



CITY OF COCONUT CREEK CITY COMMISSION WORKSHOP MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: August 5, 2021
Time: 6:00 p.m.
Meeting No. 2021-0805WS

CALL TO ORDER

Mayor Rebecca A. Tooley called the meeting to order at 6:02 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 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.

DISCUSSION – FIRE ASSESSMENT UPDATE

Director of Finance and Administrative Services Peta-Gay Lake opened the discussion, and clarified that the fire assessment was not new to Fiscal Year 2021-22 (FY22). She noted that it had been included on the property tax bill since 2001 and that it was increasing to fund the addition of a new fire station to enhance service levels for residents. She explained the increase was approximately \$4.09 per month for single family homes and \$3.68 per month for multi-family residences. She commented that the assessment would continue to be billed annually on the property tax bill.

Ms. Lake explained the meeting would be to review the FY22 fire protection non-ad valorem assessment study completed by Stantec Consulting. She introduced Peter Napoli with Stantec Consulting and Kathryn Rosmell, outside counsel, to make the presentation.

Mr. Napoli shared a *PowerPoint* presentation reviewing the background of the fire assessment and results of the study. He discussed the calculation factors, including costs assessable and those which were not, net revenue requirements, and distribution of property classes. He reviewed scenarios contemplated in the study with varying cost recovery rates and assessment amounts. Mr. Napoli stated Stantec Consulting recommended the Commission adopt assessment rates for FY22 at or below full cost recovery rates, and staff recommended the 83 percent cost recovery scenario. He noted the recommendation was to assess an annual increase of up to 10 percent moving forward to avoid falling below cost recovery requirements. Mr. Napoli outlined the steps required to adopt the assessment rate.

Commissioner Welch asked Ms. Lake to review how the City would recoup the gap in funds, regardless of which cost recovery scenario was adopted. Ms. Lake stated staff had reviewed the budget and would use a variety of funding sources, including grant funding, Seminole mitigation funds, and a mix of fund balance. She noted they would also be exploring additional grants for future years.

Commissioner Welch requested additional information between the first and second reading of the fire assessment ordinance regarding the proposed assessment for all private schools, commenting that she would like to understand how other municipalities had handled the fire assessment fees for private schools. Ms. Rosmell responded that the question could be explored between first and second reading and explained, that in general, it was not standard practice to assess for-profit and not-for-profit schools differently.

Commissioner Welch asked if there was a way to ensure legitimately how many schools existed in the City, regardless of size and status. Ms. Lake explained the assessment was broken down by use codes, which may contribute to the difference in the number of schools listed. She added that staff would do additional research. City Attorney Pyburn stated that Commissioner Welch had sent her a Google link to a list of private schools in the City, and she would forward that information to staff and the Commission.

Commissioner Welch stated she was happy to find that the assessment presented would keep the City in good standing and was at a lower percentage rate than anticipated. She noted the only thing of great surprise to her was not making a distinction between for-profit and not-for-profit private schools. She stated the calls she had received from the community were in relation to whether the assessment was new. Commissioner Welch added that she was in favor of the 83 percent cost recovery scenario, knowing that the Finance and Administrative Services Department had found funds within the budget to make up the shortfall.

Commissioner Sarbone agreed it would be great if the City could find a way to differentiate between the private schools. He stated it would be helpful to find a way to communicate with the public what the previous rates were and that the final number was not yet decided. He asked for clarification on a footnote within the presentation discussing the revenue recovery scenarios. Mr. Napoli responded briefly. Discussion ensued regarding the full rate schedule and the five (5) rate tiers. Commissioner Sarbone stated he was also in support of the 83 percent cost recovery rate. He added that there also may be efficiencies which result in cost savings that would make up some of the difference.

Commissioner Welch asked where funds could be made up if the will of the Commission was to exempt all private schools. She noted that was an anticipated \$471,000. Ms. Lake explained that difference could not be covered by other property owners, it would have to be made up through General Fund revenues.

Commissioner Sarbone pointed to the chart showing the fire assessment rates in other municipalities and noted the 83 percent rate would put Coconut Creek in the bottom third. City Manager Brooks noted the chart was comparing the increase with the FY21 rates of other cities, and many others were also raising their fire assessments.

Vice Mayor Rydell expressed frustration with the short timeline to review the study results. City Manager Brooks briefly addressed the logistics. Vice Mayor Rydell received consensus to film and disseminate a video explaining the fire assessment. He stated he believed there was a misnomer in the community that this was a new assessment. He noted the cities on the chart with the highest fire assessments were all Broward Sheriff's Office (BSO) contract cities. He stated the contract cities were having issues with transparency and cost control, but Coconut Creek had the vision to start its own department. He asked for additional clarification on how the square footage in the tier would impact the two (2) hotels. Ms. Lake responded the hotels would fall under the commercial tier, which was receiving a lower increase than the residential tier, but she did not have the details of the actual dollar amounts. She stated she would get the information to the Commission. Discussion ensued as to the classification of hotels and other businesses hit harder by COVID-19. Vice Mayor Rydell addressed the private school discussion and commented that from his conversations with other elected officials, Hollywood and Coral Springs exempted their private schools. Commissioner Welch responded that she thought it was important to see exactly how other cities handled it. Discussion continued on the legal ramifications and consideration of potential future development that could be impacted.

Vice Mayor Rydell stated he was more inclined to be comfortable with the advertised rate, and explained he wanted to make sure the Fire Department has what it needs. He reviewed some of the changes the community would see with the new service.

Mayor Tooley stated she received questions from residents on the letter that was mailed regarding the fire assessment. She noted she was thankful that the proposed increase was not as high as originally anticipated. She spoke about the importance of moving to Coral Springs dispatch services because that was the biggest safety factor of all. She shared a personal story with trying to get 911 to Windmill Park. Mayor Tooley shared her concerns about having too many exemptions to the assessment and additional dollars to come up with to make the Fire Department work. She stated she was not for or against a change to private schools.

Commissioner Railey agreed with Vice Mayor Rydell regarding assessing at the 87 percent cost recovery. She noted there was going to be an increase even without the City implementing its own Fire Department. She added that she believed this was the time to do it. City Manager Brooks pointed out there was also a proposed Millage Rate decrease for FY22. Commissioner Railey stated she had also received multiple calls from people who were confused about the letter that had gone out to explain the fire assessment increase and said any clarification that could be offered would be helpful.

Mayor Tooley opened the floor for public comment.

Bailia Gansburg, South Florida Jewish Academy, shared a brief history of the school and stated not charging a membership fee had allowed her organization to flourish in Coconut Creek. She discussed the impact of the school and program on the lives of students and stated the not-for-profit organization would have to close its doors if the fire assessment were put on the community. She asked the Commission to reconsider.

Barbara Levin, Jewish Federation of Broward County, spoke in support of the South Florida Jewish Academy. She stated there were people who move to the community to send their children to the school, and commented the fire assessment was likely to put them out of business or lose its ability to give scholarships. She asserted there were parents of special needs students who would have no alternatives if that were to happen. She stated she was willing to have her taxes higher to cover not taxing the school.

Scott Backman, Attorney with Dunay, Miskel, and Backman, representing North Broward Preparatory School, stated private schools had been exempt from the fire assessment in Coconut Creek for the better part of a decade. He acknowledged North Broward Preparatory School was a for-profit school and stated since the school was annexed into the City in 1997, it had been operating under a pilot payment agreement in lieu of taxes. Mr. Backman stated the school would like to continue operating under that agreement, as it would make up a large portion of the shortfall. He asked to continue a dialogue with staff to potentially work out an agreement so the other private schools in the City could remain exempt. The Commission gave consensus for City Manager Brooks to follow up with Mr. Backman on a possible future agreement.

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek asked whether the rate established in this fiscal year would carry forward into future budget years. City Manager Brooks explained the fire assessment fee had been charged every year and stated this was an update of the fire assessment program, which included a rate increase, but was no different than how it had been handled previously.

Commissioner Welch asked for further information on the pilot payment agreement for North Broward Preparatory School, and City Manager Brooks clarified the agreement was in effect prior to the school becoming a for-profit entity and was not currently in effect. City Attorney Pyburn clarified the City had a series of pre-annexation agreements with North Broward Preparatory School, which did not necessarily

have anything specifically to do with the fire assessment fee. She noted Mr. Backman was referring to possible future pilot payments, which had not yet been discussed or negotiated.

Interim City Clerk Bowers stated there was one email and six voicemails received prior to the deadline for advanced public comment for the meeting and noted that any public comments received after 6 p.m. on August 4 would be provided for the record during the first reading of the fire assessment ordinance at the August 9 Special Commission meeting. She read an email into the record from Kaylae Vivies, asking for clarification regarding the fire assessment and stating that she did not agree with any increase. A copy of the email is attached hereto as Exhibit 1, and made a part hereof these minutes.

Vice Mayor Rydell asked that the email and staff response be forwarded to the Commission. City Manager Brooks explained that everyone's calls and emails had been returned. She noted that generally once it was explained, residents understood and were fine.

Interim City Clerk Bowers played the following three (3) voicemails received into the record:

Camille Greco, 4111 Coral Tree Circle, Coconut Creek, asked how the City expected people to afford a \$245 fire assessment during a pandemic. She stated it was ridiculous, and she would not pay it.

Michael Klein, Bayview Condominiums, stated he did not understand the letter regarding the fire assessment and asked staff to call.

Tami Waring, 3823 Carambola Circle North, Coconut Creek, spoke in opposition to the fire assessment. She stated she had questions regarding where her taxes were going and asserted it was unreasonable.

City Manager Brooks noted the Commission would consider the proposed fire assessment ordinance, which was drafted with the 83 percent cost recovery scenario, on first reading at the August 9 Special Commission Meeting.

ADJOURNMENT

The meeting was adjourned at 7:17 p.m.

Marianne Bowers, CMC
Interim City Clerk

Dated