

**CITY OF COOPER CITY
CITY COMMISSION MEETING
MAY 22, 2012**

1. PLEDGE OF ALLEGIANCE

Mayor Eisinger called the meeting to order at 6:04 p.m. and led the assembly in the pledge of allegiance.

2. ROLL CALL

Present were Commissioners Green, Curran, Mallozzi and Mayor Eisinger. [Commissioner Sims arrived at 6:25p.m.]

3. CHANGES TO AGENDA/EMERGENCY MATTERS

City Manager Bruce Loucks announced that both the Public Works Director and the Utilities Director have requested approval of change orders to their ongoing construction projects.

A. Approval of Change Orders Associated with Storm Drainage Improvements

B. Approval to amend the current purchase order to Bejar Construction in an amount not to exceed \$30,000 to expedite the repair of the parapet on the City Hall Building

MOTION: To approve the placement of these items into the Agenda to be heard following Agenda Concerns.

Approval was signified with no opposition. Motion passed.

4. ANNOUNCEMENTS

Mayor Eisinger made the following announcements:

- There will be a presentation in acknowledgement of retiring school employees from Cooper City Schools on May 23rd at City Hall at 3:30 p.m.
- The Broward County Air Quality Program is participating in an "Enviro-Flash" Challenge. This is an e-mail alert system that will notify subscribers when the air quality in Broward County drops below the good range. You may sign up for the notifications by visiting www.enviroflash.info/signup.cfm
- The Pool & Tennis Center will host "Family Float Night" on Friday, June 1st from 6:30 p.m. until 9:00 p.m.
- On Saturday, June 9th the Pool & Tennis Center will host an end of the school year poolside event from 11:00 a.m. until 3:00 p.m.
- On Saturday, June 16th the Annual Touch-A-Truck event will be held at the Sports Complex from 9:00 a.m. until noon.

- The Cooper City Charter Review Board has concluded their recommendations to the Commission and an ordinance for Final Reading will be voted upon this evening.
- On Father's Day, June 17th, the Pool will open for a free day of swimming for dads.
- Mayor Eisinger extended appreciation on behalf of the Commission to the Charter Review Board for their efforts in reviewing the Charter and making recommendations to the Commission. The members were announced as follows:
 - Greg Ross, Chair
 - Dick Sharpe, Co-Chair
 - Lori Green
 - Jay Greear
 - Ian Dasho
 - Scott Cooper
 - Walt Jolliff
 - Skip Klauber
 - Helen Cohen
 - David Rouse
- City Hall will be closed on Monday, May 28th in observance of Memorial Day.
- The Commission Meeting Summer Schedule is as follows:
 - Tuesday, June 19th
 - Tuesday, July 17th
 - Tuesday, August 21st

Mayor Eisinger cautioned safe driving as the last day for public school is June 7th and children will be out for the summer as of June 8th.

Commissioner Curran extended his appreciation to the Public Works Department for their work on the Optimist End of Season Sports Culmination Event. He congratulated the Cooper City High School graduating class on their accomplishments.

Commissioner Mallozzi congratulated the senior class of Cooper City High School. She 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.forgottensoldiers.org.

PRESENTATIONS

The following presentations were made:

Senator Eleanor Sobel provided a legislative update, describing the process of several bills that passed as well as those that did not pass during the latest Legislative Session.

5. AGENDA CONCERNS

Stan Neumann, 31 Chestnut Circle, spoke in relation to Item 7 and opined that the City Attorney has imparted his best legal advice to the Charter Review Board and that he should receive an apology if it is found that his advice was sound and in the best interest of the Board.

Susan Kerns, 12105 Paseo Way, addressed Item 8 and asked the Commission to approve sharing the cost of building a wall along Stirling Road behind her home to reduce noise and increase safety.

David J. McKennan, 12205 Paseo Way, addressed Item 8 and showed depictions of aerial surveys of the City to show how the development of the area has progressed over the years.

Angela Bomford, 8611 Brindle Path Court, Davie, complimented Lynda Good and Patty Williams for their efforts in organizing the Senior Citizen Luncheons which are held monthly at the Community Center and thanked them for ensuring that every guest receives outstanding service.

6. CONSENT AGENDA

A. Minutes

May 7, 2012 – Regular Commission Meeting

B. Home Local Business Tax Receipts

1. Special Medical Services, Manuel L. Sori, 3794 Bimini Avenue, Respiratory Therapy
2. Rachel Lym Swimwear, Inc., Rachel Lym, 8486 NW 27th Street, Wholesale Women's Swimwear
3. Unforced Rhythm of Grace, Inc., Rachel Lym, 8486 NW 27th Street, Fashion Consulting

C. Resolutions

1. Authorizing the Mayor and City Clerk to execute the 37 Year CDBG Agreement for Residential Rehabilitation – **Res. No. 12-5-3**
2. Authorizing the Mayor and City Clerk to execute the 37 Year CDBG Agreement for Senior Transportation – **Res. No. 12-5-4**
3. Approving a One-Year Extension to the Joint Participation Agreement with Broward County for Household Hazardous Waste Collection – **Res. No. 12-5-5**
4. Approving the sunset of the 2011/2012 Charter Review Board – **Res. No. 12-5-6**

D. Proclamations

1. 50th Anniversary of Jamaica's Independence
2. 50th Anniversary of Trinidad and Tobago

E. Financial Matters

1. Approval of Task Order #12 to AECOM for Bill Lips Park

2. Recommendation to release Letter of Credit No. SM233998W for Living Word Open Bible Church

MOTION: To approve the Consent Agenda

Moved by Commissioner Green. Seconded by Commissioner Mallozzi. Approval was signified with no opposition.

EMERGENCY MATTERS

- A. Approval of Change Orders Associated with Storm Drainage Improvements

Utilities Director Mike Bailey explained that the brittle condition of the existing water main has resulted in an increase in breaks while they work to improve the existing system. He explained that there are several areas where the lines were not buried as deep as they should have been, and that this needs to be corrected. These findings have resulted in additional work at an additional expense.

MOTION: To approve change orders to Calvin Giordano & Associates Engineers (CGA) and Williams Paving Company, the total combined amount not to exceed \$300,000, for construction of new, replacement water mains associated with the storm drainage improvement project located at SW 52 Court and SW 53 Street in the vicinity of SW 91 Avenue.

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

- B. Approval to amend the current purchase order to Bejar Construction in an amount not to exceed \$30,000 to expedite the repair of the parapet on the City Hall Building

Public Works Director Jim Bowman explained the need for the adjustment based upon the discovery of leaks and other damage during the ongoing construction project.

MOTION: To amend the Bejar Construction purchase order for an additional \$30,000.

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

7. ORDINANCE FOR FINAL READING AND PUBLIC HEARING

CALLING A SPECIAL ELECTION FOR CHARTER UPDATE – Ord. No. P12-2

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, FOLLOWING CITY COMMISSION REVIEW AND CONSIDERATION OF CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW BOARD IN ACCORDANCE WITH SECTION 7.02 OF THE CITY CHARTER;

SUBMITTING PROPOSED CHARTER AMENDMENTS CONCERNING AMENDMENT OF SECTIONS 3.01 "CITY COMMISSION, POWERS AND COMPOSITION", 3.02 " QUALIFICATIONS, ELECTIONS AND TERMS", 3.03 "ELECTION DISTRICTS", 3.07 "FILING FEES AND NOTICE OF CANDIDACY", 3.10 "VACANCIES, FORFEITURES OF OFFICE, FILLING OF VACANCIES", REPEAL OF SECTION 5.06 " COMMISSION ACTION ON CAPITAL PROGRAM", AMENDING SECTIONS 5.09 "SIGNATURE TO BONDS, CHECKS, CONTRACTS, ETC.," AND 7.02 "CHARTER REVIEW BOARD"; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 6TH DAY OF NOVEMBER 2012, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Mayor Eisinger opened the public hearing and invited anyone in attendance to speak before the Commission on the subject.

Lori Green, 10518 Zurich Street, explained that she was a Charter Review Board member and that all of the recommendations for consideration by the Commission were thoroughly discussed and voted upon during their meetings. She disputed the content of a letter created by a team of Board members which claims that the suggested changes were not agreed upon by the Board. She questioned whether the creation of that letter was a violation of Sunshine Law as the Board has not sunset.

Ian Dasho, 9408 SW 53rd Street and Charter Review Board member, concurred with the assessment by Ms. Green. He complimented the Board as a whole and explained that, while every member of the Board may not have agreed with each change, the majority prevailed and the end result is the recommendation as is set forth in the ordinance.

Skip Klauber, 10241 Guatemala Street and Charter Review Board member, questioned the professionalism of the City Attorney's response to the letter he authored as it was unsigned; the resignation of the Mayor from her previous Commission seat to run for Mayor; the appointments of two residents to the Board who had previously declared their intentions to run for Commission seats in the upcoming election and the imbalance of population within the current election districts. He further disputed the ordinance as a whole.

Gladys Wilson, 5155 SW 90th Avenue, stated that Charter Sections 3.13 and 5.15 were previously removed without voter approval and suggested that the current Charter is not valid as a result.

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

MOTION: To approve the Ordinance amending the Charter to base election districts on population and to provide adjustment procedure, convene Charter Review Boards every four years, provide updates and clarifications based on State law, provide residency requirements for candidates, provide procedures related to notice of forfeitures of office and to successors in office, clarify treatment of time served in relation to incomplete terms, increase candidate filing fees, and call a special election to present such charter amendments to the electors on November 6, 2012, pursuant to the recommendations of the Charter Review Board.

Moved by Commissioner Curran. Seconded by Commissioner Green.

MOTION: To amend the proposed ordinance to reflect that any change to voting districts as explained in Section 3.03 take place at least 6 months prior to commencement of the candidate qualifying process for the specified election to be consistent with Section 3.01 regarding qualifying.

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

MOTION: To amend the proposed ordinance adding words to the end of paragraph 1 of Section 3.02, to continue to serve within the election district from which the Commissioner was elected and/or to seek reelection from the election district from which he or she was previously elected.

Moved by Commissioner Mallozzi. Seconded by Commissioner Sims. All nays on roll call vote. Motion failed.

MOTION: To amend Section 3.02, paragraph 3 to declare Commissioner Green exempt from the provision that reads shall not be counted towards the term limitations and allow each year of his time to be tolled toward the calculating of his future benefits.

Moved by Commissioner Sims.

City Attorney Wolpin provided a thorough clarification that this Charter amendment does not speak to benefits, but term limitations only. City Manager Loucks additionally clarified that Commission benefits were addressed and approved as part of the Personnel Manual in Resolution 12-4-1.

With no second, the motion failed.

MOTION: To amend Section 9, paragraph B; to specify that the adjustment process shall commence by January 1, 2013 and be completed by June 30, 2013.

Moved by Commissioner Curran. Seconded by Commissioner Sims. Motion passed 4-1 with Mayor Eisinger dissenting.

All aye on roll call vote to the ordinance as amended. Motion passed as amended.

8. STIRLING ROAD WALL

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

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

Susan Kerns, 12105 Paseo Way, spoke in favor of approval of the petition, requesting a sound barrier wall be placed along the roadway citing traffic concerns and suggesting that the other traffic diversion devices be required as stipulations for approval.

MOTION: To accept the proposal to provide shared funding for the privacy wall project.

Moved by Commissioner Sims. Seconded by Commissioner Green.

Roll Call Vote:

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

Motion failed.

At this time City Manager Loucks explained that at the public outreach meeting regarding traffic safety improvements for Stirling Road and 122nd Avenue, which was held the previous evening, there were 14 members of the public in attendance and that the options they discussed for addressing the safety concerns in this area will be presented to the Commission at the next Commission Meeting.

13. OPEN PUBLIC MEETING

Stan Neumann, 31 Chestnut Circle, declared that City ordinances regarding fences are too restrictive and don't allow residents to use the type of privacy barrier they feel comfortable with. He opined on several areas around the City that have traffic safety issues and made suggestions as to how these issues might be addressed.

Debbie Falestra, 12201 Paseo Way, expressed her disappointment in the Commission's decision to reject the proposal from the residents of Paseo Way and stated that aesthetics were not a consideration for their request.

Susan Kerns, 12145 Paseo Way, expressed her anger and disappointment over the Commission's decision to reject the proposal from the Paseo Way residents and stated that requiring a u-turn on Stirling Road at Flamingo Road will cause many more future accidents.

David J. McKennan, 12205 Paseo Way, stated that the City does not have sovereign immunity from tort action, a noise nuisance can be viewed as a tort issue and he will continue to pursue action regarding his petition as he has plenty of time to do so in his capacity as a retired lawyer.

Skip Klauber, 10241 Guatemala Street, opined regarding the wall petition, the City's finances, the Mayor's past position as a Charter Review Board member, and voting district mapping.

Ryan Shrouder, 4030 Fern Forest Road, addressed statements previously made regarding the Mayor's previous position on a Charter Review Board and explained that the sunset of that meeting was prior to the qualifying period for her first candidacy as a Commissioner.

9. AMENDMENT OF CURRENT DISTRICTS

MOTION: To strike this item as the subject was exhausted during Item 7.

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: Yes

Motion passed.

10. POLICE CHIEF'S REPORT

Lieutenant Cates announced a power outage in the City and that deputies are stationed at the intersection of Pine Island Road and Griffin Road and in the nearby shopping centers to ensure they are not burglarized. He described the success of the recent Shred-A-Thon and the Operation Medicine Cabinet events. He detailed 3 burglary arrests made in the last 2 weeks. He described the "Are You Ok" program that is offered through BSO for senior citizens who live alone, which seeks to

maintain daily contact with their registrants to ensure their health and safety.

11. FIRE CHIEF'S REPORT

Chief Sievers announced that the \$2,000.00 Firefighters Scholarship recipient was Rebecca Baker who has been a Fire Explorer for several years. He announced that the Fire/Rescue Accreditation Survey for BSO was conducted last week and that BSO received an accreditation recommendation.

12. CITY MANAGER REPORT

City Manager Loucks announced that it is now possible to view the official City of Cooper City website as a mobile website on smart phones. He explained that entering www.coopercityfl.org in the web browser of a smart phone will enable complete functionality.

14. COMMISSIONERS' CONCERNS/REPORTS

Commissioner Curran announced that the Cooper City High School Graduation will take place on June 4th at 2:30 p.m. and Cooper City Optimist Basketball will kick off on June 2nd with the season beginning on June 9th. He thanked Scott Fiske for taking over the program and Chief Sievers and Lieutenant for their presence and assistance at the High School.

Commissioner Mallozzi cautioned regarding the increase of children playing outside during the summer and requested increased caution when driving through the neighborhoods. She advised that every family utilize community swimming lesson programs offered by organizations such as Kiwanis and the Cooper City Pool & Tennis Center.

Commissioner Sims expressed his appreciation to the City Attorney for his advice regarding the Charter Ordinance and his disappointment that the Commission did not approve the Stirling Road Wall Petition. He extended gratitude to the Charter Review Board for the efforts in reviewing the charter and thanked the Commission for their collective efforts in reviewing the suggestions made by the Charter Review Board. He commended Lieutenant Cates for his timely response to the power outage and the ongoing police work throughout the City.

Commissioner Green expressed his appreciation to the Charter Review Board members and delivered a commendation to Carol Fasulo and the entire Utility Billing staff for their friendly and professional demeanor on behalf of a City resident who recently opened a water account with Carol's help. He addressed a comment by a resident to express that he has no animosity toward any Commission member and seeks to work only for the best interests of the City and its residents.

Mayor Eisinger echoed the sentiments of Commissioner Green regarding avoiding negativity on the dais. She noted the many community events that have been taking place throughout the City and commended members of the Commission who have participated in these events, including the I-Zone School Board presentation. She asked if the City's website could contain a link to this presentation. She additionally asked for the backing of the Commission regarding a letter she would like to send to the Florida Agency for Healthcare Administration expressing support for the establishment of an Adult Heart Transplantation Program by Memorial Healthcare Systems.

Unanimous consensus was received in support of the letter.

Mayor Eisinger explained that she recently attended a congressional event in Washington, DC on behalf of local government and was able to meet with Congresswoman Debbie Wasserman-Schultz and Congressman Allen West regarding the needs of municipalities.

15. ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

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.