



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: May 11, 2017
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
Assistant City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

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

PRESENTATIONS

1. **17-054** A PRESENTATION RECOGNIZING LYONS CREEK MIDDLE SCHOOL AS AN "EXCEEDING EXPECTATIONS AWARD SCHOOL."

Mayor Tooley presented Lyons Creek Middle School Principal Horace Hamm with a certificate recognizing the school's achievement.

2. **17-090** A PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR THE CITY'S FISCAL YEAR 2017 ANNUAL BUDGET AND FIVE YEAR CAPITAL IMPROVEMENT PROGRAM.

Assistant Director of Finance and Administrative Services Peta-Gay Lake presented the item. She thanked the Commission, Finance staff, and all City Departments for their assistance with the budget preparation.

3. **17-093** A PROCLAMATION RECOGNIZING MAY 21-27, 2017, AS "EMERGENCY MEDICAL SERVICES WEEK."

Mayor Tooley read the Proclamation into the record. Fire Marshal Jeffery Gary accepted the Proclamation and introduced the crewmembers of Rescue 50: Lieutenant Kevin DeLaCova, Firefighter Greg Maloney, and Firefighter Nick Lopez.

4. **17-062** A PROCLAMATION RECOGNIZING MAY 20, 2017, AS THE SEVENTH ANNUAL "NATIONAL KIDS TO PARKS DAY."

Vice Mayor Rydell read the Proclamation into the record. Director of Parks and Recreation Wayne Tobey, Assistant Director of Parks and Recreation Danielle DeBarros, Parks and Recreation Supervisor Bruno Battel, Special Events Planner Leo Moleiro, and Special Events Assistant Heather Hughes accepted the Proclamation on behalf of the Parks and Recreation Department.

5. **17-085** A PROCLAMATION RECOGNIZING MAY 2017 AS “MENTAL HEALTH AWARENESS MONTH.”

Mayor Tooley read the Proclamation title for Agenda Item 5 into the record.

6. **17-077** A PROCLAMATION RECOGNIZING MAY 7-13, 2017, AS “MUNICIPAL CLERKS WEEK.”

Mayor Tooley read the Proclamation into the record. City Clerk Leslie Wallace May accepted the Proclamation.

INPUT FROM RESIDENTS OF COCONUT CREEK

Maria Avolio, 4131 NW 9 Street, Coconut Creek, spoke about a permit she pulled to have a picnic in the park for Easter and inquired why alcohol is no longer allowed with the permit. Parks and Recreation Director Wayne Tobey explained that there were two parks in the City that allowed alcohol with the permit: Cypress Park and Sabal Pines Park.

CITY MANAGER REPORT

Assistant City Manager Brooks announced that it was Hurricane Preparedness Week and encouraged everyone to prepare for the upcoming Hurricane Season, which begins on June 1.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Belvedere attended the Metropolitan Planning Organization (MPO) meeting where there was discussion regarding the future implementation of a mileage tax in addition to the gas tax to account for the increase in hybrid vehicles. She reported that the federal Community Development Block Grant (CDBG) Program would be funded next fiscal year and that National Walk to School Day would be celebrated on October 4, 2017. She spoke about a resolution passed by the City of North Lauderdale to modify school zones with solar-powered, yellow, flashing lights.

Commissioner Welch commended the City Clerk Department staff for their professionalism and customer service. She thanked Parks and Recreation Director Wayne Tobey for offering additional yoga classes at the recreational facilities. She commented on the Fire Department’s ISO 1 rating. She attended a presentation by the Police Department at Lyons Creek Middle School regarding synthetic drugs and thanked Police Chief Arenal and Sergeant Brandi DeVecchio for their attendance. She wished everyone a happy Mother’s Day.

Commissioner Sarbone mentioned he was pleased with the median improvements along Hillsboro Boulevard that were completed with grant funds.

Vice Mayor Rydell attended a parent resource fair at Coconut Creek High School. He asked for and received consensus for staff to research a modification to the City's Code to require that all proposed site plans be presented to the City Commission for approval. Commissioner Sarbone suggested that staff also research the City of Fort Lauderdale's professional requirements for Planning and Zoning Board members. Consensus was given to have a workshop on staff's research for a modification to the City's Code related to site plan approvals and professional requirements for Planning and Zoning Board members. Mayor Tooley requested that the workshop be held on a date separate from a commission meeting to allow ample time for discussion.

Mayor Tooley thanked Vice Mayor Rydell for attending the events she was unable to attend during the week. She met with former Parks and Recreation Director Linda Wiederspan, who retired last year. Ms. Wiederspan plans to attend the City's 50th Anniversary Gala.

CONSENT AGENDA (Items 7 through 11)

7. **17-089** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2017-0413WS AND 2017-0413R)

8. **RES
2017-098** A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE THE 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY RELATING TO THE DISTRIBUTION OF THE BROWARD COUNTY SIX CENTS LOCAL OPTION GAS TAX ON MOTOR FUEL.

9. **RES
2017-099** A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE THE 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY RELATING TO DISTRIBUTION OF THE BROWARD COUNTY THREE CENTS ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL.

10. **RES
2017-097** A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE THE 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY RELATING TO DISTRIBUTION OF THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT.

11. **RES
2017-150** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH BETTOLI TRADING CORP. D/B/A BETTOLI VENDING TO PROVIDE VENDING SERVICES PURSUANT TO RFP NO. 03-15-17-10.

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

MOTION: Sarbone/Rydell – To approve Consent Agenda Item Nos. 7, 8, 9, 10 and 11.

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

REGULAR AGENDA

Public Works Department

12. **ORD 2017-021** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES BY AMENDING CHAPTER 5, ENTITLED “ANIMALS,” TO PROHIBIT THE RELEASE OF WILD ANIMALS ON CITY PROPERTY, PROVIDING PENALTIES FOR VIOLATION, AND UPDATING TERMINOLOGY. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Belvedere/Welch – To adopt Ordinance No. 2017-021.

Public Works Director Jim Berkman presented the item. Discussion ensued regarding implementation of the penalties for violating the Ordinance. Commissioner Belvedere spoke about the importance of continuing to educate the public about not feeding wildlife. The Commission gave staff direction to amend Section 5-8(c) of the Ordinance for second reading to note that the civil violation is \$500.00 per animal, per violation.

Maria Avolio, 4131 NW 9 Street, Coconut Creek, asked where she can release wild animals that she traps on her property. Mr. Berkman stated that State Statute does not permit the release of wild animals on any property without the property owner’s consent.

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

Parks and Recreation

13. **RES 2017-146** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ADVANCED RECREATIONAL CONCEPTS, LLC TO PROVIDE FOR THE CYPRESS PARK PLAYGROUND DESIGN, FURNISH, AND INSTALL PURSUANT TO RFP NO. 03-15-17-11 IN THE AMOUNT OF \$193,500.

Mayor Tooley read the Resolution Title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2017-146

Parks and Recreation Director Wayne Tobey presented the item. Sustainable Development Director Sheila Rose discussed the Community Development Block Grant (CDBG) funding for the project. Discussion ensued regarding the playground flooring material.

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

Sustainable Development

14. **RES 2017-125** A RESOLUTION ADOPTING THE THIRD AMENDMENT TO THE CITY’S FISCAL YEAR (FY) 2014-2015 ACTION PLAN RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BY REALLOCATING FUNDS TO SUPPORT THE CITY’S PURCHASE ASSISTANCE PROGRAM. (PUBLIC HEARING)

Mayor Tooley read the Resolution title into the record.

MOTION: Rydell/Welch – To approve Resolution No. 2017-125.

Sustainable Development Director Sheila Rose presented the item.

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

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

15. **RES 2017-138** A RESOLUTION ADOPTING THE SECOND AMENDMENT TO THE CITY'S FISCAL YEAR (FY) 2015-2016 ACTION PLAN RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BY ALLOCATING PROGRAM INCOME FUNDS AND REALLOCATING AVAILABLE FUNDS TO THE PURCHASE ASSISTANCE PROGRAM. (PUBLIC HEARING)

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Rydell – To approve Resolution No. 2017-138.

Sustainable Development Director Sheila Rose presented the item. Discussion ensued regarding the City's coordination with Broward County to address homelessness.

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

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

16. **ORD 2017-015** AN ORDINANCE AMENDING ORDINANCE NO. 2013-007, WHICH APPROVED THE GUNTHER VOLKSWAGEN PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD), AND HEREBY APPROVING THE MODIFICATION REQUEST OF GUNTHER MOTOR COMPANY TO INTRODUCE A NEW VOLVO AUTOMOBILE DEALERSHIP AT THE EXISTING GUNTHER VOLKSWAGEN SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH STATE ROAD 7 AND CULLUM ROAD. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To adopt Ordinance No. 2017-015.

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to Agenda Items 16, 17, 19, and 20. City Clerk May confirmed that the advertising and public notice requirements were met for Agenda Items 16, 17, 19, and 20 and swore in the witnesses. She instructed the speakers, when they come forward to speak, to state their name and address clearly for the record and whether or not they were sworn-in and understand the rules of the proceedings.

Mayor Tooley noted that Agenda Items 16 and 17 were companion items that could be presented together. There were no objections from the Commission, City staff, or the Applicant to hear the items together.

City Attorney Pyburn asked if there were any disclosures or ex parte communications on Agenda Items 16 or 17, and the following disclosures were made:

- Commissioner Belvedere visited the site.
- Mayor Tooley spoke with the Applicant after first reading regarding the need for a workshop on the MainStreet Design Standards.

City Attorney Pyburn read the Ordinance title for Agenda Item 17 into the record.

Sustainable Development Director Sheila Rose presented the items and noted that the Applicant had provided additional information regarding Green Globe certification as an alternative solution to LEED certification. Ms. Rose answered questions regarding drainage surrounding the site.

Attorney Dan Taylor of Tripp Scott Law Firm, on behalf of the Applicant, Gunther Motor Company, introduced himself, Jay Gunther, and Jeffrey Peal of Stiles Architectural Group. Mr. Peal began a *PowerPoint* presentation and discussed the differences between the Green Globe and LEED certification processes. Discussion ensued.

Mayor Tooley 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 by a 5-0 vote.

17. **ORD 2017-014** AN ORDINANCE AMENDING ORDINANCE 2013-009, WHICH APPROVED THE GUNTHER VOLKSWAGEN SITE PLAN, AND HEREBY APPROVING THE MODIFICATION REQUEST OF GUNTHER MOTOR COMPANY TO PROVIDE FOR A NEW GUNTHER VOLVO SHOWROOM LOCATED AT THE SOUTHEAST CORNER OF NORTH STATE ROAD 7 AND CULLUM ROAD. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

MOTION: Rydell/Welch – To adopt Ordinance No. 2017-014.

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

18. **ORD 2017-016** AN ORDINANCE AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-625, "MASTER BUSINESS LIST - MSOA," TO PROVIDE FOR MEDICAL MARIJUANA TREATMENT CENTER USES AS A SPECIAL LAND USE WITHIN THE MEDICAL SERVICES OVERLAY AREA. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Belvedere – To adopt Ordinance No. 2017-016.

City Attorney Pyburn presented the item.

Mayor Tooley opened the public hearing. Maria Avolio, 4131 NW 9 Street, Coconut Creek, asked if Medical Marijuana Treatment Centers could be required to recycle all waste products from the operation and inquired about taxing marijuana. City Attorney Pyburn explained that there were strict State regulations in place for waste disposal from the facilities. Mayor Tooley and Vice Mayor Rydell responded to her comments regarding taxation. There were no further questions or comments from the public, and the public hearing was closed.

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

19. **ORD 2017-017** AN ORDINANCE APPROVING THE REZONING REQUEST OF TT OF SAMPLE, INC. FOR THE PROPERTY KNOWN AS INFINITI OF COCONUT CREEK GENERALLY LOCATED ON THE NORTH SIDE OF SAMPLE ROAD, EAST OF STATE ROAD 7, FROM REGIONAL SHOPPING DISTRICT (B-4) AND PLANNED COMMERCE DISTRICT (PCD) TO PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD). (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To adopt Ordinance No. 2017-017.

City Attorney Pyburn noted that Agenda Items 19 and 20 were companion items that could be presented together. There were no objections from the Commission, City staff, or the Applicant to hear the items together, and City Attorney Pyburn read the Ordinance title for Agenda Item 20 into the record.

City Attorney Pyburn asked if there were any disclosures or ex parte communications on the Agenda Items, and there were none.

Sustainable Development Director Sheila Rose presented the item and gave an overview of the proposed expansion of the Infiniti car dealership. The Applicant, Jay Huebner of HSQ Group, Inc., introduced himself and began a *PowerPoint* presentation outlining the service center expansion and numerous site amenities to address the MainStreet Design Standards. He discussed the addition of several green components.

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

Discussion ensued regarding green components and LEED certification.

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

20. **ORD 2017-018** AN ORDINANCE APPROVING THE SITE PLAN REQUEST OF TT OF SAMPLE, INC., TO CONSTRUCT A 14,767 SQUARE-FOOT SERVICE BUILDING ADDITION FOR THE PROPERTY KNOWN AS INFINITI OF COCONUT CREEK, GENERALLY LOCATED NORTH OF SAMPLE ROAD AND EAST OF STATE ROAD 7 WITHIN THE CITY'S MAINSTREET PROJECT AREA (MSPA). (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

MOTION: Belvedere/Welch – To adopt Ordinance No. 2017-018.

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

21. **ORD 2017-019** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A PORTION OF A 12-FOOT SEWER UTILITY EASEMENT FOR THE PROJECT KNOWN AS INFINITI OF COCONUT CREEK LOCATED NORTH OF SAMPLE ROAD AND EAST OF NORTH STATE ROAD 7. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Belvedere – To adopt Ordinance No. 2017-019.

Sustainable Development Director Sheila Rose presented the item.

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

22. **ORD 2017-020** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A PORTION OF A 12-FOOT WATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS INFINITI OF COCONUT CREEK LOCATED NORTH OF SAMPLE ROAD AND EAST OF NORTH STATE ROAD 7. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Belvedere – To adopt Ordinance No. 2017-020.

Sustainable Development Director Sheila Rose presented the item.

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

ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date