



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: December 8, 2022
Time: 7:00 p.m.
Meeting No. 2022-1208R**

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:05 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Rebecca A. Tooley
Commissioner Jacqueline Railey
Commissioner John A. Brodie
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
City Clerk Joseph J. Kavanagh

Mayor Rydell asked all to rise for the Pledge of Allegiance led by Officer Feisthammel and the City's new bloodhound puppy.

Mayor Rydell noted that the meeting was being conducted live with a quorum physically present, and City Attorney Terrill C. Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

- 1. 22-219** A SWEARING-IN CEREMONY FOR NEW POLICE OFFICER JOHN-PAUL FRAZIER-MAHONEY HARLEY.

Police Chief Albert (Butch) Arenal introduced new Police Officer John-Paul Frazier-Mahoney Harley and provided a brief overview of his background. City Clerk Kavanagh administered the Oath of Office, followed by the badge pinning ceremony.

- 2. 22-221** A PRESENTATION OF A DEPARTMENT COMMENDATION FOR COCONUT CREEK RESIDENT JENNIFER PRADA.

Mayor Rydell asked that the presentation be moved to the first meeting in January, as the recipient was not present.

INPUT FROM THE PUBLIC

City Clerk Kavanagh stated that no advanced public comments were received for Non-agenda or Consent Agenda items.

Laura Matheric, 3906 NW 56 Street, Coconut Creek, shared the Little Free Library she had built with the donation she received as Poet Laureate and asked for help in getting it to the right place in Coconut Creek for residents to enjoy.

CONSENT AGENDA (Items 3 through 9)

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

3. **22-217** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2022-1027R AND 2022-1110R)

4. **RES
2022-236** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED CONSENT TO ASSIGNMENT IN ORDER TO PROVIDE CONSENT FOR THE ASSIGNMENT OF THE AGREEMENT WITH SUNSHINE CLEANING SYSTEMS, INC. FOR JANITORIAL SERVICES PURSUANT TO RFP NO. 09-02-20-09 TO SUNSHINE CLEANING SYSTEMS, LLC; AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AMENDMENT NO. 2 TO THE AGREEMENT WITH SUNSHINE CLEANING SYSTEMS, LLC TO REVISE THE LOCATION OF JANITORIAL SERVICES.

5. **RES
2022-241** A RESOLUTION ACCEPTING A CERTAIN UTILITY EASEMENT OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF LAND GENERALLY LYING WITHIN 3702 STAGECOACH DRIVE, RELATING TO PARCEL NUMBER 484208110010, LOCATED IN BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN COMPOSITE EXHIBIT “1.”

6. **RES
2022-083** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A WASTEWATER (ONLY) AGREEMENT, ATTACHED AS EXHIBIT “1,” BETWEEN THE CITY OF COCONUT CREEK, AND DINA T. KESSARIS AND KIRK RICHARDO ROBERTSON, AS PROPERTY OWNERS, FOR DELIVERY OF WASTEWATER SERVICES TO THE PROPERTY LOCATED AT 7301 NW 39 AVENUE, UNINCORPORATED BROWARD COUNTY, FLORIDA 33073; AND ACCEPTING A UTILITY EASEMENT OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF SUCH PROPERTY, MORE PARTICULARLY DESCRIBED IN EXHIBIT “2,” IN ORDER TO FACILITATE SUCH SERVICE.

7. **RES
2022-243** A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND RELEASE REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS FROM WALMART, INC. AS PART OF THE FLORIDA ATTORNEY GENERAL ACTION REGARDING THE OPIOID LITIGATION; AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY AGREEMENTS.

8. **RES
2022-247** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR WASTEWATER CONVEYANCE SYSTEM IMPROVEMENTS.

9. **22-225** A MOTION TO APPROVE A SINGLE SOURCE PURCHASE OF WATER METERS AND ASSOCIATED APPURTENANCES FROM FERGUSON ENTERPRISES, LLC.

MOTION: Tooley/Welch – To approve Consent Agenda Items 3 through 9.

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

REGULAR AGENDA

Human Resources

10. **RES 2022-210** A RESOLUTION RATIFYING AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION, POLICE OFFICERS' UNIT.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Railey – To approve Resolution No. 2022-210.

Human Resources Director Pam Kershaw discussed the collective bargaining process with the Police Officers' Unit and stated the Officers' Unit had already voted and ratified the agreement. The Commission thanked all those involved in the bargaining agreement process.

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

PBA Representatives Officer Larry Christopher and Officer Arthur Patton briefly addressed the Commission, thanking all those involved and the support of the Police Chief Arenal and the administrative team.

Police Department

11. **RES 2022-233** A RESOLUTION URGING THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, TO FULLY FUND SCHOOL RESOURCE OFFICERS FOR EVERY SCHOOL WITHIN BROWARD COUNTY, FLORIDA, AND TO FULLY FUND THE TOTAL COSTS FOR SCHOOL CROSSING GUARDS FOR EACH PUBLIC SCHOOL WITHIN BROWARD COUNTY, FLORIDA.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Railey – To approve Resolution No. 2022-233.

City Manager Brooks presented the item, and Vice Mayor Welch suggested an amendment to the Resolution to strengthen language, stating Coconut Creek was not supportive of the Broward County School District establishing its own police force to serve in its schools.

AMENDMENT: Welch/Tooley – To amend Section two (2), Page five (5), of Resolution No. 2022-233 to include the words "instead of establishing their own police force."

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

Discussion ensued regarding the School Board's timeline for action on their budget and the amendment to the resolution.

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

Public Works Department

12. **RES 2022-238** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH GREEN ENGINEERING & CONSTRUCTION, INC. FOR RENOVATIONS TO THE CITY HALL LOBBY PURSUANT TO IFB NO. 10-18-22-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Railey – To approve Resolution No. 2022-238.

Public Works Director Harry Mautte presented the item, noting the project was originally bid in March 2022, but the contractor had withdrawn the bid, so the project scope was amended, and the item was rebid. He explained the project and reviewed the costs.

Commissioner Brodie noted differences between the bids submitted and asked whether the bids had been reviewed by line item, Director Mautte confirmed the line items had been vetted individually.

Mayor Rydell inquired about the difference between the current bid and the previous project, and Director Mautte explained the previous project had included the lunch room, in addition to the current scope. Discussion ensued briefly.

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

Parks and Recreation

13. **RES 2022-246** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH FLORIDATOURS.COM, LLC FOR THE PURPOSE OF PROVIDING CHARTER BUS TRANSPORTATION SERVICES PURSUANT TO IFB NO. 11-09-22-12.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Brodie – To approve Resolution No. 2022-246.

Parks and Recreation Director Wayne Tobey presented the item, briefly summarizing the services and bid process. He noted that a representative of FloridaTours.com, LLC was present to answer any questions.

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

14. **ORD 2022-025** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 15, "PARKS AND RECREATION," ARTICLE II, "RULES AND REGULATIONS," TO PROHIBIT SMOKING AND VAPING IN CITY PARKS. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Tooley – To adopt Ordinance No. 2022-025.

Parks and Recreation Superintendent Enrique Castro presented the item. Commissioner Tooley shared her enthusiasm for the new restriction, and Commissioner Brodie noted the State’s preemption on cigars. Discussion ensued regarding the location and language on the signage at the parks regarding the regulation.

Mayor Rydell opened the public hearing on Ordinance No. 2022-025. City Clerk Kavanagh stated that no advanced public comments were received for the item, and no one was signed in to speak. Mayor Rydell closed the public hearing.

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

Sustainable Development

- 15. **ORD 2021-015** AN ORDINANCE AMENDING THE CITY OF COCONUT CREEK COMPREHENSIVE PLAN TO REFERENCE THE CURRENT LANGUAGE OF THE INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND INTERGOVERNMENTAL COORDINATION ELEMENT GENERALLY REFERENCED IN CITY ORDINANCE 2015-050 AND ATTACHED HERETO AS “EXHIBIT 1;” AND BY AMENDING THE CITY’S COMPREHENSIVE PLAN TO INCORPORATE THE CITY’S UPDATED WATER SUPPLY FACILITIES WORK PLAN, ATTACHED HERETO AS “EXHIBIT 2,” AND CORRESPONDING TEXT UPDATES WITHIN SECTION V, “INFRASTRUCTURE ELEMENT,” SECTION V-a, “POTABLE WATER,” GOAL V-a, OBJECTIVE V-a-1, AND POLICIES V-a-1.2 THROUGH V-a-1.4, THEREIN; AND BY AMENDING SECTION VIII, “INTERGOVERNMENTAL COORDINATION ELEMENT,” GOAL VIII, OBJECTIVE VIII-3, AND POLICY VIII-3.5, THEREIN; PROVIDING THAT THE LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 9, 2021; PROVIDING FOR FINAL TRANSMITTAL; PROVIDING THAT ALL PREREQUISITES TO ADOPTION HAVE BEEN SATISFIED. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Railey – To adopt Ordinance No. 2021-015.

Sustainable Development Assistant Director Justin Proffitt presented the item, noting the Ordinance was approved on first reading in December 2021, and explained the steps taken since that time to obtain comments on the work plan. He noted the Ordinance would also update the City’s level of service in the Comprehensive Plan. Discussion ensued regarding the impact of the goals and objectives in the work plan, including conservation of water, reduction in consumption, and consistency with other municipalities.

Mayor Rydell opened the public hearing on Ordinance No. 2021-015. City Clerk Kavanagh stated that no advanced public comments were received on the item, and no one had signed in to speak. Mayor Rydell closed the public hearing.

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

- 16. **ORD 2022-023** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” ARTICLE I, “ADMINISTRATION, REGULATIONS AND PROCEDURES,” DIVISION 3, “IMPLEMENTATION PROCEDURES,” BY ENACTING A NEW SECTION 13-

35.1, "COMMUNITY RESIDENCE APPLICATION FORM; COMMUNITY RESIDENCE SPECIAL EXCEPTION PERMITS AND REASONABLE ACCOMMODATION REQUIREMENTS;" AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," BY AMENDING SECTION 13-295, "DEFINITIONS," TO UPDATE EXISTING DEFINITIONS, PROVIDE NEW DEFINITIONS, AND REMOVE OBSOLETE DEFINITIONS, AND AMENDING DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," BY AMENDING SECTIONS 13-332, "A-1 AGRICULTURAL DISTRICT," 13-333, "RS-1 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-334, "RS-3 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-335, "RS-4 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-336.1, "RS-5 RESIDENTIAL SINGLE-FAMILY DISTRICT," 13-336.2, "RC-5 RESIDENTIAL CLUSTER DISTRICT," 13-337, "RC-8 RESIDENTIAL ATTACHED DISTRICT," 13-338, "RM-10 RESIDENTIAL MULTIPLE-FAMILY DISTRICT," 13-340, "MH-1 MOBILE HOME PARK DISTRICT," 13-354, "CF COMMUNITY FACILITY DISTRICT," AND DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-625, "MASTER BUSINESS LIST-MSOA," TO CHANGE THE LIST OF PERMITTED AND SPECIAL LAND USES AND TO CREATE SPECIAL EXCEPTION USES, TO PROVIDE FOR UPDATES CONSISTENT WITH RECENT CHANGES TO STATE AND FEDERAL LAWS; AND AMENDING DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION II, "PARKING REGULATIONS AND REQUIREMENTS," SECTION 13-400, "RESIDENTIAL USE PARKING SPACE REQUIREMENTS" IN ORDER TO PROVIDE PARKING FOR COMMUNITY RESIDENCES. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To adopt Ordinance No. 2022-023.

City Attorney Pyburn presented the item.

Mayor Rydell opened the public hearing on Ordinance No. 2022-023. City Clerk Kavanagh stated that no advanced public comments were received for the item, and no one had signed in to speak. Mayor Rydell closed the public hearing.

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

17. **ORD 2022-027** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO ADOPT A NEW ANTENNA LAYOUT AND THE CORRESPONDING INCREASE IN RENT FOR THE ADDITIONAL LOADING ON THE CITY'S TELECOMMUNICATIONS TOWER AT LAKESIDE PARK, SUBJECT TO ALL OTHER TERMS AND CONDITIONS PROVIDED THEREIN. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To adopt Ordinance No. 2022-027.

Sustainable Development Director Scott Stoudenmire presented the item and noted the City's Consultant Cityscape was present to answer any questions.

Mayor Rydell opened the public hearing on Ordinance No. 2022-027. City Clerk Kavanagh stated that no advanced public comments were received on the item, and no one had signed in to speak. Mayor Rydell closed the public hearing.

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

18. **ORD 2022-029** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO ADOPT A NEW ANTENNA LAYOUT AND THE CORRESPONDING INCREASE IN RENT FOR THE ADDITIONAL LOADING ON THE CITY'S TELECOMMUNICATIONS TOWER AT SABAL PINES PARK, SUBJECT TO ALL OTHER TERMS AND CONDITIONS PROVIDED THEREIN. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Tooley – To approve Ordinance No. 2022-029 on first reading.

Sustainable Development Director Scott Stoudenmire presented the item, noting the lease amendment would increase the load on the tower at Sabal Pines Park and subsequently the rent cost.

Mayor Rydell asked whether the City was statutorily capped on the rent amount. Director Stoudenmire stated the Statute restricts the amount that can be charged for review of the application, but the rent cost itself was determined by industry standard and staff in cooperation with the consultants.

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

City Attorney

19. **ORD 2022-024** AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 8, "ELECTIONS," ARTICLE III, "CANDIDATES," BY AMENDING SECTION 8-52, "TIME FOR QUALIFYING," TO PROVIDE FOR A QUALIFYING TIMELINE THAT IS CONSISTENT WITH STATE ELECTION LAWS. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Railey – To adopt Ordinance No. 2022-024.

City Attorney Pyburn presented the item, stating the qualifying period for the next Municipal Election would be from noon on January 3, 2023, through noon on January 10, 2023.

Mayor Rydell opened the public hearing on Ordinance No. 2022-024. City Clerk Kavanagh stated that no advanced public comments were received, and no one was signed in to speak. Mayor Rydell closed the public hearing.

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

CITY MANAGER REPORT

City Manager Brooks shared that Coconut Creek was maintaining the ISO-1 rating in the Fire Department. She stated she was proud of that achievement with a first-year department. Continuing, she reported on the first full month of dispatch with Coral Springs. She stated in October, prior to the move, the average time from call answer to dispatch was three (3) minutes and three (3) seconds, and in November that time was one (1) minute and six (6) seconds. She noted the November average included emergency and non-emergency calls, and emergency calls averaged 53 seconds.

CITY ATTORNEY REPORT

City Attorney Pyburn provided an update on the opioid litigation that the City was a party to. She stated the first payments had been received, and payments would continue over a period of 18 years totaling approximately \$381,000. She noted the funds would be helpful to the City's first responders.

COMMISSION COMMUNICATIONS

Commissioner Tooley shared that a Coconut Creek resident would be playing for the Las Vegas Raiders later in the evening and encouraged others to watch.

Commissioner Brodie wished his son a happy birthday and wished everyone happy holidays.

Commissioner Railey wished everyone happy holidays. She thanked members of the Coconut Creek Fire Rescue Department for answering questions regarding fire safety in the Wynmoor community. She commented on the white fencing in the parks of other communities and suggested it be considered in Coconut Creek. Continuing, she highlighted an issue with black birds drawn to the Monarch Hill landfill facility causing a nuisance in the community and asked that Waste Management be contacted to address the issue. She wished Commissioner Tooley a speedy recovery.

Vice Mayor Welch reported on the Southeast Florida Regional Climate Leadership Summit and stated she had hoped to bring two (2) local students, but it had not worked out.

Mayor Rydell stated that Attorney Dennis Mele had moved to defer the 74th Street rezoning project on the County Commission agenda. He shared notices sent by the developer, inviting the neighbors to two (2) community meetings to discuss the project. Mayor Rydell stated that Broward County Sheriff Gregory Tony had invited him to a meeting regarding 911 services, and he had respectfully declined. He noted he had heard from members of the Broward County School Board who wanted to schedule a meeting regarding building a stadium at Monarch High School and stated he would report back once he had more information. He noted the BolaWrap demonstration he viewed on the Police Department's social media, and wished everyone happy holidays.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date