



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: August 24, 2023
Time: 7:00 p.m.
Meeting No. 2023-0824R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:04 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Jacqueline Railey
Commissioner John A. Brodie
Commissioner Jeffrey R. Wasserman
Deputy City Manager Sheila N. Rose
City Attorney Terrill C. Pyburn
City Clerk Joseph J. Kavanagh

Mayor Rydell asked all to rise while Reverend Maria E. Montesino led the Pledge of Allegiance.

Mayor Rydell noted that the meeting was being conducted live with a quorum physically present, and City Attorney Terrill C. Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

1. **23-136** REMEMBER EVERYONE DEPLOYED (R.E.D.) VIGIL HONORING THE MEMORY OF THE THIRTEEN (13) FALLEN SERVICE MEMBERS LOST IN THE ATTACK IN KABUL, AFGHANISTAN ON AUGUST 26, 2021.

Reverend Maria E. Montesino, representing Remember Everyone Deployed (R.E.D.), spoke in recognition of the thirteen (13) fallen service members lost in the attack in Kabul, Afghanistan on August 26, 2021. She read the names of the fallen, then recited a poem, and led the candle lighting in each of their memory.

2. **23-155** A PRESENTATION BY FEEDING SOUTH FLORIDA REGARDING AGENCY SERVICES.

Maxwell Adelstein, Director of Development, Feeding South Florida, shared information regarding the services offered by Feeding South Florida and extended an invitation to the City to partner in identifying and supporting the food security needs within the community.

3. **23-148** A CEREMONIAL CHECK PRESENTATION BY STATE SENATOR TINA POLSKY AND STATE REPRESENTATIVE CHRISTINE HUNSCHOFSKY FOR APPROPRIATIONS FUNDING FOR SUNSHINE DRIVE PARK IMPROVEMENTS AND A FIRE RESCUE VEHICLE.

Mayor Rydell thanked Senator Tina Polsky and State Representative Christine Hunschofsky for all they do on behalf of the residents of Coconut Creek. Senator Polsky and Representative Hunschofsky presented a ceremonial check for appropriations funding for Sunshine Drive Park improvements and a Fire Rescue vehicle. Representative Hunschofsky noted that forms were available for appropriation requests for the upcoming session.

4. 23-130 A PRESENTATION RECOGNIZING THIRD QUARTER EMPLOYEE MILESTONE ANNIVERSARIES FOR FISCAL YEAR 2023.

Human Resources Director Pamela Kershaw recognized the following employees who reached a milestone anniversary during the third quarter of Fiscal Year 2023.

Five (5) Year Anniversary

Martin Pillot, Web & Graphics Specialist, Community Relations Division
Priscilla Olmo, Payroll Manager, Finance & Administrative Services Department
Jean Saint-Amour, Police Officer, Police Department
Cheri Stabile, Police Officer, Police Department
Steve Ramanand, Solid Waste/Recycling Specialist, Public Works Department
Sarah Coveney, Building Supervisor, Sustainable Development Department
Mohammed Albassam, Engineer II, Utilities & Engineering Department
Gary Innocent, Utility Service Worker II, Utilities & Engineering Department
Annie McClary, Staff Assistant, Utilities & Engineering Department

Ten (10) Year Anniversary

John “Cody” McKinney, Police Sergeant, Police Department
Anthony Meroth, Police Officer, Police Department

Fifteen (15) Year Anniversary

David Morales, Police Officer, Police Department

Twenty (20) Year Anniversary

Pedro Lora, Maintenance Service Worker III, Public Works Department

5. 23-154 A PROCLAMATION RECOGNIZING SEPTEMBER 2023 AS “SUICIDE PREVENTION AWARENESS MONTH.”

Vice Mayor Welch read the proclamation into the record and presented it to Pearl Osilaja on behalf of League of Women Voters of Broward. Mayor Rydell asked that the numbers to reach out to for help be highlighted on the City’s social media.

INPUT FROM THE PUBLIC

Resident Lourdes Mederos yielded her time to Jorge Mederos.

Resident Jorge Mederos shared a *PowerPoint* presentation, regarding down payment and purchase assistance programs available for those interested in purchasing property in Coconut Creek. He discussed the value of homeownership briefly.

City Clerk Kavanagh read an advanced public comment received via email into the record, a copy of which is attached hereto as Exhibit “1,” from Steven Hall, 6214 NW 45 Terrace, Coconut Creek, who wrote that the results of the recent employee survey should have been an agenda item at the meeting.

He commented that a consultant should be hired and work directly with the Commission and discussed those who had not completed the surveys.

CONSENT AGENDA (Items 6 and 7)

Agenda Items 8 and 9 were pulled from the Consent Agenda by Vice Mayor Welch and heard before the Regular Agenda.

Mayor Rydell read each of the titles of the Consent Agenda Items into the record.

- 6. **23-137** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2023-0622WS, 2023-0622R, AND 2023-0713R)

- 7. **23-158** A MOTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPROVE THE PURCHASE AND INSTALLATION OF A NEW HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) MIXED AIR UNIT AND ASSOCIATED REFRIGERANT PIPING IN THE PUBLIC WORKS BUILDING WITH MASTER MECHANICAL SERVICES, INC. PURSUANT TO RFP NO. 02-23-22-10.

MOTION: Welch/Railey – To approve Consent Agenda Items 6 and 7.

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

Public Works Department

- 8. **RES**
 2023-133 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH ROSTAN SOLUTIONS, LLC TO PROVIDE EMERGENCY DEBRIS MONITORING SERVICES PURSUANT TO RFP NO. 05-24-23-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Railey/Wasserman – To approve Resolution No. 2023-133.

Vice Mayor Welch asked for an explanation of the difference in price points and the list of Homeowners Associations (HOAs) that had not returned their emergency debris removal agreements. Public Works Director Harry Mautte stated staff has reached out periodically to the HOAs that had not returned the agreements. He reviewed the bid tabulation sheet, and stated the labor categories were not all equally employed between the potential vendors. He noted the selected vendor was not the lowest in cost, but risk management and knowledge of the operational plan were also considered as a factor when determining if the contractors would have the resources to meet the City’s needs in a timely manner. He noted the impacts on other municipalities during Hurricane Irma due to vendor selections.

Deputy City Manager Sheila Rose read the list of HOAs, pending completion of their emergency debris removal agreements:

- Carrington;
- Golden Raintree I;
- Lago Vista;
- Lyons Gate;

- Parkwood VI;
- Whispering Trails; and
- Lakewood Villas.

Deputy City Manager Rose advised that without the agreement in place, the City could not go into those neighborhoods to collect debris after an emergency. Mayor Rydell asked for clarification on how FEMA interactions would be managed going forward. Assistant Finance Director Karin Lu stated she and Finance Director Peta-Gay Lake would be managing the program together.

Mayor Rydell noted that the expense was reimbursable, and Mr. Mautte confirmed it was a reimbursement. Discussion ensued briefly regarding FEMA's reimbursement process and vendor documentation.

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

Finance and Administrative Services

9. **RES 2023-131** 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.

Mayor Rydell read the Resolution title into the record.

MOTION: Brodie/Wasserman – To approve Resolution No. 2023-131.

Vice Mayor Welch stated there was an article on the list which she did not recognize and asked for clarification. Deputy City Manager Rose explained the item was a shuttle bus vehicle with a wheelchair lift that was not repairable and could not be replaced.

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

REGULAR AGENDA

Public Works Department

10. **RES 2023-146** A RESOLUTION APPOINTING ONE (1) DELEGATE AND ONE (1) ALTERNATE DELEGATE TO REPRESENT THE CITY ON THE SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA.

Mayor Rydell read the Resolution title into the record.

Commissioner Brodie made a motion to move item 10 for discussion, seconded by Commissioner Wasserman.

Deputy City Manager Rose presented the item, noting the Solid Waste Authority was becoming an official entity, following several years of work by the working group. She stated the City would provide representation to sit on the Authority.

Vice Mayor Welch offered to serve as delegate to the organization following her work on the working group.

Mayor Rydell opened the floor for public comment on the item.

Susan Steinhauser, 5842 Eagle Cay Circle, Coconut Creek, asked that the City's delegate work towards a solid waste master plan without incineration. She spoke about toxic ash possibly contaminating the air and water as a result of burning trash. She advised there were a number of zero waste programs the City could implement to reduce its waste, and referenced ordinances passed in the City of Gainesville. She provided accompanying documents to the Commission.

MOTION: Wasserman/Rydell – To nominate Vice Mayor Welch to serve as delegate to represent the City on the Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida.

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

MOTION: Welch/Brodie – To nominate Mayor Rydell to serve as alternate delegate.

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

City Manager

11. **RES 2023-138** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE CREATION OF THE METRO TRANSPORTATION ENGINEERING & CONSTRUCTION COOPERATIVE (MTECC) FOR THE PURPOSE OF ADMINISTERING THE LYONS ROAD PEDESTRIAN LIGHTING PROJECT AND OTHER FEDERAL AID PROJECTS AS NEEDED.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2023-138.

Deputy City Manager Rose presented the item, noting the MTECC was the construction arm of the Broward County Metropolitan Planning Organization (MPO) and specialized in implementing Federal aid projects. She advised that MTECC would be able to implement the Lyons Road Pedestrian Lighting project on behalf of the City, which the City received \$3.9 million in Federal appropriations. She noted the organization had agreed to allow the \$85,000 local match for the project to be used as the MTECC membership fee for the first year.

Mayor Rydell asked whether membership in MTECC was a condition precedent to project implementation. Deputy City Manager Rose responded that the grant came to the MPO, not the City, and it was originally believed that there would be an agreement which would require the City to implement it itself, but this was the preferred method.

Vice Mayor Welch stated she had previously wondered why Coconut Creek was not a member of the organization and noted that membership would have a significant impact on this and future Federal aid projects.

Lowell Clary, MTECC Executive Director, provided a brief background on the organization. He stated their goal was to deliver Federal projects timely and efficiently. Deputy City Manager Rose briefly explained the five (5) year term and subsequent membership fees costing \$25,000 each year after the first.

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

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to Agenda Items 12 through 15. City Clerk Kavanagh confirmed the public notice requirements for Agenda Items 12 through 15 had been met and swore in the witnesses.

Sustainable Development

- 12. 2023-161** A MOTION CONSIDERING THE REQUEST TO APPEAL AN ADMINISTRATIVE DECISION THAT THE PROPOSED MODIFICATIONS TO THE APPROVED MAZDA SITE PLAN FOR THE PROJECT LOCATED AT 4101 WEST SAMPLE ROAD WOULD SUBSTANTIALLY ALTER THE INTENT AND CHARACTER OF THE APPROVED SITE PLAN AND THEREFORE CANNOT BE APPROVED ADMINISTRATIVELY. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Rydell read the Motion title into the record.

Vice Mayor Welch made a motion to move item 12 for discussion, seconded by Commissioner Brodie.

City Attorney Pyburn asked if there were any applicable ex-parte communications from the Commission for Item 12, and the following disclosures were made:

- Vice Mayor Welch and Commissioner Brodie stated they had driven by the site.
- Mayor Rydell stated he had met with the applicant, Tom Curtin, co-owner of Coconut Creek Mazda, and Sustainable Development Director Scott Stoudenmire at City Hall.

Sustainable Development Director Stoudenmire presented the item and provided a brief background, noting the Coconut Creek Mazda site plan was approved by the Commission on October 14, 2021, and it has been under construction for quite some time. He advised that approximately three (3) weeks prior, he had a meeting with the applicant, Mr. Curtin, to discuss a request to remove four (4) oak trees within the buffer between the site and Sample Road. Mr. Stoudenmire advised that the applicant's position was that Mr. Stoudenmire could administratively approve the removal of four (4) oak trees, but his position was that because the trees were specifically preserved during the Development Review Committee (DRC) process and subsequently approved during the Planning and Zoning Board and City Commission hearings, there was not a simple administrative process to have the trees removed. He stated that it was his position that the trees represented a substantial piece of the plan and removing them would alter the original character and intent of the site plan and landscape plan. He discussed the trees and the reasons their preservation were originally requested. He noted that it was Mr. Curtin's position that the trees were creating a construction obstacle, and following construction, the trees would screen the \$20 million investment in the property. He stated he had searched for alternatives and had advised Mr. Curtin of the section in the Code, which allowed for appeal of an administrative decision. He explained the appeal had gone before the Planning and Zoning Board on August 9, and that Board upheld his decision, then it was further appealed to the Commission. Mr. Stoudenmire noted the decision before the Commission was not whether the trees should stay, but whether the Director had made the appropriate administrative decision.

Tom Curtin, co-owner of Coconut Creek Mazda, read a letter he had written to appeal the administrative decision. He stated the landscaping plan approved in 2021 included several large live oak trees along the front of the property and noted that the canopy off Coral Tree Circle was not the topic of discussion. He asserted that tree mitigation costs on the site were well over \$300,000, and that at the time of approval, it was believed a sidewalk could be located in and around the oak trees. Continuing, Mr. Curtin described the four (4) oak trees, noting their impact

on the curb, sidewalk, and asphalt, and asserted that the sidewalk site work would kill the trees. He stated the project was at a standstill due to concerns of liability.

Mr. Stoudenmire asked Mr. Curtin to clarify whether his request was for the four (4) specimen oak trees, or for the eleven (11) trees outlined in the written application. Mr. Curtin responded that the four (4) oak trees were stopping construction and were the major area of concern. He stated the smaller palm trees were included because they put the site at a visibility disadvantage. He noted none of the other dealerships along Sample Road had trees in front of them.

Mayor Rydell opened the public hearing on the item, and City Clerk Kavanagh stated that no advanced public comments were submitted.

Susan Steinhauser, 5842 Eagle Cay Circle, Coconut Creek, thanked Mr. Stoudenmire for his explanation of the item and stated she did not envy anyone on the Commission as they have to make this decision. She noted someone should have known at the time of site plan approval that the trees needed to be addressed.

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

Staff nor the applicant had no closing remarks.

Commissioner Wasserman asked if this had happened before. Mr. Stoudenmire advised that in the 22 years he has been with the City, this was the third administrative appeal. Commissioner Wasserman inquired as to how long the business opening would be delayed if the request were to go through the site plan modification process. Mr. Curtin stated it would be delayed by at least six (6) months. Commissioner Wasserman asked if there had been any discussion during site plan development as to the potential of the trees impacting construction. Mr. Curtin stated there was discussion, but it was not significant. He noted the original landscape architect and arborist were no longer working on the project for that reason.

Commissioner Brodie asked if there was any reason, outside of these being mature trees, that the trees could not come down. Mr. Stoudenmire reiterated that his decision was not as to whether the trees could come down but was related to the fact that the site plan was specifically designed around the trees. He noted the original presentation to the Planning and Zoning Board and the City Commission included those trees as part of the natural buffer along Sample Road. He stated his decision was that there was a correct process as to how to get to remove the trees.

Commissioner Brodie cited his building experience and pointed out things previously not considered come up during construction all the time. He stated it was within the discretion of the Sustainable Development Director to adjust. Mr. Stoudenmire stated in relation to items not previously approved as part of a site plan he has a great deal of discretion. He asserted staff was constantly dealing with field adjustments and noted it should not be assumed that removing the trees was the only option.

Discussion ensued as to the nature of the action to be taken. City Attorney Pyburn clarified the decision to be made by the Commission was that the site plan changes could or could not be made administratively and also, that the Sustainable Development Director was or was not correct in his interpretation.

Commissioner Railey reiterated that the applicant had to have known when the site plan was submitted that the trees were there and might be a problem. She stated she was concerned with

the precedent if the appeal was granted. She noted there were options to move the lights and guard the roots when installing the sidewalk.

Vice Mayor Welch referenced the minutes of the Planning and Zoning Board meeting and asked for a description of the \$350,000 tree mitigation. Mr. Stoudenmire provided a brief overview of the extensive vegetation addressed and the uniqueness of the location. He noted there were additional mitigation fees and fines resulting from trees being removed from the east side of the site during construction. Vice Mayor Welch asked for clarification on the total number of trees related to this request. Mr. Stoudenmire stated the actual appeal letter referenced six (6) live oaks and five (5) cabbage palms. He noted the original discussion was regarding four (4) live oak trees impeding construction. Vice Mayor Welch inquired as to whether staff had considered changes to accommodate the request that did not include removing a substantial number of trees. Mr. Stoudenmire explained there had not been a specific sit-down between City staff and Mr. Curtin's team to review potential changes. Vice Mayor Welch asked if the applicant would be amenable to reconfiguring the sidewalk and lighting to maintain the trees. Mr. Curtin stated that would not work with the four (4) oaks. Vice Mayor Welch noted that in the minutes of the original approval on October 14, 2021, Attorney Dick Coker, speaking on behalf of Coconut Creek Mazda, mentioned that the applicant was very interested in the maintenance of the existing trees. She stated she had hoped that other solutions would be considered so the applicant could move forward with construction.

Mayor Rydell commented that he had no issue with allowing the removal of the trees. He noted at the original approval the applicant had bent over backwards to make concessions and accommodate the concerns of residents. He stated at the end of the site plan approval process, the application would still come to the Commission.

Commissioner Wasserman asked what was required to cross the threshold where a change was no longer a field adjustment. Mr. Stoudenmire explained there were three (3) levels, including a field adjustment, an administrative amendment, and repeat of the approval process. He provided examples of each type of situation.

Commissioner Brodie stated he was on board with Mayor Rydell's comments and would support streamlining the decision. Discussion ensued briefly as to the landscaping plan approval process. City Attorney Pyburn outlined the required findings.

Commissioner Railey asked if this discussion was opening the door to future site plans being altered through an appeal to the City Commission. Mr. Stoudenmire explained that the process had always been in the Code, and he was not concerned with precedent being set. He reiterated that these were very unusual circumstances and he had offered the appeal as a reasonable avenue to a quick answer.

Mayor Rydell passed the gavel to Vice Mayor Welch for the purpose of making a motion.

MOTION: Rydell/Brodie – That the decision of the Sustainable Development Director was not correct, and the site plan amendment proposing to remove and replace the trees along Sample Road could be approved administratively.

Upon roll call, the Motion passed by a 4-1 vote, with Vice Mayor Welch voting nay.

13. **ORD 2023-016** AN ORDINANCE APPROVING THE REZONING REQUEST MADE BY TT OF SAMPLE, INC. TO AMEND THE EXISTING INFINITI PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD) TO CHANGE THE NAME TO INFINITI-

LINCOLN OF COCONUT CREEK PMDD AND REVISE THE DEVELOPMENT STANDARDS TO INCLUDE A NEW LINCOLN AUTOMOBILE DEALERSHIP FOR THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF SAMPLE ROAD, BETWEEN STATE ROAD 7/U.S. 441 AND NW 54 AVENUE (WOCHNA BOULEVARD), LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(FIRST READING) (FIRST PUBLIC HEARING)

14. **ORD 2023-017** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 8, "MASTER BUSINESS LIST," TO CREATE SECTION 13-626, "MASTER BUSINESS LIST - PLANNED MAINSTREET DEVELOPMENT DISTRICT," AND ADOPT THE LIST OF PERMITTED AND SPECIAL LAND USES FOR THE INFINITI-LINCOLN OF COCONUT CREEK PLANNED MAINSTREET DEVELOPMENT DISTRICT. (QUASI-JUDICIAL)(FIRST READING (FIRST PUBLIC HEARING)
15. **ORD 2023-018** AN ORDINANCE APPROVING THE SITE PLAN REQUEST OF TT OF SAMPLE, INC. FOR THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF SAMPLE ROAD, BETWEEN STATE ROAD 7/U.S. 441 AND NW 54 AVENUE (WOCHNA BOULEVARD), LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(FIRST READING) (FIRST PUBLIC HEARING)

Mayor Rydell stated if there were no objections, Agenda Items 13, 14, and 15 would be heard together, as they were related. There were no objections. City Attorney Pyburn read the Ordinance titles into the record.

Commissioner Wasserman made a motion to move item 13 for discussion, seconded by Vice Mayor Welch.

Commissioner Wasserman made a motion to move item 14 for discussion, seconded by Commissioner Railey.

Commissioner Wasserman made a motion to move item 15 for discussion, seconded by Commissioner Brodie.

City Attorney Pyburn asked if there were any applicable ex-parte disclosures from the Commission for the items, and there were none.

Mr. Stoudenmire presented the items. He explained the rezoning application included a Planned MainStreet Development District (PMDD) amendment because in 2017 when the Infiniti dealership made a major expansion, it had triggered the PMDD process due to the location in the MainStreet Project Area, but a second dealership on site had not been anticipated. He stated the other items were to update the Master Business List to include the uses as adopted, and to approve the site plan for the Lincoln dealership. He stated the proposal was to construct a new dealership building, which would be bronze certified through the Florida Green Building Coalition, and staff recommended approval.

Jay Huebner, HSQ Group, Engineer and Planner for the project, presented on behalf of the applicant. He stated Lincoln had been in Coconut Creek for some time and was proposing a move to a new location. He provided a brief overview of the site plan, highlighting that no

changes were planned to the existing ingress, egress, and buffer. Continuing, Mr. Huebner reviewed images of the location and surrounding area. He discussed requests for alternate landscape buffer adjustments requested and shared elevations.

Mayor Rydell opened the public hearing on items 13, 14, and 15. There were no questions or comments from the public, and Mayor Rydell closed the public hearing.

Staff nor the applicant had no closing remarks.

Commissioner Wasserman asked about the landscape plan, and Mr. Huebner stated a tree mitigation plan had been completed with some changes on site, and the plan had been approved by City staff.

Vice Mayor Welch asked if there would be enough parking left after surface parking was removed to make space for the Lincoln dealership. Mr. Huebner responded that the Infiniti and Lincoln dealerships each stood alone, and there was sufficient parking for each.

Mayor Rydell stated he saw the changes as an operations upgrade. He asked about the green features on the building. Mr. Huebner discussed the green elements, including electric vehicle charging stations, the previously installed bioswale, and an educational solar bench.

MOTION: Brodie/Railey – To approve Ordinance No. 2023-016 on first reading.

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

MOTION: Brodie/Wasserman – To approve Ordinance No. 2023-017 on first reading.

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

MOTION: Brodie/Wasserman – To approve Ordinance No. 2023-018 on first reading.

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

16. **ORD 2023-015** AN ORDINANCE AMENDING THE CITY OF COCONUT CREEK COMPREHENSIVE PLAN TO ADOPT A PROPERTY RIGHTS ELEMENT, ATTACHED HERETO AS "EXHIBIT A." (FIRST READING)(FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Railey/Wasserman – To approve Ordinance No. 2023-015 on first reading.

Sustainable Development Assistant Director Justin Proffitt presented the item, noting in 2021, the Florida legislature amended the Community Planning Act to mandate local governments to amend their Comprehensive Plans to add a property rights element. He stated this would be the 10th element of the City's Comprehensive Plan, and noted it was reviewed by the City Attorney's Office to ensure no new property rights were being added with its adoption.

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

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

17. **ORD 2023-002** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, CHAPTER 13, “LAND DEVELOPMENT CODE,” RELATED TO LANDSCAPE STANDARDS, REQUIREMENTS, AND FEES. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To approve Ordinance No. 2023-002 on first reading.

Mr. Stoudenmire explained the original impetus of the amendments had been changes to State law. He noted the process had included a review for consistency with Broward County ordinances and alignment with the City’s Vision 2030 process, particularly as it related to climate change and resiliency. He discussed the extensive team effort and thanked key team members and consultants briefly.

Sustainability Manager Linda Whitman began a *PowerPoint* presentation. She stated the majority of the changes were a clean-up of the language to meet State and County requirements, as the last revision to this section of the Code had been in 2010. She advised that changes were proposed to the landscape standards and requirements, as well as the fee schedule. She stated clarifying language, definitions, and illustrations were included throughout. Continuing, Ms. Whitman discussed changing climate data, and the importance of tree canopy when considering rising temperatures, greenhouse gas emissions, and carbon sequestration. She explained the outreach that had been done with other municipalities and the County briefly.

Ms. Whitman continued with a review of the individual changes proposed, including the following topics:

- Minimum landscaping requirements for residential developments;
- Minimum landscaping requirements for nonresidential developments;
- Street trees in single-family neighborhoods;
- Minimum soil requirements and planting area;
- Tree, palm abuse and pruning;
- Artificial or synthetic turf;
- Nonconforming landscaping;
- Tree removal and replacement;
- Variances and waivers;
- Fines for violation; and
- Recommendations stemming from review by the Planning and Zoning Board.

Mayor Rydell commented on the proposed fine of \$500 for removal of a tree without a permit on a single family or duplex property. He noted the fine was \$1,000 in Coral Springs and invited discussion on the amount. Commissioner Wasserman asked how often the fine was imposed. Ms. Whitman stated she could get the number between first and second reading, but they had found neighbors were advocating to remove trees without a permit because paying the \$50 fine was seen as easier. Mayor Rydell stated a larger fine might deter the unauthorized tree trimmers. He highlighted the waiver application fee and suggested lowering that fee and adding an inspection fee after approval. Discussion continued and Mr. Stoudenmire stated staff would prepare a revised fee schedule for review on second reading.

Commissioner Brodie asked for further clarification on the Planning and Zoning Board recommendation related to nuisance trees. He noted his personal experience with problem trees. Ms. Whitman pointed out the subjective nature of the request and explained Broward County did not allow a tree to be removed under that condition. She shared examples of situations in which

residents had considered trees as a nuisance.

Vice Mayor Welch asked how encumbrances related to root intrusion from trees were addressed. Mr. Stoudenmire explained the process that would be followed.

Discussion ensued regarding artificial turf, including permitting and drainage. Utilities and Engineering Director Osama Elshami provided additional detail.

Mayor Rydell opened the public hearing on the item.

Resident Lourdes Mederos yielded her time to Jorge Mederos.

Resident Jorge Mederos thanked staff and the Commission for previous planting programs and the annual tree giveaway. He discussed the inclusion of the strangler fig on the recommended tree list and asserted even though it was native, it was invasive and causes damage to adjacent improvements. He asked that the strangler fig be considered a nuisance.

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

Commissioner Railey exited the meeting at 9:54 p.m. and was excused by a consensus of the Commission.

Upon roll call, the Ordinance passed on first reading by a 4-0 vote, with Commissioner Railey absent at the time of the vote.

18. **RES 2023-136** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SURTAX-FUNDED MUNICIPAL TRANSPORTATION PROJECT: SAMPLE ROAD IMPROVEMENTS (COCO-016).

Mayor Rydell read the Resolution title into the record.

MOTION: Brodie/Wasserman – To approve Resolution No. 2023-136.

Mr. Stoudenmire presented the item.

Upon roll call, the Resolution passed by a 4-0 vote, with Commissioner Railey absent at the time of the vote.

19. **RES 2023-109** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, EXECUTE A CONSULTING SERVICES AUTHORIZATION WITH CARNAHAN, PROCTOR AND CROSS, INC. TO PROVIDE PROFESSIONAL TRANSPORTATION SERVICES RELATED TO THE PREPARATION OF DESIGN PLANS FOR THE SAMPLE ROAD SHARED-USE PATHWAY, IN ACCORDANCE WITH RFQ NO. 03-25-20-02, IN THE AMOUNT OF \$300,803.18.

Mayor Rydell read the Resolution title into the record.

MOTION: Wasserman/Brodie – To approve Resolution No. 2023-109.

Mr. Stoudenmire stated the work authorization was consistent with the Interlocal Agreement and

a representative of Carnahan, Proctor, and Cross, Inc. was present to answer any questions.

Upon roll call, the Resolution passed by a 4-0 vote, with Commissioner Railey absent at the time of the vote.

CITY MANAGER REPORT

Deputy City Manager Rose shared an update on negotiations and due diligence related to land swaps associated with MainStreet. She stated the appraisals and survey on the property were nearing completion, and asked for Commission support to bring forward option contracts as the process was concluded. Consensus was to continue the dialogue. Continuing, Deputy City Manager Rose stated staff had seen preliminary graphics of the eight (8) lane proposal for Florida's Turnpike from Atlantic Boulevard to Copans Road, and additional clarity was being sought regarding the proposal and commitments. She asked that the Commission and residents keep the public hearings scheduled for September 20 and 21 on their calendars. Discussion ensued briefly regarding outreach efforts related to the in-person hearing. Deputy City Manager Rose provided an update on two (2) City projects, which had been short-listed for surtax funds in 2028. She noted the projects were both included in the fifty-three (53) projects added to the County budget for that cycle. Continuing, she stated a consultant had been retained to conduct analysis of the employee surveys, and they were conducting daily interviews. She noted the interviews were anonymous.

CITY ATTORNEY REPORT

City Attorney Pyburn advised that staff was working on a Live Local Act ordinance, which would be before the Planning and Zoning Board on September 13. She stated the Commission would start to see business impact statements from regulatory ordinances that impact businesses beginning October 1. She shared that she and Assistant City Attorney Eve Lewis had been invited to repeat their presentation regarding municipal contract drafting to the Florida Association of Police Advisors at their Annual Conference in Daytona Beach on October 5 and 6.

COMMISSION COMMUNICATIONS

Commissioner Wasserman commented on the need for donations for teacher and staff appreciation at Coconut Creek schools and stated it would be a nice gesture if the City were able to amend the donations included in its Fiscal Year 2024 budget to contribute. He suggested \$2,000 for the high schools, \$1,500 for the middle schools and \$1,000 for each elementary school, totaling \$12,000. Discussion ensued. Deputy City Manager Rose suggested staff look at options, including the potential to work with the Seminole Coconut Creek Education Foundation on the issue. Commissioner Wasserman suggested exploring the FreeBee rideshare program and potential to bring residents from South Creek to the Promenade and MainStreet. Discussion continued, and Deputy City Manager Rose noted the City's Transportation Master Plan process. Consensus was to direct staff to explore the concept.

Commissioner Brodie referenced the letter from Steven Hall that was read during Input from the Public at the beginning of the meeting. He thanked Mr. Hall for his input and recommended that City Attorney Pyburn oversee the employee survey process and outcomes. Mayor Rydell agreed investigations related to departments under the purview of the City Manager's office should not be overseen by the City Manager. He noted a contract had been signed with a consultant, but that consultant should be directed to report solely to City Attorney Pyburn, who would then report to the Commission. Vice Mayor Welch stated the decision should not be made without the full Commission on the dais. Consensus was to address the matter at the next meeting. Commissioner Brodie asked whether the agenda could be

placed on the display screens in the Commission Chambers when there was not a presentation being shown. He asked for an update on previous discussions regarding election of the Mayor and moving municipal elections to November. City Attorney Pyburn advised that a workshop was scheduled for September 13 to discuss these items.

Vice Mayor Welch stated she had made connections following the Mayors' Roundtable with mayors from Deerfield Beach and Pompano Beach regarding solid waste disposal, and Congressman Jared Moskowitz about Florida's decision to not participate in the Inflation Reduction Act. Vice Mayor Welch thanked staff for responding when the gates to the cellular tower at Winston Park Nature Center were left open. She thanked Becky Bartkowicz with the Police Department for providing her with crime data for comparison, and Public Works staff for their hard work in the recent heat. Continuing, Vice Mayor Welch stated Pembroke Pines had an interesting Town Hall and Commission meeting regarding the County Interlocal Agreement. She highlighted conversation regarding the window for response and potential alternatives. Deputy City Manager Rose advised that staff was investigating the options Pembroke Pines was looking at. She noted the complexity and stated an update would be provided at the next meeting.

Mayor Rydell commented on Congressman Jared Moskowitz's Mayors' Roundtable and stated fifteen (15) of the seventeen (17) mayors in the district were in attendance. He stated the Congressman had asked that he be utilized as a resource with FEMA matters, and noted insurance was a major topic of concern discussed. Mayor Rydell shared that Broward County Mayor Lamar Fisher had held a call with the mayors, regarding the disconnect between the Broward Sheriff's Office and Broward County on several budget and classification requests. He stated he had opted out of further discussion as the City does not participate in the regional dispatch services. Continuing, Mayor Rydell stated he had been on a call with Susan Steinhauser and another resident related to ordinances to reduce plastic use. He encouraged the Commissioners to review the documents Ms. Steinhauser had distributed. He noted it was a creative take, and a place the City could make a concerted effort. Mayor Rydell stated he had heard a couple of complaints from people who watched the meetings online, and asked if it was possible to investigate adding another camera angle to the stream.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date