



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

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

**Date: September 28, 2017
Time: 7:00 p.m.**

CALL TO ORDER

Mayor Tooley called the meeting to order at 7:02 p.m.

PRESENT UPON ROLL CALL:

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

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

PRESENTATIONS

- 1. 17-157** A PROCLAMATION RECOGNIZING SEPTEMBER 2017 AS "BLOOD CANCER AWARENESS MONTH."

Mayor Tooley read the Proclamation title into the record.

- 2. 17-159** A PROCLAMATION RECOGNIZING OCTOBER 9-13, 2017, AS "NATIONAL SCHOOL LUNCH WEEK."

Mayor Tooley read the Proclamation into the record. Darlene Moppert, School Board of Broward County Food and Nutrition Services Program Manager, accepted the Proclamation and thanked the Commission for acknowledging the work of the National School Lunch Program.

INPUT FROM RESIDENTS OF COCONUT CREEK

There was no input from the residents.

CITY MANAGER REPORT

City Manager Blasi gave an update on hurricane debris removal and thanked the residents for their patience during the clean-up process.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Belvedere commended City staff and first responders for their response efforts during Hurricane Irma and thanked City Manager Blasi and her staff for working with the neighborhood associations during the recovery efforts. She commented about how well attended the recently held *ArtsFest* was despite Hurricane Irma, and she commended the Parks and Recreation Department staff for their work on the event. She spoke with many attendees and learned that they had used the Butterfly Express for transportation to the *ArtsFest*. She spoke about her work with the Broward Metropolitan Planning Organization. She thanked Fire Marshal Jeff Gary and Police Officer Michael Zombek for attending a recent community meeting at *Wynmoor*. She announced that the *Wynmoor* community would be having a town hall meeting on October 5, 2017, at 9:30 a.m. regarding the planned expansion of the Florida Turnpike and invited all to attend. She noted that she would need to leave the next Commission meeting early as the meeting conflicted with a Jewish holiday. Consensus was given to change the start time of the October 12, 2017, Commission meeting to 6 p.m.

Commissioner Welch spoke about the schools she visited in the City that had been utilized as shelters during Hurricane Irma and commended Police Sergeant Brandy DeVecchio for her effective communication with the schools before and after the storm. She attended the School Advisory Council Meeting for Atlantic Technical College and noted that the Arthur Ashe, Jr. Campus also had been used as a shelter during the hurricane. She commended City staff for their preparations regarding the turnpike expansion workshop held earlier in the day.

Commissioner Sarbone commended City Manager Blasi and her staff for their preparations for the hurricane recovery efforts and securing a debris removal contractor. He spoke about the expansion of the turnpike, commended City staff for their work to gather information from the Florida Department of Transportation (FDOT) on the project, and urged City staff and residents to stay involved with the process.

Vice Mayor Rydell commented on the support received from Broward County Commissioner Mark Bogen and State Representative Kristen Jacobs relating to the turnpike expansion. He spoke about the surrounding municipalities faced with price gauging by vendors in the wake of Hurricane Irma and commended City staff for their preparations to ensure the City did not encounter the same issue. He discussed the proposed millage rate increase to address the public safety needs of the residents. He commented that during Hurricane Irma there was only one shelter in Broward County that was equipped to accommodate those with mental health or substance abuse issues, and he noted that the County was going to address the matter for future emergency preparations.

Mayor Tooley spoke about issues with the hurricane shelters and debris removal. She commended City staff for their successful preparation efforts in response to Hurricane Irma.

REGULAR AGENDA

Finance Department

- 3. ORD 2017-044** AN ORDINANCE ADOPTING THE CITY'S OPERATING PROPERTY TAX AT 6.5378 MILLS FOR THE 2018 FISCAL YEAR. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Rydell/Welch – To adopt Ordinance No. 2017-044.

Mayor Tooley noted that this was the second public hearing on the City's 2017 Ad Valorem Tax Rate and 2018 Fiscal Year Budget, and introduced Assistant City Manager/Finance and Administrative Services Director Karen Brooks.

Ms. Brooks gave a brief summary of the 2017 Property Tax Rate Ordinance and the 2018 Fiscal Year Budget Ordinance and stated that the first public hearing was held on September 13, 2017, at which the City Commission passed both Ordinances on first reading. She noted that the proposed Millage Rate of 6.5378 represented a 16.18% increase over the rollback rate of 5.6272 and explained that it was necessary to maintain service levels and to provide for an increased level of service for a City-operated E-911 system. She reviewed the steps undertaken to develop the proposed budget and stated that the 2018 Fiscal Year Budget represented a financial strategy that is responsive to the community's desire for increased public safety, maintains service levels, continues investments in capital projects and infrastructure maintenance, and promotes economic development.

She noted that since first reading of the Ordinances, the School Board of Broward County approved the City's request for additional funding for a School Resource Officer (SRO) at the Dave Thomas Education Center and that the budget was amended to include the additional revenues and expenditures. She clarified that the amendment relating to the SRO did not impact the millage rate.

She noted that pursuant to Florida Statutes, every taxing authority is required to publish an advertisement which states the date and time for the second public hearing on the property tax rate and budget, and publish a budget summary adjacent to the notice of property tax increase. She stated that the City complied with the law by running an ad in the September 25, 2017, edition of the *Sun Sentinel*.

Mayor Tooley opened the public hearing. Paul Gajus, 560 NW 42 Avenue, Coconut Creek, asked if residents would see a reduction in County property taxes with the City implementing its own E-911 system and what the operational costs would be after the new system was implemented. City Manager Blasi responded that there would not be a decrease in the millage rate for Broward County. She explained that the City would be using the County's equipment and hiring its own dispatchers. She stated that the annual operational costs after implementation were anticipated to be \$1.5 million annually.

Patricia Duaybes, 4106 Oxbow Drive, Coconut Creek, noted that at the first public hearing for the budget she asked the Commission to consider using funds from the contingency fund to help offset the increase in the millage rate. She spoke about the proposed millage rate increase and FY18 Budget. Ms. Brooks explained how contingency funds are utilized and noted that the millage rate had been decreased for the last few years.

Padricka Hardy, 4760 West Atlantic Boulevard, Coconut Creek, thanked the Commission for funding the additional SRO at the Dave Thomas Education Center on behalf of the school's Principal, Tracy Lockhart-Talley. She stated that the Commission was doing a good job to ensure a high quality of life for its residents. She thanked Commissioner Welch for helping facilitate the growth of the Dave Thomas Education Center and numerous new programs at the school.

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

The Commission discussed the millage rate, public safety, and the FY18 Budget.

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

4. **ORD 2017-047** AN ORDINANCE ADOPTING THE FISCAL YEAR 2018 OPERATING AND CAPITAL IMPROVEMENT BUDGET AS THE CITY'S OFFICIAL BUDGET. THIS ORDINANCE WILL APPROPRIATE FUNDS FOR OPERATING CITY DEPARTMENTS AND CAPITAL PROJECTS FROM OCTOBER 1, 2017, TO SEPTEMBER 30, 2018. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Belvedere – To adopt Ordinance No. 2017-047.

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

Ms. Brooks noted that the Budget was amended since first reading of the Ordinance to include the additional funding for the School Resource Officer (SRO) at the Dave Thomas Education Center and noted that the capital outlay expenditures for the position were offset by using Police forfeiture funds.

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

5. **RES 2017-269** A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2018 THROUGH FISCAL YEAR 2022, PURSUANT TO SECTION 602 OF THE CITY CHARTER. (PUBLIC HEARING)

Mayor Tooley read the Resolution title into the record.

MOTION: Belvedere/Welch – To approve Resolution No. 2017-269.

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.

6. **RES 2017-270** A RESOLUTION AUTHORIZING EXPENDITURES FROM THE COMMUNITY IMPROVEMENT FUND FOR OUTSIDE LEGAL SERVICES AND ASSOCIATION FEES RELATING TO THE MAINSTREET AREA; AND AUTHORIZING ALL FUTURE ANNUAL DEBT SERVICE PAYMENTS FOR THE 2017A AND 2017B SERIES CAPITAL IMPROVEMENT REVENUE NOTES.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2017-270.

Ms. Brooks presented the item.

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

Police Department

7. **RES 2017-250** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH THE CITY OF CORAL SPRINGS TO USE THEIR FIREARMS/TRAINING FACILITY.

Mayor Tooley read the Resolution title into the record.

MOTION: Belvedere/Welch – To approve Resolution No. 2017-250.

Police Lieutenant Fred Hofer presented the item.

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

Sustainable Development

8. **17-155** A MOTION TO RENEW THE SEMINOLE CASINO EXTENDED HOURS ALCOHOLIC BEVERAGE LICENSE FOR A ONE YEAR PERIOD, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3-2 (C), CODE OF ORDINANCES.

Mayor Tooley read the Motion into the record.

MOTION: Sarbone/Welch – To approve the motion to renew of the Seminole Casino Extended Hours Alcoholic Beverage License for a one year period, in accordance with the provisions of the Section 3-2 (C), Code of Ordinances.

Rob Taylor, Security Manager for the Seminole Casino Coconut Creek, introduced himself and stated that he was present to answer questions. Police Chief Albert “Butch” Arenal noted that the number of police calls to the Casino had decreased during the last several months. Mr. Taylor explained that the new restaurant facility, *The Bol*, was privately-owned and not included in the Extended Hours Alcoholic Beverage License.

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

9. **RES 2017-271** A RESOLUTION PROVIDING EMERGENCY TEMPORARY RELIEF FROM SECTION 13-331(D)(10) OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES RELATING TO COMMERCIAL LOADING AND UNLOADING OPERATIONS FOR A NINETY (90) DAY PERIOD DUE TO COMMUNITY NEEDS RELATED TO IMPACTS SUFFERED FROM HURRICANE IRMA.

Mayor Tooley read the Resolution title into the record.

MOTION: Welch/Belvedere – To approve Resolution No. 2017-271.

Sustainable Development Director Sheila Rose presented the item. Cushla Talbut of Greenberg Traurig, representing *Home Depot*, explained the request. Discussion ensued.

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

10. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
2017-239 TO EXECUTE AN IRREVOCABLE LICENSE AGREEMENT WITH
BMOC-MIA (FL), LLC, THE OWNERS OF NORTH BROWARD
PREPARATORY SCHOOL, FOR CITY ACCESS OVER AND ACROSS
THE PROPERTY TO THE WATER METERS AND TO GRANT A BILL
OF SALE TO BMOC-MIA (FL), LLC.

Mayor Tooley read the Resolution title into the record.

MOTION: Sarbone/Rydell – To approve Resolution No. 2017-239.

Sustainable Development Director Sheila Rose presented the item. Attorney Scott Backman, representing North Broward Preparatory School, confirmed that the school would be responsible for ownership and maintenance of the easements.

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

11. **ORD** AN ORDINANCE APPROVING THE REZONING REQUEST OF FIRST
2017-041 COAST ENERGY, LLP FOR THE PROPERTY KNOWN AS SHELL/DAILY'S,
GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAMPLE ROAD
AND LYONS ROAD, FROM CONVENIENCE SHOPPING DISTRICT (B-2) TO
PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD).
(QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

City Attorney Pyburn asked if there were any objections from the Commission, applicant, or staff to hear Agenda Items 11 and 12 together, and there were none. She read aloud the City's quasi-judicial procedures that would be applied to Agenda Items 11 and 12. City Clerk May confirmed that the public notice requirements were met for Agenda Items 11 and 12 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.

City Attorney Pyburn read the Ordinance titles for each item into the record and asked if there were any disclosures or ex parte communications on Agenda Items 11 or 12, and the following disclosures were made:

- Mayor Tooley spoke with the Applicant's representative, Attorney Dennis Mele.
- Vice Mayor Rydell spoke with Attorney Dennis Mele and noted that he had also bought gas from the facility before Hurricane Irma.
- Commissioner Belvedere spoke with Attorney Dennis Mele.
- Commissioner Welch visited the site.

MOTION: Welch/Rydell – To adopt Ordinance No. 2017-041.

Sustainable Development Director Sheila Rose gave a brief overview of the project. She noted that the rezoning request would not change the current use but that it required compliance with the MainStreet Design Standards. She introduced Attorney Dennis Mele of Greenspoon Marder, to speak on behalf of the Applicant. Mr. Mele began a *PowerPoint* presentation and explained the demolition and reconstruction of the site, as well as the numerous features of the project and access points, and reviewed the building elevations.

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

Discussion ensued regarding the wind load of the solar canopy, emergency generators, access to the site from Sample Road, and the width of the drive aisles.

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

12. **ORD 2017-042** AN ORDINANCE APPROVING THE SITE PLAN REQUEST OF FIRST COAST ENERGY, LLP TO CONSTRUCT A 5,000 SQUARE-FOOT CONVENIENCE STORE, EIGHT-PUMP, SIXTEEN FUELING POSITION GAS STATION, AND CAR WASH, GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAMPLE ROAD AND LYONS ROAD WITHIN THE CITY'S MAINSTREET PROJECT AREA (MSPA). (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

MOTION: Belvedere/Welch – To adopt Ordinance No. 2017-042.

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

13. **ORD 2017-033** AN ORDINANCE AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-621, "MASTER BUSINESS LIST - B-2, B-3, AND B-4," AND SECTION 13-623, "MASTER BUSINESS LIST - O-2, O-3," TO REVISE REGULATIONS PERTAINING TO DRUG STORES AND PHARMACIES. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To adopt Ordinance No. 2017-033.

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 Ordinance passed by a 5-0 vote.

14. **ORD 2017-034** AN ORDINANCE AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTION 13-35, "SPECIAL LAND USE," AND ARTICLE III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-621, "MASTER BUSINESS LIST - B-2, B-3, AND B-4," PERTAINING TO THE PERMITTED USES FOR ANIMAL BOARDING FACILITIES. (SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Belvedere/Welch – To adopt Ordinance No. 2017-034.

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

Sustainable Development Director Sheila Rose presented the item and noted there was a minor amendment to the Ordinance since first reading to add a requirement for backup generators to maintain temperature within the facilities.

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

City Manager

15. 17-168 A MOTION TO AUTHORIZE A BUDGET TRANSFER IN THE AMOUNT OF \$500,000.00 FOR EXPENDITURES RELATED TO HURRICANE IRMA FROM GENERAL FUND ACCOUNT 0199-9903 - FUND BALANCE RESERVE TO ACCOUNT 0198-4914 - HURRICANE PREPARATIONS.

Mayor Tooley read the Motion into the record.

MOTION: Sarbone/Rydell – To approve the motion to authorize a budget transfer in the amount of \$500,000.00 for expenditures related to Hurricane Irma from General Fund Account 0199-9903 – Fund Balance Reserve to Account 0198-4914 – Hurricane Preparations.

City Manager Blasi presented the item.

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

Vice Mayor Rydell asked for consensus from the Commission to self-fund an advertisement thanking Broward County Commissioner Mark Bogen for his work, and consensus was given.

ADJOURNMENT

The meeting was adjourned at 8:57 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date