

**CITY OF COOPER CITY
CITY COMMISSION MEETING
MAY 28, 2013**

1. PLEDGE OF ALLEGIANCE

Mayor Ross called the meeting to order at 6:30 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 requested a moment of silence in recognition of the passing of Bob Adams, spouse of Commission Assistant Carol Adams, and made the following announcements:

- The memorial service for Bob Adams will be held on Saturday, June 1st at 3:00 p.m. at the Star of David; 7701 Bailey Road in Tamarac.
- "Family Pool Fun Days" will be on June 8th and August 17th from 11:00 a.m. to 3:00 p.m. at the Pool and Tennis Center.
- Cooper City "Touch-A-Truck" will take place on Saturday, June 15th from 9:00 a.m. until noon at the Cooper City Sports Complex.
- Father's Day "Swim Free Day" for dads will be held at the Pool and Tennis Center on June 16th.
- The next regular City Commission Meeting will be as follows:
 - On Tuesday, June 4th at 6:30 p.m. there will be a Workshop for Traffic Calming Devices.
 - On Tuesday, June 18th the Regular Commission Meeting will be held at 6:30 p.m

A. Teen Council Recognition

The City Commission, along with Recreation Director Lynda Good presented Certificates of Appreciation to the members of the Teen Council who were in attendance.

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

B. Senator Eleanor Sobel – Legislative Update

Senator Sobel provided a summary of proposed and passed legislation from the most recent Legislative Session. She further announced proposed legislation for a future session.

5. AGENDA CONCERNS

Diane Sori, 3794 Bimini Avenue, commented regarding Item 9 and recommended that the City Manager be left to negotiate the contract on his own without the assistance of Former City Commissioner and BSO Fire Chief Neal De Jesus.

Gladys Wilson, 5155 SW 90th Avenue, suggested that the City's current BSO contract is not financially beneficial to the City. She declared that Neal De Jesus does not have the qualifications to assist the City Manager and the Commission with this contract, and that a professional negotiator should be hired.

6. CONSENT AGENDA

A. Minutes

1. May 14, 2013 – Regular Meeting
2. May 21, 2013 – Workshop (Redistricting)

B. Proclamation

1. Not 1 Forgotten Male Cancer Awareness Month – June, 2013
2. Civility Month – May, 2013

C. Home Local Business Tax Receipts

1. Community Leadership Consulting, LLC, Geraldine Freedman, 5818 SW 117 Avenue, Human Services Consulting
2. American Destiny Realty of South Florida, LLC, Dorim Frai, 10404 Brasilia Street, Real Estate Services/Broker
3. On-The-Go Nutritional Excellence, Inc., John Iovino, 8553 NW 38 Street, Wholesale Distribution

D. Resolutions

Authorizing the execution of a Memorandum of Understanding for participation in the University Drive Mobility Improvements Planning Study – **Res. No. 13-5-3**

E. Request to Schedule Commission Meetings/Workshops

1. Approval to schedule a Budget Workshop for Wednesday, July 17th and a second Budget Workshop (if needed) for Thursday, July 18th at 6:30 p.m.
2. Approval to schedule a workshop with the Business Advisory Board for Tuesday, July 23, 2013 at 6:30 p.m.
3. Approval to schedule the Special Meeting to set the proposed Millage Rate, adopt the Initial Assessment Resolution, establish the Debt Levy, set the date, time and place for the First Public Hearing on Budget, Taxes, and Debt Levy and set the date for the Final Hearing for Special Assessment for Monday, July 29th at 6:30 p.m.

MOTION: To approve the Consent Agenda.
Moved by Commissioner Green. Seconded by Commissioner Mallozzi. All aye on roll call vote. Motion passed.

7. ORDINANCE FOR FIRST READING

Establishing Revised City Commission Election District Boundaries in Accordance with City Charter Section 3.03 – **Ord. No. P13-4**
City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, ESTABLISHING REVISED CITY COMMISSION ELECTION DISTRICT BOUNDARIES IN ACCORDANCE WITH CITY CHARTER SECTION 3.03; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Ordinance establishing the revised City Commission Election District Boundaries.

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

8. LAND DEVELOPMENT MATTERS

A. Regions Bank Plaza, located at 9100 Griffin Road, Sign Package Amendment Petition #SI 2-1-13

Mayor Ross opened the Quasi-judicial Hearing and administered an oath to Patricia Ortiz of West Central Florida Permits on behalf of Regions Bank.

Matt Wood read the staff report relative to the petition, including recommendations for approval from the Planning and Zoning Board and the Business Advisory Board.

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

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

B. Mill Creek at Cooper City, located at SW 106th Avenue and SW 55th Street

Mayor Ross opened the Quasi-judicial Hearing.

Quasi-Judicial Hearing on Final Reading and Public Hearing on the Ordinance for Rezoning Petition #Z 9-1-12 – Ord. No. P13-3

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING A REZONING FROM BROWARD COUNTY E-1, ONE ACRE ESTATE ZONING DISTRICT, TO COOPER CITY R-1-B, SINGLE FAMILY ZONING DISTRICT, OF THE FOLLOWING LANDS; THE WEST ONE-HALF OF TRACT 33, AND ALL OF TRACT 34, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 OF SECTION 31, TOWNSHIP 50 SOUTH, RANGE 41 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE(S) 17, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LAND LYING AND BEING IN BROWARD COUNTY, FLORIDA; PROVIDING FOR THE ALLOCATION OF FLEXIBILITY UNITS; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; AND PROVIDING FOR EFFECTIVE DATE," by title only.

Mayor Ross administered an oath to all those wishing to speak on the following three items.

Ex-Parte Disclosure

Commissioner Green: None

Commissioner Curran: None

Commissioner Sims: Mr. Backman and Mr. Kroningold,

Commissioner Mallozzi: None

Mayor Ross: None

Matt Wood read an abbreviated version of the staff report relative to the rezoning petition, including recommendations for approval from staff and the Planning and Zoning Board. He then summarized the staff report relative to the variance application, including a recommendation for approval from the Planning and Zoning Board.

City Atty. Wolpin read the titles of the following three (3) items for consideration.

Res. No. 13-5-4

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING THE REQUEST FOR VARIANCE PETITION #V 9-1-12 FROM MILL CREEK AT

COOPER CITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Res. No. 13-5-5

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 13-5 TO MILL CREEK AT COOPER CITY, FOR SITE PLAN PETITION #SP 9-1-12, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Res. No. 13-5-6

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 13-6 TO MILL CREEK AT COOPER CITY, FOR PLAT PETITION #P 9-1-12, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Ira Libanoff, 10705 Indian Trail, expressed his concerns with the project and explained that the developer has been responsive and cooperative with the community.

Gladys Wilson, 5155 SW 90th Avenue, expressed her objections to the approval of the petitions for this development.

Mayor Ross closed the quasi-judicial process.

1. Quasi-Judicial Hearing on Final Reading and Public Hearing on the Ordinance for Rezoning Petition #Z 9-1-12 – Ord. No. P13-3

MOTION: To approve the Ordinance rezoning the Mill Creek property from Broward County E-1, One Acre Estate Zoning District to Cooper City R-1-B, Single Family Zoning District.

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

2. Quasi-Judicial Hearing for Variance Petition #V 9-1-12 – Res. No. 13-5-4

MOTION: To approve the Variance Petition for Mill Creek, pursuant to the stipulations contained in the staff report.

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

3. Quasi-Judicial Hearing for Site Plan #SP 9-1-12 – Res. No. 13-5-5

MOTION: To approve the Resolution granting Development Order No. 13-5 for Site Plan Petition for Mill Creek, pursuant to the stipulations contained in the staff report.

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

4. Quasi-Judicial Hearing for Plat Petition #P 9-1-12 – Res. No. 13-5-6

MOTION: To approve the Resolution granting Development Order No. 13-6 for Plat Petition for Mill Creek, pursuant to the stipulations contained in the staff report.

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

9. DISCUSSION AND DIRECTION

Compliance Review of the Broward Sheriff Office Contract
City Manager Loucks summarized the Commission direction from the March 27, 2013 goal-setting workshop which requested the clarification and review of the BSO contract for compliance.

MOTION: To table this discussion until after the results of the County audit is released.

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

10. POLICE CHIEF'S REPORT

Chief Cates advised caution on the roads as children will soon be out of school for the summer.

Sheriff Israel addressed the Commission and thanked them for their continued employment of the Sheriff's Office. He explained that he did express his displeasure with the possibility of the City utilizing the former Fire Chief as a consultant to both Commissioner Sims and Commissioner Mallozzi.

Chief Cates added that RAD Kids and RAD Women training will be offered within the district during the month of June and advised that Cooper City residents should contact the district office for details and to register.

11. FIRE CHIEF'S REPORT

Chief Sievers cautioned the community to finalize hurricane preparations as the season approaches. He explained that the CERT

team is available to assist vulnerable members of the community with securing their homes.

12. CITY MANAGER REPORT

City Manager Loucks explained that the Recreation Department is currently in the process of reorganizing and full-time positions will be filled through the competitive process.

13. OPEN PUBLIC MEETING

Ann Sommer, 5630 SW 120th Avenue, suggested that a one-acre enclosed dog park should be added to the new park on Flamingo Road.

Valerie Shaw, 8774 NW 37th Place, expressed concerns that Gatlin Development Group seeks to develop a Wal-Mart Community Market store on the Spears property in Davie.

Lily Whitney, 3761 NW 88th Terrace, expressed concerns for the development of the proposed Wal-Mart development and asked the City Commission to express these concerns to the Davie Town Council.

Diane Sori, 3794 Bimini Avenue, expressed her opinions regarding the dismissal of Neal De Jesus by Sheriff Isreal and regarding the possibility of using Mr. De Jesus as a consultant.

Walt Jolliff, 11095 Bismarck Place, opined on the BSO contract and the process of its review.

Tien Lowe, 8783 NW 37th Place, expressed concerns regarding the proposed Wal-Mart development in Davie and requested that the City Commission oppose this development to the Davie Town Council.

14. COMMISSIONERS' CONCERNS/REPORTS

Commissioner Mallozzi praised of the RAD Kids program, explained to the Monterra residents why only one Commissioner was permitted to attend their unpublicized meeting, and expressed her ideas regarding the use of water toys during the Founders' Day Parade. She asked if it were possible to schedule a public meeting for the Cooper City Commission to meet with Gatlin Development.

Commissioner Sims suggested that Cooper City should not meet with Gatlin Development developer until Davie approves the project in question. He explained that he had already met with them and with the attorneys on this matter and put them together with the residents of Monterra to discuss Police and Fire issues.

Commissioner Curran expressed his concerns for the Spears property/Wal-Mart project. He expressed his thoughts on the BSO

contract review and cautioned the community to be on the lookout for children at play during summer break, beginning May 30th. He announced Cooper City High School's Graduation at Nova Southeastern University on Sunday, June 2nd at 3:00 p.m.

Commissioner Green explained that he met with the attorneys for the developer of the Spears property and has expressed the concerns of the Cooper City residents. He expressed his thoughts on the Memorial Day holiday.

Mayor Ross explained that he has also met with the Gatlin attorneys to express the concerns of the Monterra residents. He suggested that the process has a long way to go and it is unclear at this point how the development of this parcel will proceed. He expressed his thoughts on the BSO contract review. He shared his experience as a presenter at the Cooper City High School Senior Award Ceremony and as the Commencement Speech orator for the Nur-ul-Islam graduation ceremony.

15. ADJOURNMENT

The meeting was adjourned at 8:49 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.