

**CITY OF COOPER CITY
FINAL BUDGET HEARING AND
CITY COMMISSION MEETING
SEPTEMBER 26, 2011**

1. PLEDGE OF ALLEGIANCE

Mayor Eisinger called the meeting to order at 6:06 p.m. and led the assembly in the pledge of allegiance.

2. ROLL CALL

Present were Commissioners Green, Curran, Sims, Mallozzi and Mayor Eisinger.

3. CHANGES TO AGENDA/EMERGENCY MATTERS

None

4. ANNOUNCEMENTS/PRESENTATIONS

Mayor Eisinger made the following announcements:

- The next Community Garage Sale will be held on Saturday, October 1st at 7:00 a.m.
- The Community Book Swap will be held in the Community Center on Friday, October 14th from 6:00 p.m. – 7:30 p.m.
- The Broward County Property Appraiser's Office will host a community outreach event in the Community Center on Tuesday, October 18th from 10:00 a.m. – 11:30 a.m.
- Broward County has an Appliance Rebate Program for residents and small to medium-sized businesses – visit www.broward.org/gogreen or call 954-357-REB8
- Commissioners Mallozzi and Green have successfully completed the 2011 Broward Leaders Water Academy.
- The upcoming Commission Meeting Schedule is as follows:

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|--|--------------------|
| Tuesday, October 11 th at 6:00 p.m. | Commission Meeting |
| Tuesday, October 25 th at 6:00 p.m. | Commission Meeting |
- The Cooper City Cowboys celebrate their 3rd win in a row, defeating their opponent 42-2 last Friday night.

Commissioner Mallozzi made the following announcements:

- Tickets for the Daddy/Daughter Dance will go on sale on October 5th at the Community Center.
- Girl Scout Troop #10765 is collecting items for the Humane Society of Broward County. Call Collette at (305)970-8284.
- The Forgotten Soldiers Outreach seeks letters and care packages for soldiers without families. Visit www.forgottensoldiers.org
- The "Old Fashioned Open House" BSO District 28 was a success, as was the "Mom & Son Night of Fun."
- Please make sure that every person learns to swim.

5. AGENDA CONCERNS

Ed Wooley, 11038 Nashville Drive, opined that the solid waste collection services contract should not be extended at this time.

Cindi Watts, Family Central, thanked the Commission for including a \$3,600.00 match contribution to her charity in the proposed budget.

6. CONSENT AGENDA

A. Minutes

September 14, 2011 – First Budget Hearing

B. Home Local Business Tax Receipts

1. Pool Guard of Southeast Florida, LLC, David McDowell, 2905 Albatross Drive, Pool Fencing Distributor
2. Georges Moise, 5211 SW 91 Avenue, Apartment Rentals
3. G & L Home Renovation, George Rodriguez, 2893 South Belmont Lane, Home Remodeling

C. Resolutions

1. Approving the Third Amendment to the Collection Services Contract with Waste Management and Reduction of Sanitation Rates— **Res. No. 11-9-2**
2. Designating and appointing members to the Education Advisory Board – **Res. No. 11-9-3**
3. Designating and appointing members to the Teen Council – **Res. No. 11-9-4**
4. Approval of Commission Meeting Schedule for November and December 2011 – **Res. No. 11-9-5**
5. Approving the Tennis Professional Contract with Bill Clark Tennis Academy, LLC – **Res. No. 11-9-6**

MOTION: To approve the balance of the Consent Agenda with the exception of Item 6C1.

Moved by Commissioner Curran. Seconded by Commissioner Sims. All aye on roll call vote. Motion passed.

Item 6C1 Approving the Third Amendment to the Collection Services Contract with Waste Management and Reduction of Sanitation Rates— **Res. No. 11-9-2**

City Atty. Wolpin read, "RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE THIRD AMENDMENT TO THE COLLECTION SERVICES CONTRACT WITH WASTE MANAGEMENT INC. OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the resolution amending the contract with Waste Management.

Moved by Commissioner Curran. Seconded by Commissioner

Mallozzi.

City Manager Loucks clarified the terms of the amendment, including an additional Household Hazardous Waste Pick-up Day, potential funding for recycling purposes and provisions for disposal services regardless of the facility location pending the outcome of the Solid Waste Disposal ILA. He additionally explained that the residential rates have decreased with this amendment and that John Albert from Waste Management would answer questions of the Commission.

John Albert of Waste Management clarified how the fuel adjustment charge works as well as the recycling cart component within the contract.

All aye on roll call vote. Motion passed.

7. FINAL PUBLIC HEARINGS ON BUDGET ISSUES

Fiscal Year 2011/2012 Budget and Taxes

A. Final Public Hearing on Adoption of Fiscal Year 2011/2012 Millage Rate – Ord. No. 11-9-1

City Atty. Wolpin explained that this ordinance provides for a final millage rate of 5.0526 mils, which is 0.33% above the roll back rate of 5.0362 mils and provides a voted debt service millage of 0.2153 mils and read, "final reading of AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES FOR COOPER CITY FOR THE FISCAL YEAR 2011/2012; AND PROVIDING FOR AN EFFECTIVE DATE," by title.

Mayor Eisinger opened the public hearing and advised that anyone wishing to speak should step forward. Seeing none she closed the public hearing.

MOTION: To approve the Ordinance adopting the Millage Levy for Fiscal Year 2011/2012.

Moved by Commissioner Green. Seconded by Commissioner Curran.

Roll Call Vote

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| Commissioner Green: | Yes |
| Commissioner Curran: | Yes |
| Commissioner Sims: | No |
| Commissioner Mallozzi: | No |
| Mayor Eisinger: | Yes |

Motion passed.

B. Final Public Hearing on Adoption of Fiscal Year 2011/2012 Budget – Ord. No. 11-9-2

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER

CITY, FLORIDA, OFFICIALLY ADOPTING AND APPROVING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2011/2012 AND APPROPRIATING THE FUNDS REQUIRED FOR THE OPERATION OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Mr. Loucks explained that the City asked for an amendment to be made to recognize an expenditure of approximately \$38,000.00 for soil testing required at Bill Lips Park in addition to \$37,500.00 for lobbying fees as negotiated with Ron Book per previous Commission direction.

Mayor Eisinger opened the public hearing and advised that anyone wishing to speak should step forward.

Ed Wooley, 11038 Nashville Drive, asked the Commission to remove the previously approved Fire Assessment.

Gladys Wilson, 5155 SW 90th Avenue, expressed her opposition to approving the budget with the increased millage rate.

With no additional speakers, Mayor Eisinger closed the public hearing.

MOTION: To approve the Ordinance adopting and approving the Annual Budget for Fiscal Year 2011/2012 and appropriating the funds required for the operation of the City.

Moved by Commissioner Curran. Seconded by Commissioner Green.

MOTION: To approve the approximate \$38,000.00 expenditure for the testing at Bill Lips park.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.

MOTION: To add lobbyist fees back into the budget at the renegotiated rate of \$37,500.00.

Moved by Commissioner Sims. Seconded by Commissioner Green.

Roll Call Vote

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|-------------------------------|------------|
| Commissioner Green: | Yes |
| Commissioner Curran: | No |
| Commissioner Sims: | Yes |
| Commissioner Mallozzi: | Yes |
| Mayor Eisinger: | No |

Motion passed.

MOTION: To add future provisions for a pavilion and a water park

with no monetary commitment to be made at this time, into the Long Term Capital Plan.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green.

Roll Call Vote

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|------------------------|-----|
| Commissioner Green: | Yes |
| Commissioner Curran: | Yes |
| Commissioner Sims: | No |
| Commissioner Mallozzi: | Yes |
| Mayor Eisinger: | Yes |
| Motion passed | |

Roll Call Vote to original motion

| | |
|------------------------|-----|
| Commissioner Green: | Yes |
| Commissioner Curran: | Yes |
| Commissioner Sims: | No |
| Commissioner Mallozzi: | Yes |
| Mayor Eisinger: | Yes |
| Motion passed | |

8. APPROVAL OF IMPLEMENTING THE FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN OR A 401 PENSION OPTION

Attorney Raquel Elejabarrieta, from Weiss Serota offered an explanation of the differences between a defined benefit and a defined contribution plan as well as the advantages and disadvantages of the options given.

Open Public Meeting was recognized at 8:37

15. OPEN PUBLIC MEETING

Ed Wooley, 11038 Nashville Drive, opined that the City needs an additional rescue vehicle and would have to provide payment for one. He further stated that the Fire Prevention and EMS transport fees should not be raised and that there should be no fire assessment.

Walt Jolliff, 1095 Bismarck Place, commented about EMS transport fees.

8. APPROVAL OF IMPLEMENTING THE FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN OR A 401 PENSION OPTION- CONTINUED

Unanimous consensus was reached to extend the meeting beyond the regular adjournment time of 9:30.

MOTION: To authorize staff to draft a proposed ordinance that would implement the FRS retirement system as the City's pension benefit.

Moved by Commissioner Curran. Seconded by Commissioner Green.

Roll Call Vote

Commissioner Green: Yes
Commissioner Curran: Yes
Commissioner Sims: No
Commissioner Mallozzi: No
Mayor Eisinger: Yes
Motion passed

9. ORDINANCES FOR FINAL READING AND PUBLIC HEARING

A. Amending the Police Officers Pension Plan, Section 2-157 of the Municipal Code of Ordinances – Ord. No. P11-7

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY POLICE OFFICERS RETIREMENT PLAN (THE "PLAN") CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES; BY AMENDING ARTICLE IV "ADMINISTRATION OF THE RETIREMENT PLAN" OF SECTION 2-157 "POLICE OFFICERS PENSION PLAN," TO PROVIDE THAT DROP AND RETIREE PARTICIPANTS MAY SERVE AS TRUSTEES DUE TO THE PLAN BEING CLOSED TO NEW PARTICIPANTS AND REVISING TRUSTEE SELECTION PROCESS; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Mayor Eisinger opened the public hearing and advised that anyone wishing to speak should step forward. Seeing none she closed the public hearing.

MOTION: To approve the Ordinance amending the Police Officers Pension Plan.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.

B. Amending Section 23-46, of the Municipal Code of Ordinances Relative B-1 Zoning District Acreage – Ord. No. P11-8

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 23 "ZONING DISTRICTS", SECTION 23-46 "B-1 PLANNED NEIGHBORHOOD BUSINESS DISTRICT" TO AMEND THE MINIMUM SITE SIZE FOR APPLICATION OF THIS ZONING DISTRICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Mayor Eisinger opened the public hearing and asked that anyone wishing to speak, present their petitions. Seeing none she closed the public hearing.

MOTION: To approve the Ordinance amending Section 23-46 of the Municipal Code.

Moved by Commissioner Curran. Seconded by Commissioner

Green. All aye on roll call vote. Motion passed.

C. Amending Section 23-48, of the Municipal Code of Ordinances Relative B-2 Zoning District Acreage – Ord. No. P11-9

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 23 "ZONING DISTRICTS", SECTION 23-48 "B-2, PLANNED COMMUNITY BUSINESS CENTER DISTRICT" TO AMEND THE MINIMUM SIZE FOR APPLICATION OF THIS ZONING DISTRICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Ordinance amending Section 23-48 of the Municipal Code.

Moved by Commissioner Curran. Seconded by Commissioner Green.

Commissioner Mallozzi opened the public hearing and advised that anyone wishing to speak should step forward. Seeing none she closed the public hearing.

All aye on roll call vote with Mayor Eisinger abstaining. Motion passed.

D. Quasi-judicial Hearing on Rezoning the Timberlake Plaza (located at 8600-8698 Griffin Road) from B-1 to B-2 Zoning District - Petition #Z5-1-11 – Ord. No. P11-10

Mayor Eisinger opened the quasi-judicial hearing and administered an oath to the following participants:

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|-----------------|------------------------|
| Matt Wood | City Staff |
| Mario Grosfeldt | for the Property Owner |

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING A REZONING FROM PLANNED NEIGHBORHOOD BUSINESS DISTRICT (B-1) TO PLANNED COMMUNITY BUSINESS CENTER DISTRICT (B-2) FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF GRIFFIN ROAD AND PINE ISLAND ROAD ("TIMBERLAKE PLAZA"), AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Additional Ex-parte' Disclosure:

None.

Unanimous consensus was reached to waive the reading of the staff report previously read into the record on first reading

of the proposed ordinance.

Mayor Eisinger closed the quasi-judicial portion of this item.

MOTION: To approve the Ordinance rezoning the Timberlake Plaza.
Moved by Commissioner Green. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.

E. Quasi-judicial Hearing on Rezoning the Stirling Town Center (located at 8631-8859 & 8625 Stirling Road) from B-1 to B-2 Zoning District - Petition #Z5-2-11 – Ord. No. P11-11

Commissioner Mallozzi opened the quasi-judicial hearing and administered an oath to the following additional participant:

Chaim Gidali for the Property Owner

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING A REZONING FROM PLANNED NEIGHBORHOOD BUSINESS DISTRICT (B-1) TO PLANNED COMMUNITY BUSINESS CENTER DISTRICT (B-2) FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF STIRLING ROAD AND PINE ISLAND ROAD ("STIRLING TOWN CENTER"), AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Additional Ex-parte' Disclosure:

None.

Unanimous consensus was reached to waive the reading of the staff report previously read into the record on first reading of the proposed ordinance.

MOTION: To approve the Ordinance rezoning the Stirling Town Center.

Moved by Commissioner Curran. Seconded by Commissioner Green. All aye on roll call vote with Mayor Eisinger abstaining. Motion passed.

F. Amending Chapter 11 and Chapter 12, of the Municipal Code of Ordinances Relative Firearm Regulations Preempted by State Law – Ord. No. P11-12

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 11 "OFFENSES," AND CHAPTER 12 "PARKS AND RECREATION," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE," by title only.

Mayor Eisinger opened the public hearing and advised that anyone wishing to speak should step forward. Seeing none she closed the public hearing.

MOTION: To approve the Ordinance amending Chapter 11 and Chapter 12 of the Municipal Code.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.

G. Amending Section 2-156, of the Municipal Code of Ordinances to Close the Current General Employees Pension Plan to New Members – Ord. No. P11-13

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY'S GENERAL EMPLOYEES RETIREMENT FUND (THE "PLAN") CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES TO CLOSE THE PLAN TO NEW MEMBERS; BY AMENDING ARTICLE I "RETIREMENT PLAN ESTABLISHED; NAME; OPERATIVE DATE" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; BY AMENDING ARTICLE II "DEFINITIONS" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; BY AMENDING ARTICLE II "DEFINITIONS" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To table and defer this ordinance until the Commission Meeting of October 25, 2011.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.

H. Amending Chapter 7 and Chapter 9 of the Municipal Code of Ordinance to Include Broward County Fire Prevention Fee Schedule and a Revised EMS Transport Fee Schedule – Ord. No. P11-14

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CITY CODE CHAPTER 7 "FIRE PREVENTION AND PROTECTION", BY AMENDING ARTICLE III "IN GENERAL" AT SECTION 7-9 "COMMERCIAL PROPERTY – MANDATORY FIRE SAFETY" TO REVISE SECTION TITLE AND INCORPORATE FIRE RESCUE AND SAFETY SERVICE FEES; CREATING ARTICLE V "EMS TRANSPORT FEES" OF CHAPTER 7 TO REVISE AND CODIFY EMERGENCY MEDICAL SERVICE TRANSPORT FEES; AMENDING CHAPTER 9 "BUSINESS TAXES" AT ARTICLE II "FIRE INSPECTIONS" BY AMENDING SECTION 9-26 "FIRE INSPECTIONS" TO PROVIDE CONFORMING REFERENCE TO AMENDED SECTION 7-9; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS; PROVIDING FOR PENALTY; PROVIDING

FOR AN EFFECTIVE DATE," by title only.

Mayor Eisinger opened the public hearing and advised that anyone wishing to speak should step forward.

Ed Wooley, 11038 Nashville Drive, asked the Commission to move to direct the fire chief to provide the cost of staffing an additional rescue vehicle and to add that additional cost into the budget previously approved, stated that between municipal and county ad valorem taxes and fees he pays \$1519.29 for fire services and, therefore, they are well funded and opposed against adopting an increase to the fee schedules.

MOTION: To approve the Ordinance amending Chapter 7 and Chapter 9 of the Municipal Code.

Moved by Commissioner Curran. Seconded by Commissioner Green. 4-1 roll call vote with Commissioner Sims dissenting. Motion passed.

10. APPOINTING A COMMISSION MEMBER TO THE MUNICIPAL RELATIONS SUBCOMMITTEE OF THE BROWARD COUNTY PUBLIC SCHOOLS' PARENT/COMMUNITY INVOLVEMENT TASK FORCE

MOTION: To appoint Commissioner Mallozzi to the Municipal Relations Subcommittee.

Moved by Commissioner Curran. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.

11. AUTHORIZATION TO ISSUE RFP 2011-5 FOR A TOWING SERVICE AGREEMENT

MOTION: To approve the issuance of RFP 2011-5 to solicit proposals for a towing service agreement.

Moved by Commissioner Green. Seconded by Commissioner Mallozzi.

MOTION: To remove the provision to allow contractor to perform body work and/or repairs to towed vehicles with the written permission of the owner.

Moved by Commissioner Mallozzi. Motion died for lack of a second.

All aye on roll call vote to original motion. Motion passed.

12. POLICE CHIEF'S REPORT

Chief Hale reported that a Neighborhood Watch meeting held at Tamarind Park was well attended and will result in increased community awareness. A burglary arrest was made on this day, suspicious activity calls to dispatch have increased and all five school zones have been toured in an effort to form improvements to signage and flow modifications.

13. FIRE CHIEF'S REPORT

Chief Sievers reported on the success of the Old Fashioned Fire House Open House and thanked the community for their support.

14. CITY MANAGER REPORT

City Manager Loucks reported on the status of the Broward County Commission's Ethics Ordinance, advised that it will extend, in some form, to municipalities and on the results of his research on community bus benches.

16. COMMISSIONERS' CONCERNS/REPORTS

None.

17. ADJOURNMENT

Mayor Eisinger adjourned the meeting at 10:47 p.m.