



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: September 12, 2019
Time: 7:00 p.m.
Regular Meeting No. 2019-0912R

CALL TO ORDER

Mayor Welch called the meeting to order at 7:00 p.m.

PRESENT UPON ROLL CALL:

Mayor Sandra L. Welch
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere
Commissioner Joshua Rydell
City Manager Mary C. Blasi
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

EXCUSED:

Vice Mayor Lou Sarbone

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

PRESENTATION(S)

1. **19-171** A SWEARING-IN CEREMONY FOR NEW POLICE OFFICER MARK IASILLO.

Police Chief Albert "Butch" Arenal introduced Police Officer Mark Iasillo and invited him and his family to come forward for the swearing-in. City Clerk May administered the Oath of Office followed by the badge-pinning ceremony.

2. **19-190** A PRESENTATION OF THE LIFE SAVING COMMENDATION AWARD FOR POLICE OFFICER JUSTIN CAPALDI.

Police Chief Arenal, along with Police Captains Fred Hofer and John Leonard, presented Police Officer Justin Capaldi with a Police Department Commendation for saving the life of a resident who was in cardiac arrest.

3. **19-179** A PRESENTATION OF THE LIFE SAVING COMMENDATION AWARD FOR POLICE OFFICERS SEAN BREWSTER, JUSTIN CAPALDI, JONATHAN CORTEZ, AND SEAN FEISTHAMMEL.

Police Chief Arenal presented Police Officers Sean Brewster, Justin Capaldi, Jonathan Cortez, and Sean Feisthommel with a Police Department Commendation for their actions to stop an attempted suicide. Police Chief Arenal also recognized Police Officer Andrew Renna, who was in attendance

following a recent gunshot wound in the line of duty. Lieutenant Karp briefly addressed the Commission and audience, commending the officers for their excellent work.

4. 19-172 A PRESENTATION BY BROWARD COUNTY TO INFORM THE COMMUNITY ABOUT TRADEWINDS PARK NORTH IMPROVEMENTS.

Assistant City Manager / Sustainable Development Director Sheila Rose introduced Dan West, Broward County Director of Parks and Recreation, and Mike Fayyaz, Construction Project Management Supervisor, to discuss the conceptual design improvements planned for Tradewinds Park. Mr. West began a *PowerPoint* presentation and gave a brief overview of the existing features of Tradewinds Park. He noted that the proposed improvements were planned for the north side of the park to replace the amenities and infrastructure that had met their useful life cycle. Mr. Fayyaz explained the conceptual master plan was designed to make the park more accessible with improved connectivity. He discussed the new amenities and reconstruction of existing buildings. Mr. West noted that the project would be completed in three phases: 1) infrastructure improvements; 2) roadway and parking improvements; and 3) comprehensive engineering design. He closed by noting that the goal was to make the park a destination attraction for recreation, focusing on environmental conservation and resiliency. In response to questions from the Commission, Mr. West commented that biking options were planned to be a part of the connectivity improvements and that the park would remain open while the improvements were taking place.

5. 19-185 A PROCLAMATION RECOGNIZING SEPTEMBER 12, 2019, AS “COCONUT CREEK ELEMENTARY SCHOOL DAY.”

Commissioner Tooley read the proclamation into the record, and Coconut Creek Elementary School Principal Roberta Ray and several staff members accepted the proclamation on behalf of the school and its staff.

6. 19-186 A PROCLAMATION RECOGNIZING SEPTEMBER 20-27, 2019, AS “CHOOSE PEACE WEEK.”

Commissioner Belvedere read the proclamation into the record. Cynthia Tapia-Rodriguez, Broward County Public Schools Family Counselor, and Anita de Jong Fraley, United Way Program Manager, accepted the proclamation and briefly addressed the Commission.

INPUT FROM THE PUBLIC

Lily Kalandjian, 5951 NW 62 Terrace, Parkland, Florida, stated that she was a student at North Broward Preparatory School and spoke about the American Legion Auxiliary’s Girls State program to teach young female leaders about the democratic process and civic engagement. She thanked Mayor Welch for allowing her the opportunity to interview her as part of the program requirements.

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 Blasi received consensus for the Mayor to sign the second amendment to the settlement agreement regarding the Alpha 250 site, which would provide for a one-year extension to the agreement. Assistant to the City Manager Bernadette Hughes reported that there was an error in a recent School Board report that indicated the City needed an additional School Resource Officer (SRO)

at the Dave Thomas Education Center, noting that the City had one SRO at the school based on the current enrollment, and that number was correct.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Rydell thanked everyone for coming out to speak about the geese issue at Sabal Pines Park and commented that the City was looking to balance the needs of everyone involved. He spoke about the recent shooting incident in the City, noting that it was the first time a police officer was shot in the line of duty in the City, and commented that he was pleased to see Officer Renna at tonight's meeting. He thanked City staff for their efforts in preparing for Hurricane Dorian.

Commissioner Tooley mentioned that Police Officer Dan Farrell was honored by the Florida Marlins for his efforts in responding to the 9/11 attack while serving as a sergeant with the New York Police Department. She attended the Broward League of Cities (BLOC) Board Meeting and mentioned that the City of Margate voted against approving the Memorandum of Understanding (MOU) with Broward County for the development of a regional, integrated solid waste and recycling system. She spoke about the condition of water and sewer infrastructure in the South Creek neighborhood that is provided by the City of Margate and suggested urging Margate to begin the necessary improvements. She noted that the November BLOC Board Meeting would be held in Coconut Creek and spoke about the upcoming State Legislative Session.

Commissioner Belvedere attended the recent Broward Metropolitan Planning Organization (MPO) meeting and mentioned that the projects being funded with surtax dollars would be divided between the MPO and Broward County. She stated that the MPO would handle projects related to connectivity and the County would handle maintenance projects. She spoke about traffic exiting Broward College and asked that increased police presence and traffic enforcement be provided at NW 39 Avenue and Coconut Creek Parkway.

Mayor Welch commended staff for the outstanding preparations made for Hurricane Dorian, and City Manager Blasi recognized Fire Marshal Jeff Gary for his role as Emergency Manager. Mayor Welch received consensus to sign the Food for All Broward Mayor's Pledge and commented that the organization would make a presentation in the future regarding the program. She encouraged the Commission to attend the upcoming Google-founded Search Inside Yourself Leadership Institute Training to be held at Broward College. She attended the Florida League of Cities Mayor's workshops, where she asked those in attendance to make alternatives for glass recycling a priority issue. She toured Lakefront Park in Kissimmee, Florida, and spoke about several amenities in the park as discussed during the Parks and Recreation Master Plan visioning process. Mayor Welch received consensus to attend the National League of Cities annual conference in San Antonio, Texas on November 20-23, 2019.

CONSENT AGENDA (*Items 7 and 8*)

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

- 7. 19-180** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2019-0807WS, 2019-0808WS, AND 2019-0808R)

8. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2019-219 TO EXECUTE AN AGREEMENT WITH TADEOS ENGINEERING, LLC
 TO PROVIDE FOR THE INSTALLATION OF SHADE STRUCTURES AT
 THE RECREATION COMPLEX AND GERBER PARK PURSUANT TO
 RFQ NO. 04-30-19-11.

MOTION: Rydell/Tooley – To approve Consent Agenda Item Nos. 7 and 8.

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

REGULAR AGENDA

Public Works Department

9. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
 2019-228 TO EXECUTE AN AGREEMENT WITH FREEPORT FOUNTAINS, LLC
 FOR THE DESIGN AND CONSTRUCTION OF SPLASH PADS AT THE
 COMMUNITY CENTER AND RECREATION COMPLEX PURSUANT TO
 RFQ NO. 05-28-19-01.

Mayor Welch read the Resolution title into the record.

MOTION: Rydell/Belvedere – To approve Resolution No. 2019-228.

Public Works Assistant Director Alex Tergis presented the item. Public Works Project Manager Lou Italicco discussed the proposed renderings and the space limitations at the Community Center.

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

Sustainable Development

City Attorney Pyburn read aloud the City’s quasi-judicial procedures that would be applied to Agenda Items 10 and 11. City Clerk May confirmed that the public notice requirements were met for Agenda Items 10 and 11 and swore in the witnesses.

Mayor Welch asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 10 and 11 together as they were related, and there were none.

10. **ORD** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A
 2019-025 PORTION OF A SEWER UTILITY EASEMENT FOR THE PROJECT
 KNOWN AS BJ’S GAS PARKLAND LOCATED AT 5801 WEST
 HILLSBORO BOULEVARD, PARKLAND, FLORIDA, 33067 WITH SAID
 EASEMENT VACATION LEGALLY DESCRIBED IN EXHIBIT “A,”
 ATTACHED HERETO. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)
11. **ORD** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A
 2019-026 PORTION OF A WATER UTILITY EASEMENT FOR THE PROJECT
 KNOWN AS BJ’S GAS PARKLAND LOCATED AT 5801 WEST
 HILLSBORO BOULEVARD, PARKLAND, FLORIDA, 33067 WITH SAID
 EASEMENT VACATION LEGALLY DESCRIBED IN EXHIBIT “A,”
 ATTACHED HERETO. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

City Attorney Pyburn read the titles for Ordinance No. 2019-025 and Ordinance No. 2019-026 into the record.

Commissioner Tooley made a motion to move Agenda Item 10 for discussion, seconded by Commissioner Rydell.

Commissioner Rydell made a motion to move Agenda Item 11 for discussion, seconded by Commissioner Belvedere.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 10 or 11, and there were none.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item.

Attorney Deena Gray, Greenspoon Marder, P.A., introduced herself on behalf of the applicant and stated that she was available to answer any questions.

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

City staff, nor the applicant, had closing remarks.

MOTION: Rydell/Tooley – To adopt Ordinance No. 2019-025.

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

MOTION: Rydell/Tooley – To adopt Ordinance No. 2019-026.

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

Police Department

12. **RES 2019-217** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SCHOOL SURVEILLANCE CAMERA SYSTEM ACCESS AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY.

Mayor Welch read the Resolution title into the record.

MOTION: Rydell/Belvedere – To approve Resolution No. 2019-217.

Police Chief Arenal presented the item and explained the School Board's restrictions for accessing real time video, noting that access would be permitted only for major incidents. Discussion ensued.

Consensus was given for the City to send a letter to the Broward County School Board, expressing concerns about restrictions on access to the surveillance camera video.

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

13. **RES 2019-220** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AGREEMENT WITH THE COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION (CFA).

Mayor Welch read the Resolution title into the record.

MOTION: Tooley/Belvedere – To approve Resolution No. 2019-220.

Police Chief Arenal presented the item.

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

14. **ORD 2019-030** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 2, "ADMINISTRATION," ARTICLE III, "DEPARTMENTS," DIVISION 2, "POLICE DEPARTMENT," SECTION 2-57, "USE OF POLICE OFFICERS FOR UNOFFICIAL FUNCTIONS," TO RENAME THE SECTION CONSISTENT WITH THE COLLECTIVE BARGAINING AGREEMENTS AND TO UPDATE PROCEDURES AND FEES FOR THE USE OF OFF-DUTY POLICE OFFICERS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Rydell/Belvedere – To approve Ordinance No. 2019-030 on first reading.

Police Chief Arenal presented the item.

Upon roll call, the Ordinance passed on first reading by a 4-0 vote.

City Attorney

15. **ORD 2019-023** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," SECTION 2-25, "DECLARATION OF CITY-WIDE STATE OF EMERGENCY," TO PROVIDE DEFINITIONS, CLARIFY THE AUTHORIZATION FOR THE CITY MANAGER TO IMPLEMENT THE EMERGENCY RESPONSIBILITIES PROVIDED UNDER FLORIDA LAW, AUTHORIZE THE MAYOR TO ORDER EMERGENCY MEASURES PROVIDED UNDER FLORIDA LAW AS NEEDED, REVISE THE DURATION FOR LOCAL EMERGENCY DECLARATIONS FROM SIXTY (60) DAYS TO SEVEN (7) DAYS FOR MAN-MADE, TECHNOLOGICAL AND NATURAL EMERGENCIES AND FROM SIXTY (60) DAYS TO SEVENTY-TWO (72) HOURS DURING LOCAL THREATS OF VIOLENCE PURSUANT TO STATE LAW. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Rydell – To adopt Ordinance No. 2019-023.

City Attorney Pyburn presented the item.

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 by a 4-0 vote.

16. **ORD 2019-034** AN ORDINANCE CONTRACTING THE CORPORATE LIMITS OF THE CITY OF COCONUT CREEK BY APPROXIMATELY FIVE (5) ACRES OF LAND LOCATED AT 4425 NW 71 STREET AND OTHER SURROUNDING LAND, SAID LANDS LYING AND BEING SITUATE IN BROWARD COUNTY, FLORIDA, AND HAVING COMMON OWNERSHIP BY ALLEY FARMS LLC; BEARING PROPERTY ID NUMBERS 474232010260, 474232010250, AND 474232010251 PURSUANT TO THE PROPERTY OWNER'S PETITION FOR CONTRACTION UNDER SECTION 171.051, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTATION AND FILING WITH THE APPROPRIATE GOVERNMENTAL AGENCIES. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Rydell – To approve Ordinance No. 2019-034 on first reading.

City Attorney Pyburn presented the item, noting that the property owner Alley Farms, LLC was desirous of reversing the recent annexation in the City's municipal boundaries that would have become effective on September 15, 2019. She commented that, if approved, the land would retain its Broward County zoning of A-1, Agricultural Estate, and the loss of ad valorem tax and assessments would be less than \$5,000. Attorney Dick Coker, representing the property owner, briefly addressed the Commission, noting that the development proposal for the property was no longer viable and the property owner wished to remain in unincorporated Broward County.

Upon roll call, the Ordinance passed on first reading by a 4-0 vote.

17. **RES 2019-207** A RESOLUTION APPROVING THE SUBMITTAL OF A LETTER FROM THE CITY MANAGER REQUESTING THE CONVEYANCE OF TITLE TO A PORTION OF THE RIGHT-OF-WAY OF NW 45 STREET FROM BROWARD COUNTY TO THE CITY OF COCONUT CREEK.

Mayor Welch read the Resolution title into the record.

MOTION: Rydell/Tooley – To approve Resolution No. 2019-207.

City Attorney Pyburn presented the item.

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

City Commission

18. **RES 2019-102** A RESOLUTION APPOINTING AT LEAST EIGHT (8) BUT NO MORE THAN ELEVEN (11) MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE, "AHAC," IN ACCORDANCE WITH SECTION 2-255 OF THE CITY'S CODE OF ORDINANCES AND SECTION 420.9076, FLORIDA STATUTES, ALSO KNOWN AS THE SHIP ACT.

Mayor Welch read the Resolution title into the record.

Commissioner Tooley made a motion to move Agenda Item 18 for discussion, seconded by Commissioner Belvedere.

Commissioner Tooley nominated Roger “Rusty” Shattuck for the role of Residential Home Building Industry. There were no further nominations on the floor.

Commissioner Belvedere nominated Karen Trudeau for the role of Banking/Mortgage Banking Industry. There were no further nominations on the floor.

Mayor Welch stated that there were no applications received for the role of Representative in the area of Construction Labor.

Mayor Welch passed the gavel and nominated Sherri McGlynn for the role of Advocate for Low-income Persons. There were no further nominations on the floor.

Mayor Welch stated that there were no applications received for the roles of For-profit Developer or Not-for Profit Developer.

Commissioner Belvedere nominated Cheryl Stein for the role of Real Estate Professional. There were no further nominations on the floor.

Mayor Welch stated that the Planning & Zoning Board appointed Debra Voorhees for the role of Planning & Zoning Board Member at their September 11, 2019, meeting.

Commissioner Belvedere nominated Raymond Lebowitz for the role of Resident of the City. There were no further nominations on the floor.

Commissioner Tooley nominated Tracy Latoumne for the role of Representative of Local Businesses. There were no further nominations on the floor.

Commissioner Rydell nominated Ryan Marken for the role of Essential Service Personnel. There were no further nominations on the floor.

Mayor Welch read the final slate into the record.

MOTION: Rydell/Tooley – To approve Resolution No. 2019-102.

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

19. 19-187 A MOTION TO APPOINT SHEILA ROSE AS THE CITY’S PROXYHOLDER TO VOTE AND TAKE SUCH OTHER ACTIONS ON BEHALF OF THE CITY OF COCONUT CREEK TO PRESERVE THE CITY’S INTERESTS AS A PROPERTY OWNER AND MEMBER OF THE COMMERCE CENTER OF COCONUT CREEK ASSOCIATION, INC., AND AUTHORIZE THE MAYOR, OR DESIGNEE, TO EXECUTE THE MEMBER PROXY FORM TO BE FILED WITH THE SECRETARY OF THE ASSOCIATION.

Mayor Welch read the Motion into the record.

MOTION: Tooley/Belvedere – To approve the Motion as presented.

City Manager Blasi presented the item. City Attorney Pyburn commented that Ms. Rose was familiar with the history of the property and had the expertise to represent the City. Mayor Welch requested to attend the meeting with Ms. Rose when it was scheduled, and the Commission requested an update after the meeting takes place.

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

20. **RES 2019-203** A RESOLUTION ADOPTING THE REVISED “GENERAL RULES AND PROCEDURES - CITY OF COCONUT CREEK COMMISSION MEETINGS” POLICY.

Mayor Welch read the Resolution title into the record.

MOTION: Tooley/Rydell – To approve Resolution No. 2019-203.

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

21. **ORD 2019-029** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 5, “ANIMALS,” SECTIONS 5-1, “PURPOSE,” 5-2, “DEFINITIONS,” 5-7, “PROHIBITION OF CRUELTY TO ANIMALS,” AND AMENDING SECTION 5-8, “WILD ANIMALS,” TO AMEND THE TITLE TO READ “WILD ANIMALS, WATERFOWL, AND RELATED NUISANCES,” AND TO ACCOUNT FOR ADDITIONAL PROVISIONS PERTAINING TO NUISANCE WILDLIFE, SPECIFICALLY TO PROHIBIT THE KEEPING OR FEEDING OF WILDLIFE AND WATERFOWL, IDENTIFY NUISANCE CONDITIONS, PROVIDE FOR ENFORCEMENT AND PRESUMPTION OF VIOLATIONS, TRESPASS AND PENALTIES FOR VIOLATION, UPDATE RELATED DEFINITIONS. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Belvedere – To adopt Ordinance No. 2019-029.

City Attorney Pyburn presented the item.

Mayor Welch opened the public hearing. Don Anthony, 1431 N. Federal Highway, spoke in favor of humane methods of removing wildlife from city parks.

James Wildman, 1622 NW 34 Drive, spoke in favor of removing geese humanely and the protection of wildlife.

Ken Pelton, 2995 E. Budd Drive, Cooper City, spoke in favor of humane methods of removing geese from city parks.

Jeffrey Arciniaco, 802 W. Palmetto Park Road, Boca Raton, stated that he was a Board Director with the Humane Society of the United States and Board President and Chairman of the South Florida Wildlife Center. He spoke in favor of humane methods of removing wildlife and offered his and his staff’s assistance with the Egyptian Geese at Sabal Pines Park.

Robert Ruderman, Fort Lauderdale, founder and owner of Humane Wildlife Consulting of South Florida, stated that he was hired by the City to spray the fields at Sabal Pines Park. He

discussed the humane methods used to deter the geese from congregating at the park and spoke against the adoption of the proposed ordinance.

City Manager Blasi provided an update on the number of geese at the park since Hurricane Dorian and noted that the football fields had been reopened due to the large reduction in the number of geese. She stated that the City did not remove any geese from the park and had no future plans to hire a trapper or remove any geese. Ms. Blasi reported that flashing lights had been purchased and would be installed at the park as a preventative measure to keep the geese off the fields. She commented that the proposed ordinance would help with enforcement of the residents who were feeding the geese and thanked everyone for their advice in addressing the issue.

Laura Gomez, 2416 Lincoln Street, Hollywood, spoke in favor of humane methods of removing geese.

Dina Cohen, 9783 Herons Nest Court, Lake Worth, spoke in favor of humane methods of removing geese.

Ana Campos, 3032 E. Commercial Boulevard, Fort Lauderdale, stated that she was a long-time animal rights activist and spoke in favor of humanely removing geese. She asked the City to keep its commitment to the humane removal of geese from parks.

Susan Sargis, 4677 Waycross Drive, Coconut Creek, spoke in favor of the proposed ordinance.

Michelle Shortino, 3843 Woodfield Drive, Coconut Creek, spoke about residents feeding the geese and commented that she wanted to the children to be able to use the parks safely.

There were no further comments or questions from the public, and the public hearing was closed.

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

ADJOURNMENT

The meeting was adjourned at 9:26 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date