

**CITY OF COOPER CITY
CITY COMMISSION MEETING
FEBRUARY 12, 2013**

1. PLEDGE OF ALLEGIANCE

Mayor Ross called the meeting to order at 6:28 p.m. and led the assembly in the pledge of allegiance.

2. ROLL CALL

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

3. CHANGES TO AGENDA/EMERGENCY MATTERS

None.

4. ANNOUNCEMENTS/PRESENTATIONS

Mayor Ross made the following announcements:

- The Broward County Property Appraiser's Office will be hosting a community outreach event at the Cooper City Community Center on Tuesday, February 19th from 10:00 a.m. to 11:30 a.m.
- The Cooper City Community Cabaret will be held in the Community Center on Friday, February 22nd at 6:30 p.m. Audition request forms are available in the Community Center.
- The Cooper City resident's Garage Sale will be held on Saturday, March 2nd at the Cooper City Sports Complex from 7 a.m. until noon.
- The Annual Book Swap will be held in the Community Center at 6:00 p.m. on March 8th.
- The Richardson 5K Run/Walk will be held on Sunday, March 10th at 8:00 a.m.
- City offices will be closed on Monday, February 18th in observance of President's Day.
- The Commission Meeting schedule is as follows:
 - Thursday, February 21st, 6:00 p.m. - Monterra Workshop
 - Tuesday, February 26th, 6:30 p.m. - Commission Meeting
 - Tuesday, March 12th, 6:30 p.m. - Commission Meeting
- BSO District 16 will host a Fraud Awareness Presentation – Date to be Announced.

Commissioner Mallozzi made the following announcements:

- Girl Scout Troop #10765 continues to collect household linens and bedding materials for the Humane Society of Broward County. Contact Collette at 305-970-8284.
- Support military personnel stationed overseas through www.forgottensoldier.org

Commissioner Sims announced that the School Board of Broward County is finalizing their annual boundary discussions. Public Hearings will be held on February 27th and April 3rd at the Plantation High School Auditorium. There will be additional hearings regarding school attendance, areas and usage recommendations for elementary, middle and combination schools on February 29th and March 28th. All meetings begin at 5:30 p.m.

Commissioner Curran complimented Public Works and the Optimists for the successful "Soccerfest" event and announced that the Cooper City High School Faculty VS. Student Basketball game will be held on Thursday, February 21st at 7:00 p.m. and the faculty team will include the former Mayor, Debby Eisinger and Commissioner Green. Proceeds from the \$5.00 ticket sales will benefit the James and Lindsay Layer Scholarship Foundation.

5. AGENDA CONCERNS

There were no requests to speak on Agenda Concerns.

6. CONSENT AGENDA

A. Minutes

1. January 22, 2013 – Commission Meeting
2. January 24, 2013 – Commission Workshop
3. February 6, 2013 – Special Magistrate Interview Minutes

B. Home Local Business Tax Receipts

Rax Wildlife Consulting, LLC, Clayton R. Walker, 11930 SW 55th Street, Wildlife Consultation

C. Financial Matters

1. Approving an annual renewal of the O'Briens Response Management agreement through March 2014
2. Approving the installation of new Variable Air Volume (VAV) duct boxes, fresh air blowers and system controls for the air conditioning system at the Police Department
3. Approving the purchase order to Layne Inliner for the rehabilitation of 2 gravity sewer mains
4. Approving the purchase of a sand strainer for raw water well #8 from Bollfilter Corporation
5. Approving Task Order #2012-01 to CH2M Hill Engineers Inc. for design-build services associated with the rehabilitation of wastewater lift station #7 and approval of an Assignment of Agreement from CH2M Hill Inc. to CH2M Hill Engineers, Inc.

D. Resolutions

1. Designating and appointing Helen Cohen to the Education Advisory Board – **Res. No. 13-2-1**
2. Ratifying the Special Magistrate selection(s) made during the February 6, 2013 Interview and Selection process – **Res. No. 13-2-2**

MOTION: To approve the Consent Agenda.

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

7. APPOINTMENT OF BROWARD SHERIFF'S OFFICE COOPER CITY DISTRICT POLICE CHIEF

City Manager Loucks described the process by which he made his recommendation to the Commission for the appointment of Lt. Robert Cates as Cooper City District Chief.

MOTION: To accept the recommendation of the City Manager and appoint Lt. Robert Cates as Cooper City District Chief.

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

8. LAND DEVELOPMENT MATTERS

Mayor Ross opened the public hearing and administered an oath to all those wishing to speak on the Land Development Matters.

A. PNC Bank located at 9479 Sheridan Street, Outparcel 3, Cooper City Commons

1. Quasi-Judicial Hearing for Site Plan Amendment #SP 9-1-11 – Res. No. 13-2-3

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 13-3 TO PNC BANK, FOR SITE PLAN #SP 9-1-11, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Resolution granting Development Order No. 13-3 to PNC Bank, pursuant to the stipulations contained in the staff report.

Moved by Commissioner Sims. Seconded by Commissioner Green.

Matt Wood read the staff report relative to the 3 petitions under Item 9A, including recommendations for approval from the Utilities Department, DRC, and the Planning and Zoning Boards.

Ex-parte' Communication

None.

Scott Backman, Attorney for the petitioner, presented the petitions.

Mayor Ross closed the quasi-judicial hearing.

All aye on roll call vote to Item 9A1. Motion passed.

2. Sign Waiver Petition #SW 9-1-11

MOTION: To approve the Sign Waiver Petition for PNC Bank, pursuant to the stipulations contained in the staff report.

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

3. Quasi-Judicial Hearing for Abandonment Petition #AB 10-1-12 – Res. No. 13-2-4

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA APPROVING THE PARTIAL RELEASE OF A PORTION OF A UTILITY EASEMENT FROM PUBLIX SUPERMARKETS, INC. FOR THE COOPER CITY COMMONS SHOPPING CENTER; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE, by title only.

MOTION: To approve the Resolution granting the Abandonment Petition to PNC Bank, pursuant to the stipulations contained in the staff report.

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

B. Timberlake Plaza, located at the corner of Griffin Road and SW 87th Avenue

Sign Package Amendment Petition #SI 12-1-12

MOTION: To approve the Sign Package Amendment for Timberlake Plaza, pursuant to the stipulations contained in the staff report.

Moved by Commissioner Curran. Seconded by Commissioner Sims.

Ex-parte' Communication

None.

All aye on roll call vote. Motion passed.

9. ORDINANCES FOR FINAL READING AND PUBLIC HEARING

A. Amending Chapter 2 of the Municipal Code of Ordinances by amending Section 2-202, Sale of Property in City's Possession Generally – Ord. No. P13-1

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION", AT ARTICLE VII "FINANCE", OF THE CITY OF COOPER CITY MUNICIPAL CODE OF ORDINANCE, BY AMENDING SECTION 2-202, "SALE OF PROPERTY IN CITY'S POSSESSION GENERALLY"; PROVIDING DEFINITIONS AND PROVIDING FOR REVISED PROCEDURES FOR THE HANDLING OF LOST OR ABANDONED PROPERTY, AND THE DISPOSAL OF SURPLUS PERSONAL OR REAL PROPERTY OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Ordinance amending Section 2-202 of the Municipal Code of Ordinances.

Moved by Commissioner Sims. Seconded by Commissioner Green.

Gladys Wilson, 5155 SW 90th Avenue, commented regarding the definition of "surplus property" and suggested that there must be a legal definition written into the ordinance.

MOTION: To change the word "may" to "shall" in Section 2 (D).
Moved by Commissioner Sims. Seconded by Commissioner Green.

MOTION AMENDMENT BY THE MAKER AND ACCEPTED BY THE SECOND: To add the words and/or to Section 2 (D) between each option of disposal criteria.

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

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

- B.** Creating Article IX "Cost Recovery" of Chapter 2 "Administration", in order to establish administrative cost recovery fees and procedures, in order to provide for cost recovery of City costs related to application review and processing – **Ord. No. P13-2**

City Atty. Wolpin read, AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING ARTICLE IX "COST RECOVERY" OF CHAPTER 2 "ADMINISTRATION", IN ORDER TO ESTABLISH ADMINISTRATIVE COST RECOVERY FEES AND PROCEDURES IN ORDER TO PROVIDE FOR COST RECOVERY OF CITY COSTS RELATED TO APPLICATION REVIEW AND PROCESSING; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Ordinance creating Article IX of Chapter 2 of the Municipal Code of Ordinances.

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

10. DISCUSSION AND/OR ACTION

- A.** Discussion regarding the recently approved purchase of recycling carts and the request to bring the issue back to the Commission for further discussion.

MOTION: To bring the item back on a future agenda for further discussion.

Moved by Commissioner Curran. Seconded by Commissioner Sims.

AMENDMENT TO MOTION: To change the date of the future discussion to February 26th. **Made by maker of the motion without objection.**

Roll Call Vote

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

Motion failed

MOTION: To bring the item back for further discussion on March 12, 2013.

Moved by Commissioner Green. Seconded by Commissioner Mallozzi. Motion passed 3-2 with Commissioners Sims and Curran dissenting.

MOTION: To remove Items 10B, 10C and 10D from the Agenda.

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

11. POLICE CHIEF'S REPORT

Chief Cates thanked the Commission for ratifying his appointment to District Chief and reported that the 2012 statistics showed a 20% decline in residential burglaries and a 23% decline in vehicle burglaries. He provided follow-up information regarding the burglary suspect whose wallet was found at a crime scene and extended his appreciation to the community for their support at the recent Beef-O-Brady's Tip-A-Cop event. He reported that there had been 5 vehicle burglaries throughout the City in the past week.

12. FIRE CHIEF'S REPORT

Chief Sievers reported that he attended Part 1 of an Incident Safety Officer Seminar through the National Fire Academy and will attend Part 2 on Friday. He provided status updates on the Autism Awareness event, the Founder's Day event and the Special Olympics Florida Law Enforcement Torch Run.

13. CITY MANAGER REPORT

City Manager Loucks reported on the "Go Solar 2" grant program offered by Broward County, which will be brought before the Commission at a future date. He explained the late fee structure previously approved by Commission for utility bills has shown some unintended consequences for foreclosed or abandoned homes and he will ask the Commission for additional direction at a future Commission Meeting.

14. OPEN PUBLIC MEETING

Gladys Wilson, 5155 SW 50th Place, announced that the Cooper City Civic Group will meet in the Community Center on Thursday, February 21st at 7:00 p.m.

15. COMMISSIONERS' CONCERNS/REPORTS

Commissioner Mallozzi reported that the "Fostering Florida's Future" program has asked to offer a presentation at a future Commission Meeting; the Broward County School Board boundary changes may not affect Cooper City, but the City should maintain their presence at the I-zone meetings because of nearby overcrowding; the Metropolitan Planning Organization has improvements scheduled along University Drive, which runs through a small portion of Cooper City and the Broward League of Cities "Send Your Sales Tax to School" program supports technology in classrooms.

Commissioner Sims opined that Mayors' public positions on issues should be supported by the Commission prior to being formally publicized. He expressed that he did not agree that the City Manager should have the authority to direct the City Attorney on matters of suits against the City. He asked for an executive session to discuss the appeal of the class-action law suit against the City. The City Manager replied to his concerns.

Commissioner Curran congratulated Chief Cates, opined regarding the reduction of late fees on foreclosed and/or abandoned properties. He commented that the City's relationship with the School Board is very strong, boundary changes are unlikely due to the petitioning requirements for such an impact and as charter schools are now more prevalent; public schools need to implement marketing strategies to attract good students.

Commissioner Green congratulated Chief Cates, and agreed with Commissioner Curran that the School Board should be petitioned to assign and bus students who live in Country Glen to Cooper City High School.

Mayor Ross complimented the Optimists on their "Soccerfest" event and expressed his concerns for the City's sports programs. He congratulated Chief Cates and complimented Chief Sievers for his efforts during the "Tip-A-Cop" event. He explained that he was briefed by the City's Attorneys when he scheduled a meeting with them to discuss the law suit and opined on the reduction of late fees for foreclosed and/or abandoned properties.

16. ADJOURNMENT

Mayor Ross adjourned the meeting at 7:53 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.