

**CITY OF COOPER CITY
CITY COMMISSION MEETING
APRIL 10, 2012**

1. PLEDGE OF ALLEGIANCE

Mayor Eisinger called the meeting to order at 6:03 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

- A. LoJack Safety Net Program Demo has been deferred to a later date
- B. Request to remove Item 9 from this Agenda

MOTION: To approve the listed changes to the Agenda.

Moved by Commissioner Curran. Seconded by Commissioner Mallozzi. All ayes signified with no opposition. Motion passed.

4. ANNOUNCEMENTS/PRESENTATIONS

Mayor Eisinger offered condolences to BSO Fire Chief and former Cooper City Commissioner, Neal de Jesus on the passing of his father and made the following announcements:

- Public Works will be offering the Remembrance Walkway Engraved Brick Program in Memorial Park. Contact (954)434-2300
- NatureScape Broward Environmental Series will commence at the Cooper City Pool & Tennis Center with the following presentations:
 - ❖ Diane Guidry will offer a presentation on April 11th from 5:00 p.m. to 8:00 p.m. entitled "South Florida's Natural History".
 - ❖ Alex Shore will present "Designing a NatureScape for Wildlife" on April 18th from 6:30 to 8:00 p.m.
 - ❖ Dr. John J. Pipoly, III will present "Principles of Florida Friendly Landscaping" on April 25th from 6:30 to 8:00 p.m.

Reservations must be made through the Pool & Tennis Center.

- The Proper Appraiser's Office will offer assistance with tax exemptions at the Community Center on Tuesday, April 17th from 10:00 a.m. to 11:30 a.m.
- April 28th will mark Cooper City's Annual Founder's Day events and activities beginning with the Boy Scout's Pancake Breakfast in the Community Center at 7:30 a.m. and concluding with fireworks at 9:00 p.m. at Brian Piccolo Park. Please see the Community Calendar for all events and activities.
- The Cooper City Optimists will host their Annual Founder's Day Golf Classic on April 29th.

- The Education Advisory Board is conducting a “Box Tops for Education” collection. Collection boxes will be located at the Police and Fire Department Buildings, the Optimist Clubhouse, the Pool & Tennis Center, the Community Center, City Hall and the Utility office. The boxes of box tops will be collected on October 1, 2012.
- The next Commission Meeting will be held on Tuesday, April 24th at 6:00 p.m.

Commissioner Curran announced the Relay for Life Ceremony and Walk at Cooper City High School on Saturday, April 14th beginning at 3:00 p.m.

Commissioner Mallozzi complimented the “Eggstraviganza” egg hunt event, announced the Fraud Awareness seminar which will be offered by BSO on Thursday, May 10th at 7:00 p.m. at the police station, and requested support for Girl Scout Troop #10765 as they gather items for the Humane Society of Broward County by contacting Collette at 305-970-8284, and for military personnel stationed overseas by way of www.forgottensoldier.org.

5. AGENDA CONCERNS

Carlos Mondesir, Broward League of Cities, spoke on the dangers of making tobacco products attractive to youngsters.

6. CONSENT AGENDA

A. Minutes

March 27, 2012 – Regular Commission Meeting

B. Home Local Business Tax Receipts

1. Duprat Construction, Edwin Rojas, 10175 SW 53 Street, General Construction/Home Office
2. Networking Professionals, Inc. of East Broward, Laura Gambino, 5273 SW 92 Terrace, Networking Referral Chapters
3. A+ Landscaping Improvements, Marlea Porro, 9040 SW 52 Street, Landscaping/Lawn Maintenance

C. Resolutions

1. Approval of a new Manual of Personnel Policies – **Res. No. 12-4-1**
2. Supporting the restriction of sale of flavored tobacco products – **Res. No. 12-4-2**

D. Financial Matters

1. Approval of Task Order 2012-03 to Calvin Giordano & Associates, Inc. for assistance with the replacement of the City’s sewer lift stations SCADA System
2. Approval of Task Order 2012-01 to Calvin Giordano & Associates, Inc. to perform a traffic safety study of SW 87 Avenue from Griffin Road to SW 87 Terrace

3. Approval of Task Order 11 to AECOM Technical Services, Inc. for engineering service for deep injection well pretreatment – analysis and conceptual design
4. Approval to renew the contract with CJ’s Landscaping for mowing of specified City parks, building grounds and roadways

MOTION: To approve the Consent Agenda with the removal of Items 6C1, 6C2 and 6D2.

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

- 6 C. 1. Approval of a new Manual of Personnel Policies – Res. No. 12-4-1**

City Atty. Wolpin read, “A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ADOPTING A NEW MANUAL OF PERSONNEL POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE,” by title only.

MOTION: To approve the adoption of a new manual of personnel policies.

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

- 6 C. 2. Supporting the restriction of sale of flavored tobacco products – Res. No. 12-4-2**

City Atty. Wolpin read, “A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, SUPPORTING THE EFFORTS OF STUDENTS WORKING AGAINST TOBACCO (SWAT), THE TOBACCO-FREE PARTNERSHIP OF BROWARD COUNTY, BROWARD LEAGUE OF CITIES STUDENT AMBASSADOR, CARLOS MONDESIR, AND THE AMERICAN CANCER SOCIETY TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS; PROVIDING AN EFFECTIVE DATE,” by title only.

MOTION: To approve the resolution restricting the sale of flavored tobacco products.

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

- 6 D. Financial Matters**

2. Approval of Task Order 2012-01 to Calvin Giordano & Associates, Inc. to perform a traffic safety study of SW 87 Avenue from Griffin Road to SW 87 Terrace

MOTION: To approve Task Order 2012-01 to Calvin Giordano & Associates, Inc. to perform a traffic safety study of SW 87 Avenue from Griffin Road to SW 87 Terrace.

Moved by Commissioner Sims. Seconded by Commissioner Curran.

MOTION: To amend the motion to exclude this corridor from any future policy changes regarding requests for traffic calming devices and to implement necessary changes to the current ordinance related to traffic calming devices.

Moved by Commissioner Curran. Seconded by Green.

FRIENDLY AMENDMENT: To include the area of NW 89th Way in the exemption to future policy changes.

Moved by Mayor Eisinger. Accepted change by the motion makers.

MOTION AMENDMENT: To approve a task order not to exceed \$6,000.00 to perform a traffic study in the area of Diamondhead on NW 89th Way.

Moved by Commissioner Sims. Accepted by the motion makers.

All aye on roll call vote to the approval of the task order.

All aye as to the original motion as amended.

7. PRESENTATION OF STIRLING ROAD/122 AVENUE TRAFFIC STUDY

Mr. Jeffrey Maxwell, Calvin-Giordano, presented the findings of the traffic study conducted on Stirling Road and 122 Avenue.

MOTION: To postpone approving either option offered by the traffic engineers until a public presentation may be held on this matter to allow input from the community.

Moved by Mayor Eisinger. Seconded by Commissioner Mallozzi.

MOTION: To accept the presentation and table the item until the May 8, 2012 Commission Meeting to allow for a public presentation in the meantime.

Moved by Commissioner Sims. Seconded by Commissioner Curran.

Roll Call Vote

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

8. TO EXTEND THE TERM OF SERVICE OF THE CHARTER REVIEW BOARD

Unanimous consensus was reached to move this item to the end of the Agenda to allow for land development matters to be heard at this time.

9. STIRLING ROAD WALL

Review the request to share funding of the cost to build a privacy wall behind the nine homes on Paseo Way.

Item previously postponed.

10. LAND DEVELOPMENT MATTERS

Mayor Eisinger opened the Public Hearing and administered an oath relative to Items 10A, B and C to the following people wishing to speak:

Matt Wood	City Staff	Jeannette Wofford	City Staff
Tom Rogers	The Florida Charter Foundation		
Debbie Orshefsky	Attorney for the petitioner		
Jeff Maxwell	Petitioner	Susan Kerns	Resident
Steve A. Mason	Resident	Brooke LeBel	Resident
Tiffany Mosca	Resident	Theresa Sansone	Resident
David McKennan	Resident	Barbara Epstein	Resident
John Heggy	Resident	Frank Adler	Resident
Diana Roch	Resident	Pat Wahl	Resident
Caroline Kiracofe	Resident	Mike Riley	Resident
Yvette Diaz Rubio	Resident		

Franklin Academy – Flamingo Charter School, located at the Schott Property, 6591 Flamingo Road,

A. Conditional Use Petition #CU 7-1-11

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING A CONDITIONAL USE PETITION #CU 7-1-11 FOR FRANKLIN ACADEMY LOCATED AT 6591 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

B. Site Plan Petition #SP 7-2-11

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 12-1 TO FRANKLIN ACADEMY FLAMINGO, FOR SITE PLAN PETITION #SP 7-1-11, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

C. Plat Note/NVAL Amendment #PA 7-1-11

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 12-2R TO FRANKLIN ACADEMY FLAMINGO, FOR PLAT NOTE/NVAL AMENDMENT #PA 7-1-11, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Ex-parte' Disclosure

Commissioner Mallozzi: Tiffany Mosca, Theresa Sansone, Debbie Orshefsky, Jeff Maxwell, Lena Monn, Sandra at the soccer park, Cooper City Elementary, PTO and a Rock Creek, HOA meeting

Commissioner Green: Jeff Maxwell, Debbie Orshefsky, John Heggy, meeting of the Rock Creek, HOA, P&Z Board members, Cutler and Roper.

Commissioner Curran: None

Commissioner Sims: Tom Rogers, Debby Orshefsky, Walt Jolliff, Ed Wooley, Eric St. Pierre

Mayor Eisinger: Numerous e-mails through the City server to and from concerned residents, Planning and Zoning Board Member, Craig Konhauser, and BSO Deputy Jay Greear, Michelle Keirnan Smith, Jay Greear, Tom Rogers and Diane Sori.

Matt Wood read the staff report relative to the petitions and the plat note amendment, including stipulations and additional conditions for approval.

Atty. for the petitioner, Debby Orshefsky presented the petitions, including stipulations and amendments, requested approval of the Commission and responded to questions.

Theresa Sansone, 2598 Garden Court, spoke in support of the approval of the petitions and asked for traffic calming measures to be stipulations of the approval.

Steve Mason, 11425 Wayne Drive, expressed traffic impact concerns, requesting right turn only access in and out of the campus.

David McKennan, 12205 Paseo Way, spoke in opposition of the petition, citing traffic concerns as and taxable revenue concerns.

Susan Kerns, 12105 Paseo Way, spoke in opposition to the approval of the petitions, citing traffic concerns and requesting a sound barrier wall be place along the roadway and other traffic diversion devices be required as stipulations for approval.

Barbara Epstein, 12006 Landing Way, spoke on support of traffic mitigating and diverting stipulations for approval of the petitions.

John Heggy, 3901 Limestone Drive, reiterated previously expressed traffic concerns regarding using the Rock Creek community roads as a shortcut to the proposed charter school.

Unanimous consensus was reached to conclude the Land Development Matters portion of the Agenda prior to proceeding to Open Public Meeting.

Fran Adler, 4103 East Sailboat Drive, reiterated traffic concerns.

Diana Koch, 68 Forest Circle, expressed opposition to the petitions based on traffic issues.

Pat Wahl, 11613 Sunfish Wahl, spoke in support of the petitions, only if traffic would be diverted from the Rock Creek community and made some traffic diversion recommendations.

Carline Kiracofe, 3500 Bark Way, expressed opposition to the petitions based on increased traffic concerns.

Mike Riley, Limestone Drive, echoed the sentiments of those concerned by the increased traffic potential.

Yvette Diaz Rubio, Limestone Drive, expressed the need for a traffic light and for traffic diversion.

Tiffany Mosca, 3601 Bridge Road, expressed support for the petitions, with additional traffic calming measures.

Rosa Counts, Rock Creek Resident (oath administered at this time), echoed the sentiments of those who oppose the petitions based on the lack of traffic mitigation or diversion devices.

Edwina Lindeman, 47 Birch Drive, (oath administered at this time) expressed the need for traffic diversion devices.

Gary Laufenberg, P & Z Board member (oath administered at this time), supported the concerns of residents regarding traffic and explained that he voted no to the project for this reason.

Linda Gardner, Rock Creek resident (oath administered at this time), echoed traffic concerns.

Michael Payne, Rock Creek resident (oath administered at this time), stressed that the petitioner should go to any level they can to have the traffic issues mitigated.

Tom Palink, Rock Creek resident (oath administered at this time), expressed pedestrian safety concerns.

Unanimous consensus was reached to extend the meeting time to allow for the completion of the item.

MOTION: To approve the Conditional Use Petition, pursuant to the stipulations, conditions and commitments contained on Page 3 of the staff report along with the traffic calming conditions stipulated to by the petitioner. – **Res. No. 12-4-3**

Moved by Commissioner Sims. Seconded by Commissioner Green.

Roll Call Vote

Commissioner Green: Yes

Commissioner Curran: Yes

Commissioner Sims: Yes

Commissioner Mallozzi: Yes

Mayor Eisinger: No

Motion passed.

MOTION: To approve the Resolution granting Development Order No. 12-1 to Franklin Academy, pursuant to the stipulations contained in the staff report – **Res. No. 12-4-4**

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

MOTION: To approve the Resolution granting Development Order No. 12-2R to Franklin Academy, pursuant to the stipulations contained in the staff report - **Res. No. 12-4-5**

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

14. OPEN PUBLIC MEETING

Several unidentified residents asked questions regarding traffic plans and traffic calming devices.

David McKennan, 12205 Paseo Way, questioned the City's policy regarding payment for traffic calming devices and offered financing suggestions.

8. TO EXTEND THE TERM OF SERVICE OF THE CHARTER REVIEW BOARD

Commissioner Sims received clarification from City Atty. Wolpin regarding ballot submission deadlines.

11. POLICE CHIEF'S REPORT

Chief Hale reported that the previously postponed LoJack presentation

would take place at Founder's Day and reported on recent successes in criminal apprehensions.

12. FIRE CHIEF'S REPORT

Chief Sievers reported that District 28 would be present at the Relay for Life at Cooper City High School this weekend.

13. CITY MANAGER REPORT

Mr. Loucks explained that the April 24th Commission Agenda would include a request to move the May 8th meeting to Monday, May 7th to ensure a full Commission as the first reading of the ordinance regarding suggested Charter changes would take place at that meeting.

15. COMMISSIONERS' CONCERNS/REPORTS

16. ADJOURNMENT

NOTICE: This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-434-4300 ext. 220, not later than two days prior to such proceeding. One or more members of the City of Cooper City Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Cooper City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at www.coopercityfl.org or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.