



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: February 13, 2020
Time: 7:00 p.m.
Regular Meeting No. 2020-0213R

CALL TO ORDER

Mayor Welch called the meeting to order at 7:03 p.m.

PRESENT UPON ROLL CALL:

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

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

PRESENTATION(S)

Before Agenda Item 1 was heard, Public Works Assistant Director Alex Tergis shared a *PowerPoint* presentation regarding the status of the Broward County Solid Waste and Recycling Working Group and the City's recycling program. He noted that the first meeting of the Technical Advisory Committee (TAC) was held to begin discussion on long-term solid waste solutions and to provide recommendations to the Working Group by April 20, 2020. Mr. Tergis advised that he was serving as the Vice Chair of the TAC and Chair of the Forms of Governance Subcommittee.

He discussed the current solid waste disposal options in Broward County; the Wheelabrator waste-to-energy plant, and the Monarch Hill landfill. He spoke about the City's "Recycle Right" campaign to educate the public on reducing contamination of recyclable materials and increased efforts to share information with the community. Commissioner Rydell mentioned Waste Management, Inc.'s notice that they were requesting a land use change for the waste-to-energy facility at the Monarch Hill landfill. Discussion ensued regarding enhanced community outreach efforts, contaminated corrugated boxes, and the elimination of newspaper as a recyclable material.

Following Mr. Tergis' presentation, the Commission heard Input from the Public.

- 1. 20-056** A PROCLAMATION RECOGNIZING FEBRUARY 14, 2020, AS A "DAY OF SERVICE AND LOVE" HONORING THE VICTIMS, SURVIVORS, AND FIRST RESPONDERS OF THE MARJORY STONEMAN DOUGLAS HIGH SCHOOL TRAGEDY ON FEBRUARY 14, 2018.

Mayor Welch read the proclamation into the record and asked all to observe a moment of silence in remembrance of the lives lost at Marjory Stoneman Douglas High School. City of Parkland Mayor

Christine Hunschofsky and Vice Mayor Bob Mayersohn accepted the proclamation.

Input from the Public was heard before Agenda Item 1.

INPUT FROM THE PUBLIC

Charles Aristy, 5017 Pinecreek Place, Coconut Creek, spoke about trees in his neighborhood he said were a nuisance. He and several neighbors had spoken with the owner of the property, who stated that he would not remove the trees. Mr. Aristy noted that a survey of the property shows that the trees were on City and unincorporated County land. He asked the City for help in addressing his concerns regarding the trees.

Steven Cooper, 2004 Grenada Drive, Coconut Creek, discussed the construction taking place along Lyons Road between Sample Road and Copans Road. He asked if anything could be done to mitigate the traffic impacts from the construction. He thanked Sustainable Development Deputy Director Scott Stoudenmire for his assistance in discussing the concern at City Hall earlier in the week. Utilities and Engineering Director Osama Elshami commented that the construction was necessary to harden water and wastewater infrastructure and discussed the maintenance of traffic plans in place to alleviate traffic congestion. Mr. Cooper spoke against installing bike lanes along Lyons Road.

Anand Joshi, 5023 Pinecreek Place, Coconut Creek, spoke about the trees in his neighborhood and asked for the City's help in addressing the concern.

Artur Amaral, 5006 Pinecreek Place, Coconut Creek, spoke about the trees in his neighborhood and commented that the trees were 70-90 feet tall and 30 feet away from the homes. He highlighted excerpts from written reports the community obtained from two arborists and spoke about issues with maintaining the neighborhood's landscape buffer due to the pine trees.

Vice Mayor Sarbone requested that the Commission receive updates on the progress of the tree issue.

Ros Greenberg, 3404 Bimini Lane, Coconut Creek, mentioned that a bench and some motorized carts at the entrance of the Publix supermarket in Coconut Creek Plaza were moved, making it difficult for the Wynmoor residents who shop at the store. She had spoken with the store manager regarding the situation without resolution. She explained the need for the benches and easier access to the carts by the disabled and senior members of the community.

Diana Esposito, 2302 Lucaya Lane, Coconut Creek, mentioned that code enforcement was requiring diaper-changing tables in the common area restrooms at Wynmoor. She spoke about the challenges for senior and disabled residents shopping at the Publix supermarket in Coconut Creek Plaza, and commented that a member of the Wynmoor community received religious hate mail.

Jeanine Nelson, 4502 Martinique Way, Coconut Creek, stated that she agreed with Ms. Greenberg and Ms. Esposito regarding the concerns at Publix and Wynmoor.

Mayor Welch implemented the Time Certain and the City Manager Report, City Attorney Report, and Commission Communications were heard after the Consent and Regular Agendas.

CITY MANAGER REPORT

City Manager Brooks reported that staff did not receive an affirmative response from the City of Margate regarding participation in the Interlocal Agreement with the City of Coral Springs for dispatch services. She commented that staff was working to obtain an updated agreement from Coral Springs without

participation from Margate and hoped to have it before the City Commission for consideration at the March 12, 2020, meeting.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Rydell spoke about the concerns heard from the residents of the Pinecreek neighborhood during Input from the Public and asked that staff work with the residents toward a resolution. He thanked City Manager Brooks for keeping the Commission informed on ongoing issues. He thanked staff for the memorial held earlier in the day at City Hall in remembrance of the lives lost at Marjory Stoneman Douglas High School two years ago. He thanked Vice Mayor Sarbone for sharing *The Dash* poem with him, which he also shared with the Monarch High School National Honor Society at a recent leadership engagement. He spoke about the upcoming Teen Political Forum event.

Commissioner Tooley asked everyone to keep several family members of Coconut Creek Police Department employees in their thoughts as they were battling cancer and leukemia.

Commissioner Belvedere encouraged everyone to attend the next concert of the Sugar Pops Orchestra of Coconut Creek on April 17. She mentioned that Wynmoor hosted a Relay for Life fundraising event. She attended the Northwest Council of Elected Officials meeting where there was discussion related to Airbnb rentals and the Broward Metropolitan Planning Organization (MPO) meeting where there was discussion about the importance of participation in the 2020 Census. She mentioned that there would be a groundbreaking event for the Lyons Road Mobility Project at the Community Center on February 27 at 10 a.m.

Commissioner Rydell requested that staff increase community outreach on social media regarding the construction on Lyons Road. Commissioner Belvedere suggested that staff utilize Wynmoor's *Insider Magazine* to educate the public about the "Recycle Right" campaign.

Vice Mayor Sarbone commended staff for their work on the Marjory Stoneman Douglas High School memorial event held earlier in the day.

Mayor Welch gave an update on the agreement with the School Board of Broward County that would allow the City's School Safety Dog, K9 Taylor, access to Broward County schools. She announced that students from Atlantic Technical College had been hired by two new businesses within the City. She spoke about the City's new animal service officer, including the social media page that was created for animal services, and suggested adding a contact phone number to the page. She commended Parks and Recreation Department staff for their efforts on the Mayor's Fitness Challenge and Yoga at Sunset events.

CONSENT AGENDA (Items 2, 3, and 5)

Mayor Welch read each of the titles of the Consent Agenda items into the record.

Agenda Item 4 was pulled by Commissioner Rydell and heard during the Regular Agenda.

2. **20-038** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-0109R)

3. **RES**
 2020-027 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.

5. **RES**
 2020-012 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED MAINTENANCE AGREEMENT WITH BROWARD COUNTY FOR THE MAINTENANCE OF PATTERNED PAVEMENT CROSSWALKS ALONG VARIOUS INTERSECTIONS OF LYONS ROAD IN CONJUNCTION WITH THE LYONS ROAD MOBILITY PROJECT.

MOTION: Tooley/Rydell – To approve Consent Agenda Item Nos. 2, 3, and 5.

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

REGULAR AGENDA

City Commission

4. **RES**
 2020-033 A RESOLUTION IN SUPPORT OF BROWARD COUNTY’S PROGRAM TO BECOME A NO KILL COMMUNITY AND STRATEGIC PLAN IMPLEMENTING LIFESAVING PROGRAMS AND SERVICES AT BROWARD COUNTY ANIMAL CARE AND ADOPTION CENTERS.

Mayor Welch read the Resolution title into the record.

Commissioner Rydell moved the item for discussion, seconded by Commissioner Tooley. Commissioner Rydell explained that he wanted to add language to the proposed resolution regarding waiving annual pet registration fees for people who adopt animals from certified County facilities.

MOTION: Rydell/Sarbone – To table Resolution No. 2020-033 to the February 27, 2020, Commission Meeting.

Upon roll call, the Resolution was tabled to a time certain by a 5-0 vote.

Sustainable Development

City Attorney Pyburn read aloud the City’s quasi-judicial procedures that would be applied to Agenda Items 6-10. City Clerk May confirmed that the public notice requirements were met for Agenda Items 6-10 and swore in the witnesses. Mayor Welch asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 6-8 together as they were all related, and there were none.

6. **ORD**
 2020-001 AN ORDINANCE APPROVING THE “7-ELEVEN #34941 PLAT” APPLICATION TO ALLOW FOR THE DEVELOPMENT OF A CONVENIENCE STORE WITH FUELING STATIONS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF COCONUT CREEK PARKWAY AND BANKS ROAD. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

7. **ORD 2020-002** AN ORDINANCE APPROVING THE REZONING REQUEST OF 7-ELEVEN INC. TO REZONE FROM B-2 (CONVENIENCE SHOPPING) TO B-3 (COMMUNITY SHOPPING) FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF COCONUT CREEK PARKWAY AND BANKS ROAD. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

8. **ORD 2020-003** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF 7-ELEVEN, INC. FOR A CONVENIENCE STORE WITH FUEL SALES FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF COCONUT CREEK PARKWAY AND BANKS ROAD, PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S OF CODE OF ORDINANCES. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

City Attorney Pyburn read the titles for Ordinance No. 2020-001, Ordinance No. 2020-002, and Ordinance No. 2020-003 into the record.

Commissioner Tooley made a motion to hear Agenda Item 6, seconded by Commissioner Belvedere.

Commissioner Rydell made a motion to hear Agenda Item 7, seconded by Commissioner Belvedere.

Commissioner Rydell made a motion to hear Agenda Item 8, seconded by Commissioner Tooley.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 6-8. Commissioner Rydell, Commissioner Tooley, Commissioner Belvedere, and Mayor Welch each noted that they made their disclosures on first reading of the ordinances, and no additional meetings or communications with the applicant occurred since first reading on January 23, 2020.

Sustainable Development Deputy Director Scott Stoudenmire presented the items, providing an update on the two outstanding items discussed by the Commission at first reading. He stated that the Police Department advised that additional police patrol was not warranted for the facility at this time and that the applicant advised that solar panels could not be implemented through their development program, but provided detail on the energy conservation measures that were being implemented.

Attorney Heidi Davis of Gunster Law, 450 East Las Olas Boulevard, Suite 1400, Fort Lauderdale, on behalf of the applicant, introduced herself and stated she was available to answer any questions. Discussion ensued regarding the availability of generators for use after a storm. Roger Posey, Creighton Development, 900 SW Pine Island Road, Cape Coral, explained 7-Eleven's procedures for mobile deployment of generators in the aftermath of a storm. He then explained water conservation measures in place, noting that the sprinkler system was equipped with rain sensors. He commented that the development did not contain a rain collection system as a secondary source of irrigation, as proposed.

Mayor Welch opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Staff and the applicant had no closing remarks.

Commissioner Rydell commented that the two existing 7-Eleven facilities within the City had collaborated with the City to reserve fuel for use by the City in the aftermath of a storm. Ms. Davis stated that the applicant would look further into accommodating a similar partnership at this facility.

MOTION: Rydell/Tooley – To adopt Ordinance No. 2020-001.

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

MOTION: Rydell/Tooley – To adopt Ordinance No. 2020-002.

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

MOTION: Rydell/Belvedere – To adopt Ordinance No. 2020-003.

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

Mayor Welch asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 9 and 10 together as they were all related, and there were none.

9. **ORD 2020-005** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A FLORIDA POWER & LIGHT (FPL) UTILITY EASEMENT FOR THE PROJECT KNOWN AS CHICK-FIL-A LOCATED AT 4670 NORTH STATE ROAD 7 WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)
10. **ORD 2020-006** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A WATER AND WASTEWATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS CHICK-FIL-A LOCATED AT 4670 NORTH STATE ROAD 7 WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

City Attorney Pyburn read the titles for Ordinance No. 2020-005 and Ordinance No. 2020-006 into the record.

Commissioner Rydell made a motion to hear Agenda Item 9, seconded by Commissioner Tooley.

Commissioner Rydell made a motion to hear Agenda Item 10, seconded by Commissioner Belvedere.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 9 and 10, and there were none.

Sustainable Development Deputy Director Scott Stoudenmire presented the items, explaining that the two easements to be vacated included a Florida Power & Light (FPL) easement and a City water and wastewater easement. He noted that the two easements were put into place when the site was previously anticipated to be a bank. He further explained that the facilities in the easements would be relocated and new easements dedicated as part of the development process.

Attorney Christina Bilenki of Dunay Backman and Miskel, 14 SE Street, Boca Raton, on behalf of the applicant, stated the easement vacations were a clean-up item, and all of the facilities within the easements they were proposing to vacate would be relocated and new easements dedicated once the final locations were determined and constructed. Jenny Baez of Bowman Consulting, 910 SE 17 Street, Suite 300, Fort Lauderdale, discussed the proposed relocation of the transformer in the FPL easement, commenting that the relocation was being coordinated with FPL to the green space to the north of the building in order to service the entire plaza.

Mayor Welch opened the public hearing. Eric Schatz, 4836 North State Road 7, Coconut Creek, spoke in opposition of the Chick-Fil-A development, commenting on potential traffic impacts. He noted that the fencing on the southern portion of the Carrington neighborhood had not been repaired. There were no further questions or comments from the public, and the public hearing was closed.

Staff and the applicant had no closing remarks.

Mr. Stoudenmire responded to a question from the Commission, commenting that the applicant was responsible for the costs associated with relocating the facilities. Commissioner Sarbone spoke about traffic concerns and his opposition to the project. Discussion ensued regarding conflicts between the approved site plan and the existing easements. Mr. Stoudenmire explained that the conflicts were discovered during the engineering permit review process, which required the vacation applications.

MOTION: Tooley/Rydell – To approve Ordinance No. 2020-005 on first reading.

Upon roll call, the Ordinance passed on first reading by a 4-1 vote, with Vice Mayor Sarbone voting nay.

MOTION: Rydell/Tooley – To approve Ordinance No. 2020-006 on first reading.

Upon roll call, the Ordinance passed on first reading by a 4-1 vote, with Vice Mayor Sarbone voting nay.

11. **ORD 2020-007** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING SECTION 13-348, "PLANNED UNIT DEVELOPMENT DISTRICT," SECTION 13-349, "REZONING OF LAND TO PUD," SECTION 13-350, "INFORMATION REQUIRED WITH PUD REZONING PETITION," AND SECTION 13-351, "ISSUANCE OF BUILDING PERMITS FOR PUD DISTRICTS," TO UPDATE REQUIREMENTS AND PROCEDURES FOR PLANNED UNIT DEVELOPMENT DISTRICT ZONING AND REZONINGS AND TO REVISE THE LIST OF PERMITTED AND SPECIAL LAND USES WITHIN PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 13-355, "PCD, PLANNED COMMERCE DISTRICT-GENERALLY," SECTION 13-356, "SAME-REZONING OF LAND TO PCD," SECTION 13-357, "SAME-INFORMATION REQUIRED WITH PCD REZONING PETITION," AND SECTION 13-358, "SAME-ISSUANCE OF BUILDING PERMITS FOR PCD," TO UPDATE REQUIREMENTS AND PROCEDURES FOR PLANNED COMMERCE DISTRICTS AND PLANNED COMMERCE DISTRICT REZONINGS AND TO REVISE THE LIST OF PERMITTED AND SPECIAL LAND USES WITHIN PLANNED COMMERCE DISTRICTS. (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Rydell/Belvedere – To approve Ordinance No. 2020-007 on first reading.

Sustainable Development Deputy Director Scott Stoudenmire presented the item, noting that the code amendment proposed to remove obsolete and redundant language and provide clarification that the City Commission had authority to waive land development regulations as part of the PUD/PCD process where there was a finding that the waiver would provide an enhanced design or compatibility with adjacent developments. Discussion ensued.

Mayor Welch opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

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

ADJOURNMENT

The meeting was adjourned at 9:14 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date