



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: September 10, 2020
Time: 7:00 p.m.
Regular Meeting No. 2020-0910R**

CALL TO ORDER

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

PRESENT UPON ROLL CALL:

Mayor Lou Sarbone
Vice Mayor Joshua Rydell
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 Orders 20-52 and 20-69, 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 Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

- 1. 20-179** A PROCLAMATION RECOGNIZING SEPTEMBER 2020 AS "BIG BROTHERS BIG SISTERS MONTH."

Mayor Sarbone read the proclamation into the record.

INPUT FROM THE PUBLIC

City Clerk Leslie May stated there were no advanced public comments received for non-agenda or consent agenda items.

CITY MANAGER REPORT

City Manager Brooks had no report.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Welch stated she had attended a webinar called “Reimagining Public Safety” hosted by the National League of Cities. She shared feedback regarding using social and racial equity measures for scoring budget items and community immersion training for new police officers. City Manager Brooks stated the items were something the City could explore. Commissioner Welch spoke about a local program for transitioning disabled young people from high school to the workforce, and stated the group was looking for guest speakers and virtual tours. She spoke about her experience in taking a recent trip to Arizona and stated she liked a recent article in the *Coconut Creek Lifestyle* magazine regarding COVID-19 and hoped others would share it.

Commissioner Tooley stated she had attended coffee with the president of Broward League of Cities and learned the CARES Act issues had been cleared up the night before. She recognized the 19th anniversary of September 11th and commented on the value of first responders.

Commissioner Belvedere said she had also been attending many Zoom meetings to keep abreast of what was going on. She thanked the Police Department for changing the date of the shredding event that was in conflict with the Jewish holiday, and thanked staff for their continued correspondence.

Vice Mayor Rydell had no report.

Mayor Sarbone stated that the hazardous waste drop-off would be on Saturday and pointed out the State of Florida Census response was at 61.6 percent and the Coconut Creek response was at 65.8 percent. He thanked the residents and said the response makes a big difference.

CONSENT AGENDA (Items 2, 3, 6, and 8-10)

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

Agenda Items 4 and 5 were pulled by Commissioner Welch, and Agenda Item 7 was pulled by Vice Mayor Rydell. The items were heard prior to the Regular Agenda.

- 2. **2020-152** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2020-0805WS)

- 3. **RES**
 2020-063 A RESOLUTION AFFIRMING THE CITY’S INTENTION TO REDUCE USAGE OF SINGLE-USE PLASTIC ITEMS IN ITS OPERATIONS; AFFIRMING THE CITY’S COMMITMENT TO PROVIDE PUBLIC OUTREACH EFFORTS RELATED TO THE EFFECT OF PLASTIC IN THE ENVIRONMENT, AND THE REDUCTION OF SINGLE-USE PLASTIC ITEMS; AND ENCOURAGING BUSINESS AND RESTAURANTS WITHIN THE CITY TO REDUCE THE USE OF SINGLE-USE PLASTIC ITEMS SUCH AS STRAWS, RETAIL BAGS, AND POLYSTYRENE FOAM CONTAINERS.

- 6. **RES**
 2020-175 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SCHOOL BOARD RESOURCE OFFICER (SRO) AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY FOR A PERIOD

COMMENCING AUGUST 10, 2020, AND ENDING AUGUST 18, 2021.

8. **RES**
 2020-180 A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY BROWARD COUNTY OF THE CITY OF COCONUT CREEK'S HOME PROGRAM FUNDS FOR PROGRAM YEAR 2017-2018.

9. **RES**
 2020-181 A RESOLUTION RESCINDING RESOLUTION NO. 2019-166 AND THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY DATED AUGUST 8, 2019; AUTHORIZING THE MAYOR AND CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY BROWARD COUNTY OF THE CITY OF COCONUT CREEK'S HOME PROGRAM FUNDS FOR PROGRAM YEAR 2018-2019.

10. **RES**
 2020-182 A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY BROWARD COUNTY OF THE CITY OF COCONUT CREEK'S HOME PROGRAM FUNDS FOR PROGRAM YEAR 2019-2020.

MOTION: Tooley/Rydell – To approve Consent Agenda Item Nos. 2, 3, 6, and 8-10.

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

The following items were pulled from the Consent Agenda for discussion:

Police Department

4. **RES**
 2020-139 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES TO PROVIDE THE CITY WITH ELECTRONIC ACCESS TO FLORIDA DRIVER'S LICENSE AND IDENTIFICATION CARD PHOTOGRAPHS WHICH ARE USED IN THE BIOMETRIC FACIAL ANALYSIS SYSTEM.

MOTION: Tooley/Welch – To approve Resolution No. 2020-139.

Commissioner Welch asked for an explanation of how the program would be used. Police Captain John Leonard explained that the program was used for investigative leads only when officers were working a case where they had a description of a person.

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

5. **RES**
 2020-166 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CRIMINAL JUSTICE INFORMATION SHARING (CJIS) AGREEMENT WITH BROWARD SHERIFF'S OFFICE (BSO) FOR SHARING CRIMINAL JUSTICE INFORMATION.

MOTION: Rydell/Tooley – To approve Resolution No. 2020-166.

Captain Leonard presented the item, stating that the agreement allowed for the sharing of records and reports between the City and BSO through their database. He stated that any misuse of information sharing would follow the terms of the agreement.

Discussion ensued regarding whether the agreement was a renewal of a previously-approved agreement.

Following Agenda Item 13, City Attorney Pyburn noted for the record that that there was a previous verbal agreement related to use of CJIS for information sharing, and the practices were formalized in a written agreement.

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

7. **RES 2020-189** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED STATE AND LOCAL TAST FORCE AGREEMENTS WITH THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) TO ALLOW THE CITY TO PARTICIPATE IN THE SOUTHEAST REGIONAL TASK FORCE.

MOTION: Rydell/Tooley – To approve Resolution No. 2020-189.

Captain Leonard presented the item, noting that that a member of the Coconut Creek Police Department had been on the DEA taskforce for over 20 years. Mayor Sarbone asserted the City had reaped the benefits of Coconut Creek serving on the task force.

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

REGULAR AGENDA

City Attorney

Agenda Item 20 was heard first on the Regular Agenda.

20. **RES 2020-169** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SETTLEMENT AGREEMENT WITH FC LAND INVESTMENTS A, LLC, RESOLVING THE PENDING APPEAL STYLED *FC LAND INVESTMENT A, LLC V. CITY OF COCONUT CREEK*, FILED IN THE SEVENTEENTH JUDICIAL CIRCUIT COURT UNDER CASE NUMBER CACE19-026247, WHICH IS AN APPEAL CHALLENGING AN ORDER OF THE SPECIAL MAGISTRATE OF THE CITY OF COCONUT CREEK IN A CODE ENFORCEMENT MATTER; PROVIDING FOR IMLEMENTING ACTIONS.

Mayor Sarbone read the Resolution title into the record.

MOTION: Welch/Rydell – To approve Resolution No. 2020-169.

City Attorney Pyburn presented the item, noting the item related to a Special Magistrate Order issued on December 3, which was subsequently appealed. She stated the parties had worked out a settlement agreement, and in exchange for Monarch Station dismissing the appeal, the City

had agreed to hold certain intervening instances of possible clogs of the lift station in abeyance for a year in hopes of working out an agreement. She added that Florida Crystals and Monarch Station had been extremely helpful and cooperative in getting to this point and staff recommended approval.

Ben Sadler, General Counsel for Florida Crystals, stated that they were in concurrence and had a positive experience working with the City.

Vice Mayor Rydell stated it was always better to forego litigation and work things out, and said he was glad they were able to work things out and continue their partnership.

Upon roll call, the Resolution passed 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 11-18. City Clerk May confirmed public notice requirements had been met for the Quasi-Judicial hearings and swore in the witnesses. Mayor Sarbone asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 11 and 12 together as they were related, and there were none.

11. **ORD 2020-008** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A WATER AND WASTEWATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS JOHNSON TECHNOLOGY PARK III LOCATED WITHIN JOHNSON TECHNOLOGY PARK III WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

12. **ORD 2020-009** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A WATER AND WASTEWATER UTILITY EASEMENT FOR THE PROJECT KNOWN AS JOHNSON TECHNOLOGY PARK III LOCATED WITHIN JOHNSON TECHNOLOGY PARK III WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance titles into the record.

Commissioner Tooley made a motion to hear Agenda Item 11, seconded by Commissioner Welch.

Commissioner Tooley made a motion to hear Agenda Item 12, seconded by Commissioner Welch.

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

Sustainable Development Director Scott Stoudenmire gave a brief presentation on the items. He noted the items cleaned up easements no longer necessary, which were in the way of the footprint of a site plan approved at the August 27 meeting.

Attorney Dick Coker stated he was present to answer any questions on behalf of the applicant.

Mayor Sarbone opened the public hearing on items 11 and 12. City Clerk May stated there were no advanced public comments received on the items. There were no further questions or comments from the public, and Mayor Sarbone closed the public hearing. Staff nor the applicant had any closing remarks.

MOTION: Tooley/Welch – To adopt Ordinance No. 2020-008.

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

MOTION: Welch/Tooley– To adopt Ordinance No. 2020-009.

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

13. **ORD 2020-018** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF THE CITY OF COCONUT CREEK FOR TEMPORARY FIRE STATION GENERALLY LOCATED ON THE SOUTH SIDE OF WILES ROAD, EAST SIDE OF STATE ROAD 7, WEST OF LYONS ROAD, PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S CODE OF ORDINANCES. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Commissioner Tooley made a motion to hear Agenda Item 13, seconded by Commissioner Welch.

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

Mr. Stoudenmire requested a waiver to the right for a full quasi-judicial hearing on behalf of City staff, and there were no objections from the City Commission. Mr. Stoudenmire briefly introduced the item.

Mayor Sarbone opened the public hearing.

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek, asked how long the fire station would be located at the location, expressed environmental concerns regarding the neighboring farm, and asked if an environmental study would be conducted to create a baseline and if the results of such a study would be made available to the public.

City Manager Brooks stated the intent was to build a permanent fire station in the MainStreet area, which would replace the temporary station, and noted staff did not currently have a timeline for development. Mr. Stoudenmire stated that an environmental analysis was conducted when purchasing the site, which provided a baseline and no further action was necessary at this time.

Fire Marshal Jeffrey Gary asserted that the Margate/Coconut Creek Fire Department uses an environmentally friendly foam that does not contain harmful byproducts. He noted that each engine stores approximately 15 gallons of the foam and an additional five gallon container may be stored on site in a separate shed.

Fred Lorenzo, 2900 NW 42 Avenue, Coconut Creek, asked how long it would be until the fire station was established. City Manager Brooks stated City staff intended to have the temporary fire station operational in October 2021.

City Clerk May stated there were no advanced public comments received on the item, and Mayor Sarbone closed the public hearing.

Vice Mayor Rydell stated this necessary expansion was identified years ago, and asserted the City was acting proactively now to address the need for fire coverage and rescue services in the City.

MOTION: Welch/Tooley – To adopt Ordinance No. 2020-018.

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

Mayor Sarbone asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 14 through 18 together as they were related, and there were none.

14. **ORD 2020-026** AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP BY AMENDING THE LAND USE DESIGNATION FROM OFFICE PROFESSIONAL (OP) TO COMMERCIAL (C) FOR PROPERTY GENERALLY LOCATED AT 5011 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)
15. **ORD 2020-025** AN ORDINANCE APPROVING THE “VISTA GARDENS BALLROOM PLAT,” FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT “A.” ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY LOCATED AT 5011 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)
16. **ORD 2020-027** AN ORDINANCE APPROVING THE REZONING REQUEST OF VISTA GARDENS BALLROOM, LLC TO REZONE FROM A-1 (AGRICULTURAL) AND O-2 (LOCAL OFFICE) TO B-3 (COMMUNITY SHOPPING) FOR THE PROPERTY LOCATED AT 5011 WEST HILLSBORO BOULEVARD (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)
17. **ORD 2020-028** AN ORDINANCE APPROVING SPECIAL LAND USE APPLICATION OF VISTA GARDENS BALLROOM, LLC FOR CATERING AND MEETING HALL AT 5011 WEST HILLSBORO BOULEVARD, PURSUANT TO SECTION 13-35, “SPECIAL LAND USE,” OF THE CITY’S CODE OF ORDINANCES. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)
18. **RES 2020-173** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF VISTA GARDENS BALLROOM, LLC FOR THE DEVELOPMENT OF A CATERING AND MEETING HALL LOCATED AT 5011 WEST HILLSBORO BOULEVARD (QUASI-JUDICIAL) (PUBLIC HEARING)

City Attorney Pyburn read the titles for Ordinance Nos. 2020-026, 2020-025, 2020-027, and 2020-028 into the record, and Mayor Sarbone read the title for Resolution No. 2020-173 into the record.

Commissioner Tooley made a motion to hear Agenda Item 14, seconded by Commissioner Welch.

Commissioner Tooley made a motion to hear Agenda Item 15, seconded by Commissioner Welch.

Commissioner Belvedere made a motion to hear Agenda Item 16, seconded by Commissioner Welch.

Commissioner Tooley made a motion to hear Agenda Item 17, seconded by Commissioner Belvedere.

Commissioner Tooley made a motion to hear Agenda Item 18, seconded by Commissioner Belvedere.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for the items, and the following disclosures were made:

- Commissioner Tooley stated she had been to community meetings regarding the item at the beginning of the development process, spoken with the applicant and surrounding neighborhood residents, and attended the Planning & Zoning Board meeting where the items were discussed.
- Commissioner Welch stated she attended the community meetings held earlier in the development process.
- Commissioner Belvedere stated she attended the community meetings held earlier in the development process.

Sustainable Development Director Scott Stoudenmire gave a brief presentation on the items. He stated all five (5) items related to the Vista Gardens project, which had been the subject of a lot of work among staff, the applicant, and the community. He explained each item, including:

- Land use plan amendment from office professional to commercial to accommodate the project;
- Plat application to unify the two (2) parcels and provide for access openings and easements in compliance with FDOT, County, and City requirements;
- Rezoning application to take the City-owned parcel from O-2 to B-3 and the applicant's parcel from A-1 to B-3 to be consistent with the proposed use. He noted that the applicant provided a declaration of restrictive covenants limiting the usage, as worked out with the neighboring residential communities;
- Special land use application to accommodate the catering and meeting use in a B-3 zoning district. He noted that the applicant also provided a letter with additional restrictions as worked out with neighboring residential communities; and
- Site plan application for the 7,500 square foot event venue.

Mr. Stoudenmire stated staff was recommending approval of all five (5) applications and noted the Planning and Zoning Board had also recommended approval of all five (5) applications unanimously.

Attorney Christina Bilenki of Dunay, Miskel, and Backman, 14 SE 4th Street, Boca Raton, presented a *PowerPoint* presentation on behalf of the applicant explaining the project and the applications regarding the 0.88-acre parcel currently owned by the City and the 1.5-acre parcel owned by the applicant on the north side of Hillsboro Boulevard. She shared images of a related project and the proposed building, fence, and landscaping. She noted the hedge would be installed before construction to buffer construction activities.

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

Commissioner Welch thanked the applicants for the tremendous amount of outreach they had conducted, and stated it made it clear they wanted to be in Coconut Creek. She asked for clarification on the tree canopy. Mr. Stoudenmire explained the City's Green Plan includes a goal to be at 40 percent tree canopy City-wide, rather than on a site-by-site basis, and the project exceeded code requirements while contributing to the City goal.

Commissioner Welch noted the application was for 73 parking spaces rather than the required 33, but the maximum capacity was 250. She asked where the remainder of people would park. Ms. Bilenki explained the applicant's analysis and experience shows people typically travel to functions in groups and often hire alternate transportation.

Vice Mayor Rydell asked why the plan called for a chain link fence and not a wall on the north end of the property. Ms. Bilenki responded partly because of the cost and partly because there would be substantial landscaping placed along the area that would keep it out of sight.

Mayor Sarbone stated this project should be a case study in cooperation between the applicant, staff, and community.

MOTION: Tooley/Belvedere – To approve Ordinance No. 2020-026 on first reading.

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

MOTION: Belvedere/Tooley – To approve Ordinance No. 2020-025 on first reading.

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

MOTION: Tooley/Belvedere – To approve Ordinance No. 2020-027 on first reading.

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

MOTION: Tooley/Belvedere – To approve Ordinance No. 2020-028 on first reading.

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

MOTION: Tooley/Rydell – To approve Resolution No. 2020-173.

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

City Attorney

19. **ORD 2020-010** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-142, "UNDERGROUND UTILITIES; REQUIRED," TO REMOVE THE CITY-WIDE REQUIREMENT FOR UNDERGROUNDING OF ALL UTILITIES WITHIN AND ALONG THE PERIMETER ROADS OF THE MAINSTREET REGIONAL ACTIVITY CENTER (RAC) AND REMOVAL OF LANGUAGE PERTAINING TO WAIVERS OF THE SAME; ADDRESSING STATUS OF CURRENT APPLICATIONS. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Belvedere/Tooley – To adopt Ordinance No. 2020-010.

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.

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

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Transcribed by: C. Parkinson, Prototype

Leslie Wallace May, MMC
City Clerk

Date