

5. **21-245** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2021-0923SP AND 2021-0923R)
6. **RES**
 2021-207 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT WITH OPTUMHEALTH CARE SOLUTIONS, LLC FOR THE USE OF COCONUT CREEK FITNESS FACILITIES FOR OPTUM FITNESS PASSPORT PROGRAM CLIENTS.
7. **RES**
 2021-216 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE SOLID WASTE DISPOSAL SUPPORT SERVICE INTERLOCAL AGREEMENT (ILA) WITH BROWARD COUNTY FOR THE PURPOSE OF UTILIZING WASTE-TO-ENERGY SERVICES PROVIDED BY WHEELABRATOR SOUTH BROWARD.

MOTION: Railey/Welch – To approve the Consent Agenda Items 5, 6, and 7.

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

REGULAR AGENDA

Finance Department

8. **21-204** A MOTION TO AUTHORIZE A BUDGET TRANSFER FOR FISCAL YEAR 2021 IN THE AMOUNT OF \$1,235,300 FOR THE FULFILLMENT OF THE EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES CONTRACT WITH THE CITY OF MARGATE AND FOR THE PURCHASE OF FIRE EQUIPMENT, MACHINERY, AND RELATED APPURTENANCES FOR THE DELIVERY OF EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES

FROM GENERAL FUND ACCOUNT 0199-9903, GENERAL FUND – FUND BALANCE RESERVES, TO ACCOUNTS 0163-3412, FIRE CONTRACTUAL SERVICES, AND 0163-6430, FIRE MACHINERY AND EQUIPMENT.

Mayor Tooley read the motion title into the record.

MOTION: Sarbone/Welch – To approve the Motion.

Finance and Administrative Services Director Peta-Gay Lake presented the item, explaining the transfer provided a budget for the final closeout of the City's agreement with the City of Margate, including finalizing the City's hiring obligations and transfer of equipment, as well as a budget for the purchase of various equipment and machinery needed earlier than expected. She noted those purchases were previously budgeted for Fiscal Year 2022.

Commissioner Welch clarified the equipment and machinery amount was a maximum budgeted amount, and Ms. Lake confirmed that was correct.

Vice Mayor Rydell asked that City Manager Brooks confirm the costs were one-time expenditures and largely stemmed from the discourse with the City of Margate regarding ending the agreement with them, and City Manager Brooks stated this was correct.

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

Public Works Department

9. **RES 2021-214** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH PLAYCORE WISCONSIN, INC. D/B/A GAMETIME TO PROVIDE FOR THE COCO POINT PARK AND LAKEWOOD PARK PLAYGROUND ADA IMPROVEMENTS AND CONSTRUCTION PURSUANT TO RFP NO. 07-28-21-11 IN THE AMOUNT OF \$379,134.15.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2021-214.

Public Works Interim Director Alex Tergis presented the item, explaining the project included the construction and installation of two (2) playgrounds, based on the recommendations of Parks and Recreation. He discussed the procurement process and noted the project was fully funded by a Block Grant.

Commissioner Welch asked for clarification on the surfacing and borders to be utilized. Staff and the vendor's representative provided clarification.

Interim City Clerk Bowers stated that no advanced public comments were received and no one was signed in to speak.

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

Fire Rescue Department

10. **RES 2021-199** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE REGIONAL INTERLOCAL AGREEMENT FOR COOPERATIVE FIRE, RESCUE, EMERGENCY MEDICAL SERVICES, AND SPECIAL OPERATIONS RESPONSE THROUGH AUTOMATIC AID AND CLOSEST UNIT RESPONSE BETWEEN THE CITY OF COCONUT CREEK FIRE RESCUE DEPARTMENT, BROWARD COUNTY SHERIFF'S OFFICE, BROWARD COUNTY, AND ALL REGIONAL CONSOLIDATED DISPATCH PARTICIPATING MUNICIPALITIES.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2021-199.

Fire Chief Jeffery Gary presented the item, explaining the County-wide agreement was the result of several years of work of the participating agencies with the goal of reducing response times to emergency calls. Discussion ensued regarding the difference between this closest unit response agreement and mutual aid agreements in place.

Interim City Clerk Bowers stated that no advanced comments were received for the item and no one was signed in to speak.

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

Sustainable Development

City Attorney Pyburn read aloud the City's Quasi-Judicial procedures that would be applied to items 11 and 12. Interim City Clerk Bowers confirmed public notice requirements had been met for the Quasi-Judicial items 11 and 12 and swore in the witnesses. Mayor Tooley confirmed there were no objections to hearing items 11 and 12 together, as they were related.

11. **ORD 2021-026** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY POMPANO AUTOPLEX, LLC TO PERMIT THE CONSTRUCTION OF A NEW MAZDA AUTOMOBILE DEALERSHIP WITH SHOWROOM, INDOOR SERVICE BAYS, AND THREE (3) STORY PARKING STRUCTURE GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAMPLE ROAD AND CORAL TREE CIRCLE. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)
12. **RES 2021-197** A RESOLUTION VACATING, RELEASING, AND ABANDONING A 12-FOOT WIDE WATER AND UTILITY EASEMENT FOR THE PROJECT KNOWN AS MAZDA GENERALLY LOCATED AT THE NORTHEAST CORNER OF SAMPLE ROAD AND CORAL TREE CIRCLE, WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title, and Mayor Tooley read the Resolution title into the record.

Commissioner Railey made a motion to hear Agenda Items 11 and 12, seconded by Commissioner Welch.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for the items since the last meeting, and the following disclosure was made:

- Commissioner Welch stated she had spoken with the HOA president at Bayview, as well as the property manager and a parent in the Olivine community.

Sustainable Development Director Scott Stoudenmire presented the items, explaining the Special Land Use Ordinance was second reading and the second item was a vacation of a water easement dedicated to the City. He noted it was not uncommon in a redevelopment project for utilities to need to be relocated. He explained new easements would be dedicated through the process of the project. Mr. Stoudenmire stated the only change between first and second reading of the Special Land Use Ordinance was a new condition of approval as a result of the comments at the first hearing. He explained the condition would authorize staff to do a traffic evaluation after the dealership was open to determine what impacts it had on the community, specifically the school bus drop off and pick up situation on Coral Tree Circle.

Attorney Richard Coker, Coker & Feiner, made a presentation on behalf of the applicant. He stated the development team was present to answer any questions and addressed the added condition briefly. He noted the required study would be funded by the developer, along with any mitigation factors required as a result of the study.

Mayor Tooley opened the public hearing.

Interim City Clerk Bowers read the following written advanced public comment into the record, a copy of which is attached hereto as Exhibit 1, and made a part hereof these minutes:

Mary Bregman, Coconut Creek, wrote in opposition to the Special Land Use, stating the local residents would be impacted by lights, sound, and traffic.

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

Commissioner Sarbone asked for clarification on the new condition related to the traffic evaluation and requested that if staff believes no mitigation is required at the completion of the study, that staff communicate that as quickly as possible to the applicant and the Commission.

Commissioner Welch agreed and added that she was happy to see positive and forward-moving conversations following the previous Commission meeting. She asked for clarification on opening the north gate to the property. Mr. Stoudenmire explained the applicant had essentially agreed to keep the gate closed most of the time.

Commissioner Welch asked about the construction timeline for the project. Tom Curtain, the Principal and General Manager of Pompano Autoplex, LLC, explained the project completion was anticipated to be within 12 months, with a goal of eight (8) months. He noted it was precast construction. Commissioner Welch added that the traffic study following completion of the project should occur when school is in session to allow for a clear picture. Mr. Curtain agreed.

Commissioner Railey stated she believed all issues had been brought forward and discussed, and due diligence had been shown regarding the concerns. She asked whether the study in the new condition would be one time or periodic. Mr. Stoudenmire responded it was drafted as a one-time study but was flexible based on what was seen upon opening.

Commissioner Railey asserted there were other allowable uses that could negatively impact the neighborhood and thanked the applicant for their considerations.

Vice Mayor Rydell stated Commissioner Railey's comment regarding other allowable uses was astute and noted there were other businesses which could be more detrimental to the area. He stated Mr. Curtain had proven his business model would be low impact and accommodating to the neighborhood.

Mayor Tooley added that she appreciated the applicant's community spirit.

MOTION: Sarbone/Welch – To adopt Ordinance No. 2021-026.

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

MOTION: Welch/Sarbone – To approve Resolution No. 2021-197.

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

13. **ORD 2021-020** 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," TO PROVIDE FOR DEFINITIONS; AMENDING DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," BY CREATING A NEW SECTION 13-323, "HOTELS," AMENDING DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION II, "PARKING REGULATIONS AND REQUIREMENTS," SECTION 13-400, "RESIDENTIAL USE PARKING SPACE REQUIREMENTS," TO PROVIDE UPDATED HOTEL AND EXTENDED STAY HOTEL PARKING REQUIREMENTS AND SECTION 13-409, "OFF-STREET LOADING REQUIREMENTS," TO PROVIDE UPDATED LOADING SPACE REQUIREMENTS; AND AMENDING DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-621, "MASTER BUSINESS LIST B-1, B-3, AND B-4," AND SECTION 13-623, "MASTER BUSINESS LIST O-2, O-3," TO IDENTIFY SPECIAL LAND USE REQUIREMENTS AND PROVIDE FOR EXTENDED STAY HOTELS AS SPECIAL LAND USES. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To adopt Ordinance No. 2021-020.

Assistant Director of Sustainable Development Justin Proffitt presented the item and noted that updates were made to the proposed ordinance after first reading to integrate input from local hotel owners, broaden definitions, and clarify terminology to better reflect building standards. It was noted that each application for an extended stay hotel would require a Special Land Use application.

Mayor Tooley opened the public hearing. Interim City Clerk Bowers stated there were no advanced public comments received for the item, and no one had signed in to speak. Mayor Tooley closed the public hearing.

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

City Attorney

- 14. ORD 2021-027** AN ORDINANCE ACCEPTING THE CONVEYANCE OF TITLE TO PORTIONS OF THE RIGHT-OF-WAY OF NW 15TH STREET AND NW 44TH AVENUE FROM BROWARD COUNTY. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Welch – To adopt Ordinance No. 2021-027.

Mayor Tooley opened the public hearing. Interim City Clerk Bowers stated there were no advanced public comments received for the item, and no one had signed in to speak. Mayor Tooley closed the public hearing.

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

CITY MANAGER REPORT

City Manager Brooks had no report.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report. She congratulated Mayor Tooley on her years of service recognition by the Florida League of Cities.

COMMISSION COMMUNICATIONS

Commissioner Sarbone commented on the Coconut Creek Police Department's Do the Right Thing award ceremony held earlier in the evening recognizing Coconut Creek students and teachers. He stated it was among the things he was most proud of in the City.

Commissioner Welch commented that it was First Responders Day, and the City was truly proud to not only have its own Police Department, but also its own Fire Rescue Department. She thanked the members of each and thanked the residents who had come to speak on matters important to them. She shared regarding the first Teen Political Forum meeting of the school year and extended an invitation to the Commissioners to attend the meetings. She stated she and Mayor Tooley had sat in on the stakeholders meeting at Atlantic Technical College regarding Bob Crawford's proposed replacement and briefly discussed the hiring process. She noted she had attended a meeting of women in elected office and shared items she learned.

Commissioner Railey congratulated Mayor Tooley on 20 years in public service and thanked the First Responders for all they do. She stated she had attended a presentation with Deputy City Manager Sheila Rose for Government Week, and the students had been very curious and asked many questions. She attended the SOS Children's Village fundraiser and shared information on the foster care village. She noted areas of concern for the City to stay engaged in were the proposed Turnpike expansion and Monarch Hill Landfill land use plan amendment application. She stated she had received a number of inquiries regarding the timing of the stoplight on Lyons Road near Wynmoor resulting from the mobility project construction, and said she was happy to see that progress was being made on the road.

Vice Mayor Rydell congratulated Mayor Tooley on her Years of Service Award and thanked her for her service. He commented that Special Events Planner Leo Moleiro deserved a tremendous number of accolades and highlighted the recent drive through Trick-or-Treat event. He noted the Fire Department would be having an open house trick-or-treat at the fire stations on Halloween.

Mayor Tooley stated the SOS Children's Village fundraiser was outstanding and noted the Broward Alliance event was interesting. She stated it was nice to meet other people from area businesses and was glad to see the COVID-19 rate coming down. She encouraged continued caution.

ADJOURNMENT

The meeting was adjourned at 8:18 p.m.



Marianne Bowers
Marianne Bowers, CMG
Interim City Clerk

12/9/21
Date

EXHIBIT "1"

From: a802mnb@aol.com
To: [CommissionComments](#)
Subject: Land Use Approval - Coral Tree Circle / Sample Road
Date: Monday, October 18, 2021 5:39:12 PM

Good afternoon!

I am writing to voice my objection to the change in land use for the property located on Sample Road and Coral Tree Circle.

We live in a quiet, residential area in the Township of Coconut Creek. While that land is currently zoned as commercial, the previous occupants of that property did not adversely affect the residents. The current owners of the property did a beautiful job of listing all the positives on paper of advancing your approval. The reality is this will not all be positive. Local residents will be affected by the lighting from the mall albeit not as bright as they state, possibility of loud speakers calling out to workers during their business hours, additional road congestion, and so on. Students in the Forest Pointe development are picked up and dropped off from school on Coral Tree Drive.

Currently the auto dealership on Lyons and Coral Tree Circle, park their trailer trucks on the Circle creating congestion. Can the current owners of the property in question guaranty they will not do the same? I can't picture them parking on Sample to unload or load vehicles.

As I said, we live in the Township of Coconut Creek not the AutoMall of Coconut Creek. Please reconsider approving their request.

Respectfully submitted,
Mary Bregman