

**CITY OF COOPER CITY
CITY COMMISSION MEETING AND
FIRST BUDGET HEARING MINUTES
SEPTEMBER 12, 2012
6:00 PM**

1. PLEDGE OF ALLEGIANCE

Mayor Eisinger opened the Meeting at 6:00 p.m. and led the assembly in the Pledge of Allegiance.

2. ROLL CALL

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

3. CHANGES TO AGENDA/EMERGENCY MATTERS

Approve a purchase order, after the fact, for emergency repair of a broken sewer pipe at 9070 SW 51st Street

MOTION: To add this item to the Agenda.

Moved by Commissioner Curran. Seconded by Commissioner Mallozzi. Motion passed unanimously on voice vote.

MOTION: To approve the emergency repair of the sewer line.

Moved by Commissioner Curran. Seconded by Commissioner Mallozzi. All aye on roll call vote.

4. ANNOUNCEMENTS/PRESENTATIONS

Mayor Eisinger made the following announcements:

- The annual Mom and Son Night of Fun will be held on September 14th from 6:30 to 9:00 p.m. at the Community Center.
- The 20th Annual Tree & Plant Care Workshop will be held on Saturday, September 22nd, City Hall Auditorium, from 8:00 AM until 3:00 PM.
- The Annual Community Garage Sale will be held on Saturday, October 6th at the Cooper City Sports Complex, 10300 Stirling Road from 7AM until Noon.
- Cooper City residents are invited to exchange books at our upcoming Community Book Swap on Friday, October 12th from 6:00 – 7:30 PM at the Community Center.
- Commission Meetings are scheduled as follows: Budget Meeting, Wednesday, September 19th @ 6PM; Commission Meeting, Tuesday, October 9th @ 6PM; Commission Meeting, Tuesday, October 21st @ 6PM.

Commissioner Mallozzi asked for 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. She thanked the Recreation Department for sponsoring the Flag Burning Ceremony.

Commissioner Curran introduced Anastasia and Company, the political voice behind CCTV and the Lariat Newspaper, and explained that they will be filming a portion of the City Commission meeting. He advised that he, Commissioner Green, Mayor Eisinger and City Manager Loucks attended the BSO Patriot's Day event and commended BSO on the event. He further advised that he and Commissioner Green drank a total of three bottles of water at the BSO Patriot's Day event and that, in compliance with the Ethics Ordinance, the City was reimbursing BSO with three bottles of the City's water.

Commissioner Green echoed Commissioner Curran's comments regarding the BSO Patriot's Day event.

5. AGENDA CONCERNS Presentations will be limited to three minutes. Comments may address any issue on this agenda, provided that if a person wishes to speak on an item designated for public hearing, their comments should be held until the public hearing is opened by the Mayor. There will be a thirty-minute aggregate time limit for this item. Other public discussion will be permitted under "Open Public Meeting." Public input during Public Hearings shall be limited to three minutes per person.

NOTE: Further, please be advised that at the designated time of 8:30 p.m. during this Commission meeting, the Open Public Meeting portion shall be conducted for a time period of 30 minutes, during which time any individual may speak for up to 3 minutes duration on any matters which are pertinent to the City (whether or not the matter pertains to any item that is listed on the meeting agenda). In the event that the meeting would adjourn prior to the 8:30 p.m. time slot scheduled for the Open Public Meeting portion, the Open Public Meeting portion shall be held prior to the adjournment of the Commission meeting.

Diane Sori, 3794 Bimini Avenue, spoke in support of Item #9, the mailer regarding proposed Charter questions, and the importance of educating residents on issues.

Joseph Grady, 5104 SW 123 Avenue, spoke against Item #6C and similar expenditures.

Skip Klauber, 10241 Guatemala Street, spoke relative to Item #9, questioned the legality of providing action minutes and the changes to Charter Section 5.15 from 2006.

6. CONSENT AGENDA

A. Minutes for Approval

August 21, 2012 – Regular Commission Meeting

B. Home Local Business Tax Receipts

1. Erosion Barrier Installations, Corp., Marthinus LeRoux, 8878 SW 59th Street, Restoring Erosion on Ponds, Lakes, Canals and Golf Courses
2. SMC Air Conditioning, Edgardo Garcia, 8925 SW 49th Street, Mechanical Contractor, A/C Services

C. Financial Matters

Approve the purchase and installation of three new playground structures at Diamond Head, Coopers Point, and Stirling Palm Parks.

Commissioner Green removed Item 6-A from the Consent Agenda.

MOTION: To approve the Consent Agenda excluding Item 6-A.

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

Item 6A – Minutes of the August 21, 2012 Regular Commission Meeting

Discussion ensued regarding the accuracy of the August 21, 2012 Commission Meeting action minutes and confirmation that providing action minutes of meetings is legal.

MOTION: To approve Item 6-A.

Moved by Commissioner Green. Seconded by Commissioner Curran.

Roll Call Vote

Commissioner Green: Yes

Commissioner Curran: Yes

Commissioner Sims: No

Commissioner Mallozzi: Yes

Mayor Eisinger: Yes

Motion passed

7. SCHEDULING WORKSHOPS

- A.** Approval to schedule a Commission Workshop for a Solid Waste Overview for either Monday, September 24th or Thursday, September 27th at 5:00 p.m.

MOTION: To schedule a Commission Workshop for a Solid Waste Overview on Monday, September 24th at 5:00 p.m.

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

- B.** Approval to schedule a Commission Workshop to discuss the Commission Redistricting Project with Asher Soldwedel, Coordinator with Florida Atlantic University, for Tuesday, December 11, 2012 at 5:00 p.m.

MOTION: To schedule a Commission Workshop for Tuesday, December 11, 2012 at 5:00 p.m.

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

8. FINANCIAL MATTERS (First Budget Hearing)

Fiscal Year 2012/2013 Budget and Taxes

- A. First Public Hearing on Adoption of Fiscal Year 2012/2013 Millage Rate – Ord. No. 12-9-1**

(NOTE: Pursuant to the Florida TRIM Bill, the Millage Rate must be discussed and adopted prior to the adoption of the annual budget).

City Atty. Wolpin advised that this item provides for a proposed millage rate of 5.6866 mils, which is 15.04% above the rollback rate of 4.9430 mils and also for a voted debt service millage rate of 0.1906 mils. He further advised that these proposed millage rates are subject to final approval at the second public hearing which is set for Wednesday, September 19th at 6:00 p.m.

City Atty. Wolpin read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES FOR COOPER CITY FOR THE FISCAL YEAR 2012/2013; AND PROVIDING FOR AN EFFECTIVE DATE" by title only.

Mayor Eisinger opened the Public Hearing and invited anyone wishing to speak to come forward.

Joseph Grady, 5104 SW 123 Avenue, spoke in opposition to the millage rate increase.

Bob Sands, 13582 Grove Place, questioned the millage rate increase and advised against providing a one-time bonus for employees.

Russell Seymour, 3952 NW 85th Avenue, requested information regarding Monterra CDD charges on his tax bill. City Manager Loucks explained the charges and invited Mr. Seymour to contact him or the Finance Director with any further questions.

Greg Ross, 3777 Bimini Avenue, spoke in support of the millage rate increase to reinvest in the City beginning with the northeast side and suggested that the savings resulting from the insurance adjustment be used for residents.

Diane Sori, 3794 Bimini Avenue, spoke in support of the millage rate increase and disagreed with the one-time bonus for employees.

Mayor Eisinger closed the public hearing.

MOTION: To approve the Ordinance adopting the Millage Levy for Fiscal Year 2012/2013.

Moved by Commissioner Curran. Seconded by Commissioner Green.

Roll Call Vote

Commissioner Green: Yes

Commissioner Curran: Yes

Commissioner Sims: No

Commissioner Mallozzi: Yes

Mayor Eisinger: Yes

Motion passed

B. First Public Hearing on Adoption of Fiscal Year 2012/2013 Budget – Ord. No. 12-9-2

City Atty. Wolpin read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, OFFICIALLY ADOPTING AND APPROVING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2012/2013 AND APPROPRIATING THE FUNDS REQUIRED FOR THE OPERATION OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE" by title only.

Mayor Eisinger opened the Public Hearing and invited anyone wishing to speak to come forward.

Joseph Grady, 5104 SW 123 Avenue, suggested that cuts must be made in line items.

Diane Sori, 3794 Bimini Avenue, advised that one of the Commission members gave her a figure of \$600 in reference to the one-time bonus for employees.

Mayor Eisinger closed the public hearing.

MOTION: To approve the Ordinance adopting and approving the Annual Budget for Fiscal Year 2012/2013 and appropriating the funds required for the operation of the City.

Moved by Commissioner Green. Seconded by Commissioner Curran.

MOTION: To charge back to those persons who utilize a credit or debit card to pay their utility and related City bills the fee that is imposed upon the City by the credit card or debit agency.

Moved by Commissioner Mallozzi. Seconded by Commissioner Sims. All Aye on roll call vote. Motion passed.

MOTION: To eliminate the increase for City Attorney services provided for in the proposed budget.

Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.

Roll Call Vote

Commissioner Green: No
Commissioner Curran: No
Commissioner Sims: Yes
Commissioner Mallozzi: Yes
Mayor Eisinger: No
Motion failed.

MOTION: To remove the 2% one-time bonus for employees provided for in the proposed budget.

Moved by Commissioner Mallozzi. Seconded by Commissioner Sims.

Roll Call Vote

Commissioner Green: No
Commissioner Curran: No

Commissioner Sims: Yes
Commissioner Mallozzi: Yes
Mayor Eisinger: No
Motion failed.

MOTION: To provide for a 2% one-time payout for employees up to a maximum of \$750 each.

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.

Roll Call Vote on Ordinance as amended

Commissioner Green: Yes
Commissioner Curran: Yes
Commissioner Sims: Yes
Commissioner Mallozzi: Yes
Mayor Eisinger: Yes
Motion passed.

13. OPEN PUBLIC MEETING - This Item was moved up as meeting time reached beyond 8:30 p.m. (this portion is scheduled to commence at 8:30 P.M., except as provided in note at item #5, above)

Joseph Grady, 5104 SW 123 Avenue, commended Commissioner Mallozzi for her motion to charge back customers for the convenience fee for utilizing debit or credit cards, spoke in opposition to the payout to the employees, taxation and spending.

Diane Sori, 3794 Bimini Avenue, expressed her concerns regarding Commission meeting decorum, continued personal attacks on the City Attorney, and wished Mayor Eisinger well in her future endeavors.

Bob Sands, 13582 Grove Place, explained that he agrees with and commends Commissioner Mallozzi for her position to reject the employee payout and commended Commissioners Curran and Green for providing for an alternative option for the payout.

Peter D'Aversa, Flamingo Gardens, provided his views on how infrastructure in private communities is funded and questioned where those funds are expended. City Manager Loucks advised that the increase in property taxes is used to fund the increase in police and fire services.

Skip Klauber, 10241 Guatemala Street, advised that he believes that the minutes of the Charter Review Board are in violation of the Sunshine Act. He provided his opinion on what constitutes proper minutes of meetings and the mailer regarding proposed Charter changes.

C. Public Hearing on Final Adoption of Fire Assessment – Res. No. 12-9-1

City Atty. Wolpin read "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF COOPER CITY, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING FIRE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF COOPER CITY; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE" by title only.

Mayor Eisinger opened the Public Hearing and invited anyone wishing to speak to come forward. Seeing none, she closed the Public Hearing.

MOTION: To approve the Resolution relating to the provision of fire services, facilities and programs in the City and imposing a fire assessment.

Moved by Commissioner Green. Seconded by Commissioner Curran.

Roll Call Vote

Commissioner Green: Yes

Commissioner Curran: Yes

Commissioner Sims: No

Commissioner Mallozzi: No

Mayor Eisinger: Yes

Motion passed.

9. MAILER REGARDING PROPOSED CHARTER CHANGES

Discussion on whether the City should send a mailer to residents regarding the Charter Questions which will be included on the upcoming November Election.

MOTION: To approve sending out a mailer to Cooper City residents regarding the proposed Charter Questions.

Moved by Commissioner Green. Seconded by Commissioner Mallozzi.

Roll Call Vote

Commissioner Green: Yes

Commissioner Curran: No

Commissioner Sims: No

Commissioner Mallozzi: Yes

Mayor Eisinger: Yes

Motion passed.

10. POLICE CHIEF'S REPORT

Deferred due to adjournment.

11. FIRE CHIEF'S REPORT

Deferred due to adjournment.

12. CITY MANAGER REPORT

13. OPEN PUBLIC MEETING (this portion is scheduled to commence at 8:30 P.M., except as provided in note at item #5, above)

14. COMMISSIONERS' CONCERNS/REPORTS

Deferred due to adjournment.

15. ADJOURNMENT

MOTION: To adjourn the meeting at 9:26 p.m.

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

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.