



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: January 14, 2021
Time: 7:00 p.m.
Regular Meeting No. 2021-0114R

CALL TO ORDER

Mayor Sarbone called the meeting to order at 7:04 p.m.

PRESENT UPON ROLL CALL:

Mayor Lou Sarbone
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere (virtually)
Commissioner Sandra L. Welch
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

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

Mayor Sarbone explained that Governor Ron DeSantis' Executive Order 20-52, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting was being conducted live with a quorum physically present and participation by one (1) Commissioner using communications media technology consistent with the Governor's Orders and State law. City Attorney Terrill C. Pyburn explained the procedures for public participation and comment for the meeting.

- 1. 21-017** DISCUSSION REGARDING APPOINTMENT OF A COMMISSIONER TO FILL THE VACANT DISTRICT E COMMISSION SEAT WITH A MOTION TO APPOINT A PERSON TO FILL THE VACANCY OR TO LEAVE THE SEAT VACANT UNTIL THE MARCH ELECTION.

Commissioner Tooley made a motion to hear Agenda Item 1, seconded by Commissioner Welch.

City Attorney Pyburn explained that Vice Mayor Joshua Rydell's resignation from the City Commission to run for the seat of State Attorney submitted in May was effective January 5, 2021, thereby leaving the seat for District E vacant. She outlined the options in the City Charter, which provides that the Commission could either appoint an eligible person to complete the remainder of the term or leave the seat vacant until the March 9, 2021, Election.

Mayor Sarbone opened the item to public comment. City Clerk May stated there were no advanced public comments received on the item, but there were members of the public who signed in to speak on the item.

Colleen LaPlant, 6153 NW 45 Avenue, Coconut Creek, spoke in support of Joshua Rydell completing his term.

Joshua Rydell stated that he did have to resign due to the Resign-to-Run law, and he was respectfully asking the Commission to allow him to serve out the remainder of his term by appointment. He assured all listening that he had the best interests of the City and was familiar with everything coming before the Commission in any capacity.

With no further comments from the public, Mayor Sarbone opened the floor for Commission discussion.

Commissioner Tooley, Commissioner Welch, and Commissioner Belvedere all spoke in favor of appointing Mr. Rydell to fill the vacancy.

Mayor Sarbone agreed with Ms. LaPlant's comments regarding the state Resign-to-Run law and his colleagues in support of appointing Mr. Rydell.

MOTION: Tooley/Welch – To appoint Joshua Rydell to the District E Commission seat until the March 9, 2021, Election.

Upon roll call, the Motion passed by a 4-0 vote.

Mayor Sarbone called for a brief recess to prepare for swearing in the newly seated Commissioner. The meeting reconvened at 7:20 p.m.

City Clerk May swore-in Commissioner Rydell, and he was seated on the dais.

2. RES 2021-013 A RESOLUTION ELECTING A VICE MAYOR TO FULFILL THE REMAINDER OF THE ONE-YEAR TERM ENDING IN MARCH 2021.

Commissioner Welch made a motion to hear Agenda Item 2, seconded by Commissioner Tooley.

City Clerk May stated there were no advanced public comments received on the item, and no members of the public signed in to speak on the item.

Mayor Sarbone asked for any additional nominations, and there were none.

MOTION: Welch/Tooley – To elect Commissioner Joshua Rydell as Vice Mayor.

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

PRESENTATIONS

3. 21-004 PRESENTATION RECOGNIZING FIRE MARSHAL JEFFREY GARY AS THE RECIPIENT OF THE "ROBERT (RED BOB) ASPINALL FIRE MARSHAL OF THE YEAR" AWARD.

Tommy Demopoulos, President of the Fire Inspector Association of Broward County, presented Coconut Creek Fire Marshal Jeffrey Gary with the Robert (Red Bob) Aspinall Fire Marshal of the Year Award and spoke briefly about his accomplishments over the past year. Fire Marshal Gary thanked the Fire Inspectors Association for the honor and the Commission, his colleagues, and staff for their support.

4. 21-005 A PRESENTATION TO HONOR CAPTAIN JOHN K. LEONARD AND CORPORAL DOMINIC A. PAPA.

City Manager Brooks presented Captain John K. Leonard and Corporal Dominic A. Papa with awards to recognize them upon their retirement from the Coconut Creek Police Department. She noted each had held a variety of positions during their tenure and stated the City appreciated their service and wished them the best in their future endeavors. Captain Leonard retired after 33 years of service to the City and Corporal Papa completed 37 years of service to the City.

The Commissioners each shared their thoughts with the officers upon their retirement, thanking them for their service and noting they were well respected throughout the County.

INPUT FROM THE PUBLIC

This item was heard after the City Attorney Report.

City Clerk Leslie May stated there were no advanced public comments received for non-agenda or consent agenda items and no one who signed in to speak.

CITY MANAGER REPORT

City Manager Brooks stated the City had received notice that Representative Christine Hunschofsky was launching a high school internship program, which would be virtual during the school year. She noted staff would share the opportunity with the high school principals and the Education Advisory Board.

City Manager Brooks stated Coconut Creek had two (2) home care facilities, which did not have an action plan for distributing the COVID-19 vaccine, and with the coordination of staff, YourLife of Coconut Creek senior living facility had agreed to vaccinate anyone from those facilities who wanted it. She noted the difficulty in coordinating the vaccine distribution and stated staff was working diligently, exploring every angle to maximize vaccines for the community.

City Manager Brooks provided an update on CARES Act funds, explaining Coconut Creek had been allocated \$2.7 million in funding and had received to date \$1 million in reimbursement. She noted staff was pursuing funding at every angle, as well as working on the FEMA side for additional reimbursement.

City Manager Brooks announced that Sustainable Development Director Stoudenmire had hired Justin Proffitt as Assistant Director of Sustainable Development. She noted Mr. Proffitt would join the team on February 1, bringing with him over 20 years of planning, design, and economic development experience. She announced the promotion of Jeff Gary from Fire Marshal to Fire Chief and provided a brief history on Chief Gary's time with Coconut Creek.

CITY ATTORNEY REPORT

City Attorney Pyburn wished everyone a happy new year.

Input from the Public was heard after the City Attorney Report.

COMMISSION COMMUNICATIONS

Commissioner Welch thanked staff for their diligent work on a walk-up vaccination site in Coconut Creek and noted residents would appreciate it once it was in place. She congratulated Fire Chief Gary on his promotion and stated he had really served Coconut Creek in all his capacities and would now do so in leading the City to its own Fire Department. She added a commendation to one of Chief Gary's staff

members, Ryan Banyas, for his persistent support to the long term care facilities in the City throughout the pandemic. Commissioner Welch asked if a presentation at the Chamber of Commerce to laud the good work happening with Coconut Creek's business community was being pursued, and noted she wanted to bring the idea up for consideration. She shared an update from the Broward Metropolitan Planning Organization (MPO) meeting where Deputy City Manager Sheila Rose had presented the "Seagrass to the Sawgrass" community project and added that she had challenged neighboring communities to get involved.

Commissioner Tooley shared that she had received 21 calls that day regarding vaccines, and she had been doing research to get accurate information to residents. She explained that the State was working to create a registry for those who had not received their vaccines and hoped things would go more smoothly in the future. She added that she had emailed the Governor regarding the issue. She commended staff for a job well done of limiting the number of people on the playgrounds and in the dog park. She stated she knew it would take a lot out of the Park Rangers and thanked them for the effort.

Commissioner Belvedere congratulated the new Fire Chief and stated she had been fielding calls regarding the vaccine and attending meetings to talk about recycling, the City website, and other City issues. She provided a brief summary of the vaccine distribution event at Wynmoor.

Vice Mayor Rydell thanked the Commissioners for having the faith to allow him to continue to serve the residents. He shared that he had recently learned legislation had been sponsored to name a nearby wetlands the Kristin Jacobs Preserve in honor of the late District 96 State Representative. He commented on the vaccination event at Wynmoor, and noted it was a very efficient event in comparison to other distribution sites. He stated there were efforts in the works to implement mobile vaccination units, and he would be tracking the issue.

Mayor Sarbone congratulated Chief Gary on his promotion. He shared details of a Broward County Mayors' Call held earlier in the day, noting discussion regarding proactive vigilance on mask use and efforts to bring vaccine clinics to individual cities. He asserted he and City Manager Brooks were working together to be creative in bringing an event to Coconut Creek and outlined some of the logistics to be worked out. He asked for and received consensus to have City Manager Brooks draft a letter to the Governor asking that the first tier for vaccine distribution be changed to include police officers. Vice Mayor Rydell added that he would also support Police Chief Albert "Butch" Arenal to write a letter if he was comfortable in doing so. Police Chief Arenal reported that he had just come back from the Florida Police Chiefs Conference, and Governor Ron DeSantis had assured police were a priority, but they were having difficulty getting Federal shipments, adding that the elderly at-risk population was the first priority and he would prioritize law enforcement as soon as he could. Discussion ensued regarding the Johnson & Johnson vaccine and additional possibilities.

CONSENT AGENDA (Items 5-10)

5. **21-001** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-1112WS, 2020-1112R, 2020-1203WS, AND 2020-1203R)

6. **RES**
 2021-001 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONSULTING SERVICES WORK AUTHORIZATION WITH CRJ & ASSOCIATES, INC. TO PROVIDE SITE DESIGN SERVICES FOR TEMPORARY FIRE STATION NO. 113 IN THE AMOUNT OF \$70,150.

7. **RES**
 2021-005 A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO DISPOSE OF SAID PROPERTY AS DESCRIBED IN THE ATTACHED LIST.

8. **RES 2021-006** A RESOLUTION ACCEPTING CERTAIN UTILITY EASEMENTS OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF LAND LYING WITHIN THE ALEXANDER-YOUNG PLAT, RELATING TO PARCEL NUMBER 484218150010, LOCATED IN BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "1."
9. **RES 2021-008** A RESOLUTION ACCEPTING CERTAIN UTILITY EASEMENTS OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF LAND LYING WITHIN THE CLARITY POINTE COCONUT CREEK PLAT, RELATING TO PARCEL NUMBER 484206480010, LOCATED IN BROWARD COUNTY, FLORIDA, BY THE CITY OF COCONUT CREEK, MORE PARTICULARLY DESCRIBED IN EXHIBIT "1."
10. **RES 2021-009** A RESOLUTION ACCEPTING CERTAIN UTILITY EASEMENTS OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF LAND LYING WITHIN THE WITHIN THE LEDER HILLSBORO COMPANY LIMITED-PART 1 PLAT, RELATING TO PARCEL NUMBERS 484205060010 AND 484205240010, LOCATED IN BROWARD COUNTY, FLORIDA, BY THE CITY OF COCONUT CREEK, MORE PARTICULARLY DESCRIBED IN EXHIBIT "1."

MOTION: Tooley/Rydell – To approve Consent Agenda Items 5-10.

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

REGULAR AGENDA

Sustainable Development

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to item 11. City Clerk May confirmed public notice requirements had been met for the Quasi-Judicial item 11 and swore in the witnesses.

11. **ORD 2021-002** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A PORTION OF A 12-FOOT WIDE UTILITY EASEMENT FOR THE PROJECT KNOWN AS WILLIS LEASE, GENERALLY LOCATED AT 4700 LYONS TECHNOLOGY PARKWAY WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Commissioner Tooley made a motion to hear Agenda Item 11, seconded by Vice Mayor Rydell.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for the item, and there were none.

Sustainable Development Director Scott Stoudenmire presented the item, explaining that the portion being vacated was a small remnant of an easement not being used, and there were no objections to the vacation. He noted the City's Engineering Department had asked for the applicant to file the release to avoid any future conflicts with the easement, and staff was recommending approval.

Paul Brewer of Paul Brewer and Associates, representing the applicant, stated he was present to answer any questions.

Mayor Sarbone opened the public hearing. City Clerk May stated there were no advanced public comments received on the item. There were no further questions or comments from the public, and Mayor Sarbone closed the public hearing.

Neither staff, nor the applicant, had any closing remarks.

MOTION: Rydell/Tooley – To approve Ordinance No. 2021-002 on first reading.

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

12. **ORD 2021-003** 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 INCLUDE DEFINITIONS OF "TRANSIENT OCCUPANT" AND "VACATION RENTAL" AND AMENDING DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," BY CREATING A NEW SECTION 13-322, "VACATION RENTALS," PROVIDING FOR AUTHORITY AND FINDINGS OF FACT, PROVIDING FOR REGISTRATION OF VACATION RENTALS, PROVIDING APPLICATION REQUIREMENTS, DEVELOPMENT CONDITIONS, LIFE SAFETY REQUIREMENTS, ENFORCEMENT, PENALTIES AND PROCEDURES FOR DENIAL AND REVOCATION OF REGISTRATION. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To approve Ordinance No. 2021-003 on first reading.

Sustainable Development Director Stoudenmire presented the item. He explained Items 12 and 13 were companion items, creating the regulations related to vacation rentals and then providing for the associated fees. He stated the proposed regulations were thorough, but not overly burdensome. He outlined the desired outcomes of safety and accountability, and explained the requirements proposed. He further discussed the safety inspection requirements included in the proposed ordinance, which he stated were considered standard and came from the Florida Administrative Code. Sustainable Development Director Stoudenmire addressed the value of having a local responsible party identified for each vacation rental, and thanked staff for participation in creating the legislation.

City Clerk May stated there was an advanced public comment on the item received via email. She explained the email from Adam Sanders was sent to the Commissioners. Mayor Sarbone asked the Commission to review the email in detail between first and second reading.

Commissioner Welch disclosed that she met with three (3) members of the Realtors Association, including Mr. Sanders. She stated the City is responsible for the safety of its residents and spoke in favor of the components of the ordinance. Vice Mayor Rydell asked Commissioner Welch about the position of the members of the Realtors Association. Commissioner Welch shared that they had a lot of questions and she had encouraged them to provide their public comment for the meeting.

Vice Mayor Rydell asked City Attorney Pyburn if she believed the Ordinance was constitutional. City Attorney Pyburn stated that she did, and believed it fell within the parameters of State Law. She added the City could not prohibit vacation rentals. She stated this ordinance was not prohibiting vacation rentals but trying to address through regulation things like life safety, noise, garbage, and accountability, all within the parameters of State Law.

Vice Mayor Rydell asked if Attorney Pyburn agreed that the fees imposed by Ordinance 2021-004 were actually less than the mean amount fees charged by other municipalities. Attorney Pyburn stated staff had researched the issue related to other municipalities in Broward County, and found that the proposed fees were reasonable and on the lower end. Vice Mayor Rydell noted some case law that allowed Homeowners Associations to prohibit short-term leases.

Mayor Sarbone shared issues related to a short-term rental property in Winston Park and stated that he believed the ordinance would provide the Police Department with the ability to manage related problems.

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

13. **ORD 2021-004** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ADMINISTRATION, REGULATION, AND PROCEDURES," DIVISION 4, "FEE SCHEDULES," BY AMENDING SECTION 13-82 TO ADD FEES FOR VACATION RENTAL REGISTRATION AND INSPECTONS AND SECTION 13-83 TO RECOGNIZE THE REQUIRED COUNTY SPECIAL INSPECTORS MINIMUM FEE. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Rydell – To approve Ordinance No. 2021-004 on first reading.

Sustainable Development Director Stoudenmire stated staff had done the research, and the proposed fees, including inspection fees, were on the low end across the board.

Commissioner Welch stated that the members of the Realtors Association had cited that the City of Hollywood leaves inspections up to the City Manager and they could be called at any time. She noted she believed the fees were in line.

Vice Mayor Rydell thanked Commissioner Welch for the insight and stated there was opportunity for conversations between first and second reading.

City Clerk May stated there were no advanced public comments received on the item.

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

ADJOURNMENT

The meeting was adjourned at 8:41 p.m.

Leslie Wallace May
Leslie Wallace May, MMC
City Clerk

2/11/2021
Date

