



## CITY OF COCONUT CREEK CITY COMMISSION MEETING MINUTES

Government Center  
4800 W. Copans Road  
Coconut Creek, Florida

Date: August 9, 2021  
Time: 7:00 p.m.  
Special Meeting No. 2021-0809SP

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### CALL TO ORDER

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

### PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley  
Vice Mayor Joshua Rydell  
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 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

- 1. 21-172** A PROCLAMATION IN SUPPORT OF THE CITY OF FORT LAUDERDALE'S ACTION TO ADD "RUBIN STACY MEMORIAL BOULEVARD" AS THE SECONDARY STREET NAME TO THE SEGMENT OF DAVIE BOULEVARD BETWEEN INTERSTATE 95 AND US-441.

Vice Mayor Rydell read the proclamation into the record.

- 2. 21-176** A PROCLAMATION RECOGNIZING SEPTEMBER 9, 2021, AS "BROWARD MENTAL HEALTH SUMMIT DAY."

Commissioner Railey read the proclamation into the record. Diann Geronemus accepted the proclamation on behalf of the Broward Mental Health Summit and briefly addressed the Commission.

- 3. 21-171** A PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR THE CITY'S FISCAL YEAR 2021 ANNUAL BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

Kisha Holland, Budget and Grants Manager, presented the award to the Commission. She thanked City staff for their efforts to produce an award-winning budget document and read some of the commendations received on the budget.

**4. 21-161 COCONUT CREEK FIRE RESCUE IMPLEMENTATION PLAN UPDATE.**

Fire Chief Jeffrey Gary reviewed the Coconut Creek Fire Rescue third quarter report. He introduced recently hired staff, including two (2) Assistant Fire Chiefs, the Fire Marshall, Division Chief, Battalion Chiefs, and administrative and support staff. He provided a brief operations update, noting the protocol, regulations, and training program were being developed. He stated the supplies were starting to come in and the goal was to be ready on September 1. Fire Chief Gary provided an update on the new Fire Station 113, noting staff was working on a punch list to be completed prior to obtaining a Certificate of Occupancy. He discussed fleet vehicles and equipment and noted there were vehicles outside for viewing. Fire Chief Gary discussed the budget and the Coral Springs dispatch transition. He stated training had already begun so that staff would be fully trained for the dispatch transition scheduled for October 1, 2022. In response to a question from the Commission, Fire Chief Gary commented that the design of the butterfly logo for the fire trucks was in the works. He responded to a question regarding accreditation, noting they hoped to get accreditation done in two (2) years, but needed at least six months of data to begin the process. Mayor Tooley asked if there was a Mutual Aid Interlocal Agreement with Margate in place, and Fire Chief Gary stated he had spoken with the Margate Fire Chief, and they were developing a draft.

**INPUT FROM THE PUBLIC**

Laura Glorioso, 4735 NW 30 Street, Coconut Creek, spoke as a teacher at Atlantic Technical College and shared details of the transition into employment program. She asked the City to consider partnering with the program to provide hands-on learning opportunities. Mayor Tooley commented that City Manager Brooks would follow up with her to discuss the program.

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

**CONSENT AGENDA (Items 5-9)**

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

*Agenda Items 8 & 9 were pulled by Commissioner Welch and heard before the Regular Agenda.*

- 5. 21-154** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2021-0610WS, 2021-0610R, AND 2021-0624R)
  
- 6. RES 2021-146** A RESOLUTION IN SUPPORT OF THE BROWARD COUNTY AUDIT OF THE ANIMAL CARE AND ADOPTION DIVISION, REPORT NO. 21-05, DATED DECEMBER 16, 2020; PROVIDING FOR SUPPORT OF THE IMPLEMENTATION OF AUDIT GUIDELINES AND BEST PRACTICES BY THE ANIMAL CARE AND ADOPTION DIVISION WITH THE GOAL OF PROVIDING BETTER CARE FOR THE DOGS AND CATS MAINTAINED AT THE SHELTER.
  
- 7. RES 2021-151** A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A NOTICE OF SITE DEDICATION AND LIMITATION OF USE NECESSARY TO OBTAIN REIMBURSEMENT AND TO SATISFY THE REQUIREMENTS OF A GRANT RECEIVED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR THE REDEVELOPMENT OF SABAL PINES PARK.

**MOTION:** Rydell/Sarbone – To approve Consent Agenda items 5 through 7.

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

**Public Works**

8.     **RES**           A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO  
       **2021-154**       EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT  
                          WITH BROWARD COUNTY FOR COMMUNITY SHUTTLE SERVICE.

Mayor Tooley read the Resolution title into the record.

**MOTION:**       Rydell/Railey – To approve Resolution No. 2021-154.

Public Works Assistant Director Alex Tergis presented the item, explaining that the City’s reimbursement from the County was increasing due to surtax funding, and when the amended Interlocal Agreement (ILA) was signed, the City would receive its funding for Fiscal Year 2020-21. He further explained that funds were based on an hourly rate for operations, however, there was a threshold of 7.1 riders per hour. He stated a lot of cities involved in the ILA were not meeting the threshold and a meeting was scheduled to discuss the ridership thresholds. He added that staff was working internally to review the routes and conduct community outreach following Broward County’s determination regarding ridership thresholds.

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

9.     **RES**           A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY AS  
       **2021-152**       SURPLUS AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO  
                          DISPOSE OF SAID PROPERTY AS DESCRIBED IN THE ATTACHED LIST.

Mayor Tooley read the Resolution title into the record.

**MOTION:**       Rydell/Welch – To approve Resolution No. 2021-152.

Procurement Manager Linda Jeethan presented the item, commenting that the City was contracted with a vendor to auction surplus items. She explained the IT equipment would be recycled.

Commissioner Railey asked if the City had considered donating any of these items. City Manager Brooks explained that the City had donated items in the past, but considering they were taxpayer assets, an effort was made to maximize revenue on them.

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

**REGULAR AGENDA**

**Sustainable Development**

10.    **RES**           A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO  
       **2021-147**       EXECUTE THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)  
                          DISTRICT FOUR (4) HIGHWAY MAINTENANCE MEMORANDUM OF  
                          AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION  
                          AND THE CITY OF COCONUT CREEK FOR SIDEWALK IMPROVEMENTS  
                          ASSOCIATED WITH THE COPANS ROAD MOBILITY PROJECT AND ASSIGNED  
                          TO THE CITY OF COCONUT CREEK.

Mayor Tooley read the Resolution title into the record.

**MOTION:** Welch/Rydell – To approve Resolution No. 2021-147.

Director of Sustainable Development Scott Stoudenmire presented the item, explaining a portion of the sidewalk improvements for the Copans Road mobility project was determined to encroach on City property, and FDOT required an agreement to move forward. He provided a brief timeline of the project.

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

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

### Finance and Administrative Services

11. **ORD 2021-017** AN ORDINANCE AMENDING ORDINANCE NO. 2006-27, BY AMENDING THE NON-EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, TO PROVIDE GAS SERVICES AND TO USE PUBLIC RIGHTS-OF-WAY OF THE CITY OF COCONUT CREEK, DATED OCTOBER 16, 2006, IN ORDER TO RENEW THE AGREEMENT FOR FIFTEEN (15) YEARS AND TO PROVIDE FOR UPDATES CONSISTENT WITH CHANGES TO STATE LAW AND THE CITY'S CODE. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

**MOTION:** Sarbone/Welch – To adopt Ordinance No. 2021-017.

Mayor Tooley opened the public hearing on the item. There was no one present to speak on the item, and Interim City Clerk Bowers stated there were no advanced public comments received for the item. Mayor Tooley closed the public hearing.

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

12. **ORD 2021-019** AN ORDINANCE RELATING TO THE FUNDING AND PROVISION OF FIRE RESCUE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF COCONUT CREEK, FLORIDA; DESCRIBING THE METHOD OF ANNUALLY ASSESSING PROPERTY LOCATED WITHIN THE CITY OF COCONUT CREEK; PROVIDING AN ASSESSMENT FOR FISCAL YEAR 2021/2022; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR THE ANNUAL ESTABLISHMENT OF A MAXIMUM ASSESSMENT; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

**MOTION:** Welch/Sarbone – To approve Ordinance No. 2021-019 on first reading.

Director of Finance and Administrative Services Peta-Gay Lake presented the item. She explained the Ordinance authorized the Fire Assessment and set the rate for Fiscal Year 2021-

22. She stated staff had presented two (2) options for the Commission to consider at a recent workshop, including an 83 percent recovery scenario and an 87 percent recovery scenario. She noted the 87 percent scenario would be included in the County TRIM notices. She stated that the Fire Assessment was not a new fee but had been charged on the property tax bills since 2001. She discussed the need for ongoing increases of the fee and described how the revenue gap would be made up to balance the budget. She stated staff recommended the 83 percent scenario.

Discussion ensued regarding the extent of changes that could be made between first reading and second reading of the Ordinance if additional data was received for consideration.

Vice Mayor Rydell noted staff was recommending a lower rate than was publicly noticed to the residents and stated he would reserve further comment until he had the opportunity to review the data staff had gathered.

Commissioner Welch asked for clarification whether the Ordinance included the assessment fee on private schools, and City Manager Brooks responded that it did. Commissioner Welch stated she agreed with Vice Mayor Rydell that there was information the Commission was still waiting on to help them better make that decision. City Manager Brooks clarified that staff was asking for approval as is, at the lower rate, and between the first and second reading, they would be conducting additional research. She stated if the Commission wanted to adopt the higher rate at that time, that could be done.

Mayor Tooley opened the floor for public comment.

Barbara Levin, 3700 Coconut Creek Parkway, spoke in support of the South Florida Jewish Academy and stated the change would put the school out of business. She stated finding the perfect school for a child with special need was difficult, and the school should continue to be tax exempt. Mayor Tooley responded the Fire Assessment was not a tax. Ms. Levin stated she understood the position of the City, but she did not agree or feel the definition would stand up in court. She continued to discuss the school and asked the Commission to vote against the assessment.

Interim City Clerk Bowers stated there were eight emails to be read into the record and seven voice mails that had been received before 6 p.m. on August 8, and noted that any comments received after the deadline would be provided for the record at the August 26 Commission meeting during second reading of the Ordinance. She read the following emails for the record, copies of which are attached hereto as Exhibit 1, and made a part hereof these minutes:

Carol Smit stated she had lived near the Fire Department since 1976 and had not noticed a huge increase in its emergency responses which would require an annual assessment.

Larry Teich wrote in opposition to the assessment and stated he was appealing the assessment based on mismanagement of public funds and lack of confidence.

Paul Reichers stated the current assessment had been adequate for many years, and the increase was not justified. He asked that the Commission not adopt the proposed assessment.

Harriet Lang asserted it was not fair for property owners to fund fire services for year-round residents.

Jerry McHugh thanked the Commissioners for the things they do for the City, and stated he was

not on board with an assessment for the fire station.

Van Hamlin wrote in support of adopting the increased assessment but suspending its implementation until at least March 2022 due to inflation, unemployment, and other factors making economic times difficult.

Kim Fields stated the assessment was flawed and not equitable. She wrote to object to the proposal and asked the Commission to reconsider.

Lincoln Payao asked that the Commission consider holding off on the assessment until the following year to allow citizens to recover from the impacts of COVID-19.

Interim City Clerk Bowers played the following seven voicemails for the record:

Catherine Migliano spoke in favor of the fire assessment. She stated the service was essential and was underpaid unbelievably. She referenced an episode of John Oliver's television show regarding the treatment and funding of emergency personnel and services.

Maria Delpilar asked that someone who spoke Spanish contact her regarding the fire assessment.

Peter Lombardo stated that he was not the owner of the property that he had received the fire assessment letter regarding.

Jucara Freimark stated she did not understand what she had done to have an assessment levied against her property.

Peter Simone spoke in opposition to the fire assessment. He stated he wanted to make sure the City was being financially responsible in starting their own Fire Department.

Saed Nasief expressed concern regarding the fire assessment and asked for more detailed information regarding the notice he received.

Stephen Morello asked if he was subject to the fire assessment as a Veteran on disability.

City Manager Brooks stated staff had responded to the emails and reached out to each of the callers.

Commissioner Railey discussed her experience losing a home to fire in New York due to slow response time. She stated, as a resident and as a homeowner, she could truly appreciate the need for a quick response from a Fire Department that knows exactly what they are doing and where they are going in an emergency. Commissioner Railey asserted many of the residents were misunderstanding the letter regarding the assessment, and stated she hoped they understood the importance of having a top-notch fire department at their disposal. She expressed her support for Fire Chief Gary and his team.

Vice Mayor Rydell asked for clarification on the email from Kim Fields and asked if staff had investigated the situation referenced. City Manager Brooks explained. He commented that he was comfortable exploring the issues Ms. Fields had brought up and having the discussion upon second reading. He suggested that the letter should have been sent in Spanish, as well, and asked the Commission to discuss doing so for future communication. Commissioner Welch suggested Creole and Portuguese be discussed, as well.

Mayor Tooley stated she had spent the last three weeks explaining the non-ad valorem fire assessment fee to residents and commented that most people who heard the explanation were fine with it. She stated she would continue to meet with groups to explain the change, and discussed issues other communities were having with BSO services.

Commissioner Welch addressed those who had spoken and assured they were heard.

**Upon roll call, the Ordinance passed on first reading by a 5-0 vote.**

### City Clerk

13. **ORD 2021-018** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, CHAPTER 8, “ELECTIONS,” SECTION 8-51, “OATH; CAMPAIGN FINANCE REPORTS; STATEMENTS OF FINANCIAL INTERESTS; FEE,” TO PROVIDE FOR THE ELECTRONIC FILING AND POSTING OF CAMPAIGN TREASURER’S REPORTS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

**MOTION:** Rydell/Welch – To approve Ordinance No. 2021-018 on first reading.

Vice Mayor Rydell stated Supervisor of Elections Joe Scott had discussed this issue frequently during the election process and had gone on to make it happen.

Commissioner Welch commented on the additional time required by the City Clerk’s office during COVID-19 to accommodate candidates and stated this change would make things easier.

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

**Upon roll call, the Ordinance passed on first reading by a 5-0 vote.**

### CITY MANAGER REPORT

City Manager Brooks stated she was looking forward to the budget workshop the following day.

### CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

### COMMISSION COMMUNICATIONS

Commissioner Sarbone shared commendations received for the Police Department, which were forwarded by Police Chief Albert “Butch” Arenal. He stated the comments addressed the community policing that Chief Arenal had implemented, and that the leadership provided flows down. He thanked Chief Arenal.

Commissioner Welch thanked Finance and Administrative Services Director Peta-Gay Lake and Budget

and Grants Manager Kisha Holland for the wonderful budget document that had been put together in advance of the upcoming budget workshop. She stated it was not only thorough, but concise and navigable. She stated the City of Coconut Creek had a student from Monarch High School intern over the summer with the Finance Department, and said she was happy to hear it had been a good experience. She commented on the Wendy's ribbon-cutting event and shared a story of the owners giving back to the community.

Commissioner Railey echoed the appreciation of staff for the preparation of the budget book. She thanked the Police Department and Fire Department for their efforts in the face of COVID-19 once again rising in the community. She encouraged residents to consider getting vaccinated and to take care with masks, sanitizing, social distancing, and other precautions. She addressed Barbara Levin's comments regarding the fire assessment and stated that her daughter had been a special education teacher 20 years, so she understands the challenges and benefits of the school. She noted the Commission would take everything under consideration.

Vice Mayor Rydell recognized Community Relations Director Yvonne Lopez and her team, sharing a story of a resident with cerebral palsy who had started a mission to put doorbells on buildings to assist special needs residents with accessibility. He stated the communications team had put together an amazing video to highlight the cause, and Starbucks had been the first business to install the doorbell. Vice Mayor Rydell asked that the City have a proclamation in support of the resident's efforts and encouraged the Commissioners to assist in introducing him to business owners and other leaders who could assist in his mission.

Mayor Tooley stated she had been spending most of her time in the community talking about the budget and the fire assessment.

## **ADJOURNMENT**

The meeting was adjourned at 8:43 p.m.

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Marianne Bowers, CMC  
Interim City Clerk

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Date