



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: March 22, 2018
Time: 7:00 p.m.

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 Mikkie Belvedere
Commissioner Sandra L. Welch
City Manager Mary C. Blasi
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

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

1. **18-026** THE ELECTION OF MAYOR AND VICE MAYOR.

MOTION: Sarbone/Welch - To elect Joshua Rydell as Mayor.

With no other nominations, the Motion carried.

MOTION: Belvedere/Sarbone - To elect Sandra Welch as Vice Mayor.

With no other nominations, the Motion carried.

Mayor Rydell recognized Broward County Vice Mayor Mark Bogen, who addressed the Commission. He congratulated Mayor Rydell on his appointment as Mayor and thanked Commissioner Tooley for her service during the last year.

PRESENTATIONS

2. **18-028** A PROCLAMATION RECOGNIZING APRIL 2018 AS "WATER CONSERVATION MONTH."

Vice Mayor Welch read the Proclamation into the record. Lorraine Mayers, Regional Representative for the South Florida Water Management District, accepted the Proclamation.

3. **18-036** A PRESENTATION BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

Ms. Mayers thanked Vice Mayor Welch for being a champion of water conservation and commended the City for their efforts to educate the public on the importance of water conservation. She gave a brief overview of the operations and responsibilities of the South Florida Water Management District.

4. 18-048 A PRESENTATION RECOGNIZING THE 2018 CITIZENS' ACADEMY GRADUATES.

Community Relations Director Yvonne Lopez thanked the Department Directors and City staff for their participation with the Citizens' Academy. She noted that this was the fourteenth class of the Citizen's Academy and presented each of the following graduates with a certificate of completion:

Rachel Ahlum	Michael Friedel	Gavin Malcolm
Rogério Alves	Omar Glenn	Victoria Moore
Jo Bakalar	Clara Gordon	Danette Oliver
Janell Bantz	Stan Grossman	Heather Overmyer
Desiree Casanova	Susan Grossman	Doug Quara
Rachael Castro	Javier Hernandez	Jay Roman
Christine Clark	Victoria Holcomb	Daniel Ruiz
Zelna Cohen	Violet Howard	Thomas Scarberry
Jodi Csar	Davia Hyatt	Charles Scarcella
Mike Cunningham	Monique Jackson	Courtney Winchester
Marcia Estep	Janice Jones	Janice Woll
Michael Estep	Melissa Lefevere	
Ed Fitzmaurice	Andrea Malcolm	

The Commission took a brief recess and reconvened at 7:45 p.m.

INPUT FROM RESIDENTS OF COCONUT CREEK

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek, spoke about the City not being safe. She discussed a recent Coquina community meeting attended by Vice Mayor Welch and the Coconut Creek Police Department regarding break-ins in the neighborhood. She reported that her car was stolen from her driveway and several weeks later her husband's car was broken into and expressed her viewpoint on Police leadership in the City.

CITY MANAGER REPORT

City Manager Blasi congratulated Mayor Rydell and Vice Mayor Welch and thanked Commissioner Tooley for her contributions as Mayor during the previous year. She announced that the City would provide shuttle transportation for Coconut Creek residents wishing to attend the "March for Our Lives" event being held in Parkland on March 24, 2018.

CITY ATTORNEY REPORT

City Attorney Pyburn congratulated Mayor Rydell and Vice Mayor Welch and thanked Commissioner Tooley for her contributions as Mayor during the previous year. She spoke about a resolution in concept that was similar to a resolution recently considered by the City of Coral Springs. The resolution in concept proposed to ban the sale or transfer of the firearm accessory known as high capacity

magazines within the City. She reviewed aspects of Section 790.33, Florida Statutes, which preempts cities from regulating firearms, and noted that the statute did not use the term firearm accessory or accessories. She read the penalties for violating the statute and the title of the resolution in concept into the record. She stated that she could not recommend the passage of the resolution in concept due to the ambiguity and far-reaching prohibitions of the statute. The Commission discussed the resolution in concept, and there was consensus that the Commission would move forward with action on the resolution in concept, but for the penalty provisions in the statute.

COMMISSION COMMUNICATIONS

Commissioner Belvedere attended Township Day, the ribbon cutting for the Monarch Station rental community, the Wynmoor art show, and a Wynmoor community meeting with the Police Department. She noted that Wynmoor would be holding a “March for Our Lives” event on March 24 beginning at 8:30 a.m. at the Wynmoor Theater.

Commissioner Tooley announced that Atlantic Technical High School was one of the top ten teams in the Junior Achievement Fellows Spark Tank Finale, which would take place at Junior Achievement on April 7, 2018. She noted that the Office of the Inspector General (OIG) was hosting an ethics training on April 6, 2018, in Sunrise and that the Broward League of Cities was hosting an ethics training in May at the Community Center. She attended several softball games and a fundraiser at MOD Pizza in Parkland for the victims of the Marjory Stoneman Douglas High School tragedy. She commended the Police Department for the work they do.

Commissioner Sarbone congratulated Mayor Rydell and Vice Mayor Welch on their new positions, and thanked Commissioner Tooley for her service as Mayor during the previous year.

Vice Mayor Welch thanked City Manager Blasi for making it possible for residents to have transportation to the “March for Our Lives” event in Parkland. She reported that the Women’s Club annual garage sale was a success. She attended Monarch High School’s School Advisory Council meeting, which was the same day as the student walkout. She relayed Principal James Neer’s appreciation of the Police Department and the officers who ensured the student’s safety during the walkout. She thanked City Manager Blasi for attending the Applewood Village II Homeowners’ Association meeting to speak about issues with the Monarch Hill landfill.

Mayor Rydell commented that he had attended a number of Broward County Commission meetings recently and noted that before each meeting they play a song. He asked that each Commissioner submit a song to the City Manager to be played before for the upcoming Commission meetings. He spoke about the Hillsboro Marketplace and commented that several new businesses had opened in the shopping the plaza. He urged everyone to visit the plaza and the new businesses.

CONSENT AGENDA (*Items 5 through 7 and 9 through 13*)

Agenda Item 8 was pulled by Commissioner Sarbone and heard during the Regular Agenda.

Mayor Rydell read each of the following titles into the record.

5. **18-035** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2018-0222R)

6. **RES**
 2018-063 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ELECTRICAL CONTRACTING SERVICE, INC. TO PROVIDE FOR THE INSTALLATION OF SPORTS FIELD LIGHTING AT LAKESIDE PARK PURSUANT TO BID NO. 01-24-18-11.

7. **RES**
 2018-064 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE USE OF THEIR TEMPORARY DEBRIS MANAGEMENT SITES IN THE EVENT OF A NATURAL DISASTER.

9. **RES**
 2018-062 A RESOLUTION ACKNOWLEDGING AND RATIFYING A NO-COST AMENDMENT TO CHANGE ORDER NO. 1 TO THE COMPREHENSIVE STREET IMPROVEMENTS PHASE I CONTRACT WITH STANFORD CONSTRUCTION CO. TO PROVIDE FOR THE SUBSTITUTION OF SOLAR POWERED LED BIKE LANE DELINEATORS MANUFACTURED WITH A GLASS LENS, AS PROVIDED IN EXHIBIT “A-1.”

10. **RES**
 2018-059 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CASH SECURITY AGREEMENT WITH BROWARD COUNTY IN THE AMOUNT OF \$347,593 FOR WORK TO BE PERFORMED WITHIN BROWARD COUNTY RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE RECLAIMED WATER MAIN EXTENSION ON WILES ROAD FROM NW 39 AVENUE TO LYONS ROAD AND THEN SOUTH ON LYONS ROAD TO CULLUM ROAD.

11. **RES**
 2018-060 A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER, OR DESIGNEE, TO EXECUTE A CASH SECURITY AGREEMENT WITH BROWARD COUNTY IN THE AMOUNT OF \$71,667 FOR WORK TO BE PERFORMED WITHIN BROWARD COUNTY RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE RECLAIMED WATER MAIN EXTENSION ON LYONS ROAD FROM WILES ROAD NORTH TO HILTON ROAD.

12. **RES**
 2018-058 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO EXECUTE THE ATTACHED AGREEMENT WITH SOUTH FLORIDA UTILITIES, INC. TO PROVIDE MAINTENANCE ACCESS STRUCTURE AND WET WELL REHABILITATION SERVICES PURSUANT TO BID NO. 01-17-18-11.

13. **RES**
 2018-066 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH VTR PROPERTY, LLC TO PROVIDE THE CITY ACCESS OVER AND ACROSS THE PROPERTY TO THE WATER METERS AT 4515 WILES ROAD.

MOTION: Tooley/Welch – To approve Consent Agenda Item Nos. 5 through 7 and 9 through 13.

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

REGULAR AGENDA

Utilities and Engineering

8. **RES 2018-051** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO THE PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT (JPA) WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PROVIDING FOR THE PURCHASE AND INSTALLATION OF SOLAR POWERED LED BIKE LANE DELINEATORS WITH A GLASS LENS AT WINSTON PARK BOULEVARD, BETWEEN LYONS ROAD AND STATE ROAD 7 (SR 7/US 441).

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Welch – To approve Resolution No. 2018-051.

Commissioner Sarbone commented that the stretch of roadway where the bike lane delineators would be installed was not very long and asked if there was an alternate roadway more suitable for the delineators. Utilities and Engineering Director Osama Elshami pointed out that the installation for the Pilot Project included a one-mile stretch along Winston Park Boulevard, and it was best practice to test a new product in a smaller area. Discussion ensued.

Upon roll call, the Resolution passed by a 4-1 vote, with Commissioner Sarbone voting nay.

Sustainable Development

14. **ORD 2018-002** AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION IX, "WIRELESS COMMUNICATIONS FACILITIES," IN ORDER TO UPDATE THE CITY'S TELECOMMUNICATIONS ORDINANCES TO COMPORT WITH RECENT CHANGES TO STATE AND FEDERAL LAW AND TO ENSURE CONSISTENCY WITH INDUSTRY STANDARDS. (SECOND READING)(PUBLIC HEARING)

Mayor Rydell announced that staff was requesting that Ordinance No. 2018-002 be postponed to May 10, 2018.

MOTION: Tooley/Welch – To table Ordinance No. 2018-002 to the May 10, 2018, Commission Meeting.

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

- ~~15. **ORD 2018-009** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY REPEALING IN ITS ENTIRETY CHAPTER 6.5, "CABLE COMMUNICATIONS," AMENDING CHAPTER 22, "FRANCHISING AND LICENSING," BY REPEALING ARTICLE III, "SPECIAL RULES APPLICABLE TO OPEN VIDEO SYSTEMS," ARTICLE IV, "SPECIAL RULES APPLICABLE TO CABLE TELEVISION SYSTEMS," ARTICLE V, "PRIVATE COMMUNICATIONS FACILITIES," ARTICLE VII, "CABLE CUSTOMER SERVICE STANDARDS," AND ARTICLE VIII, "IN GENERAL," IN THEIR ENTIRETY; AMENDING ARTICLE VI, "RIGHTS-OF-WAY CONSTRUCTION AND ADMINISTRATION," SECTIONS 22-91 THROUGH 22-100 TO PROVIDE FOR CONSISTENT REGULATION OF CONSTRUCTION IN THE CITY'S RIGHTS-OF-WAY. (FIRST READING)~~

Item 15 was removed from the Agenda.

City Attorney

16. **RES** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY
 2018-073 ATTORNEY, ON BEHALF OF THE CITY, TO ENGAGE THE SERVICES OF
 OUTSIDE COUNSEL TO FILE A LAWSUIT AGAINST VARIOUS
 PHARMACEUTICAL MANUFACTURERS AND TO JOIN THE PENDING
 MULTIDISTRICT LITIGATION KNOWN AS “IN RE: NATIONAL
 PRESCRIPTION OPIATE LITIGATION,” FILED IN THE UNITED STATES
 DISTRICT COURT, NORTHERN DISTRICT OF OHIO, EASTERN
 DIVISION, IN ORDER TO PRESERVE THE CITY’S RIGHTS AND
 REMEDIES THEREUNDER.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2018-073.

City Attorney Pyburn presented the item and introduced Attorney Mark Dearman from Robbins Geller Rudman & Dowd, LLP, who was present to answer questions. Discussion ensued regarding the contingency fee and costs in case of recovery, and Mr. Dearman explained that the percentages for costs in case of recovery would be reduced over what was provided for in the contract that was attached as backup to the agenda item. He further explained the terms of the Agreement. Discussion ensued regarding the litigation and opioid abuse epidemic and chances of recovery by the City.

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

City Manager

17. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2018-069 TO GIVE WRITTEN CONSENT TO BROWARD COUNTY, PER THE LEASE
 AGREEMENT APPROVED ON AUGUST 29, 2013, FOR A FIVE-YEAR LEASE
 EXTENSION FOR THE 911 EMERGENCY DISPATCH CENTER LOCATED IN
 THE CITY’S PUBLIC WORKS/EMERGENCY OPERATIONS CENTER AT 4900
 WEST COPANS ROAD, COCONUT CREEK, FLORIDA.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2018-069.

City Manager Blasi presented the item.

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

Addendum

18. **RES** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY
 2018-074 TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO JOIN THE
 LAWSUIT TO BE FILED BY THE CITY OF CORAL SPRINGS SEEKING TO
 DECLARE THE PENALTY PROVISIONS WITHIN SECTION 790.33, FLORIDA
 STATUTES, INVALID UNDER THE LEGAL DOCTRINE OF LEGISLATIVE

IMMUNITY AND SUCH OTHER COGNIZABLE LEGAL THEORIES AS MAY BE
RELEVANT. (ADDENDUM)

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Tooley – To approve Resolution No. 2018-074.

City Attorney Pyburn presented the item and explained the City's representation in the lawsuit pro bono by Everytown for Gun Safety and Proskauer Rose, LLP. Discussion ensued regarding the lawsuit and the state statute.

Upon roll call, the Resolution passed by a 4-1 vote, with Mayor Rydell voting nay.

ADJOURNMENT

The meeting was adjourned at 8:57 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date