

**CITY OF COOPER CITY
CITY COMMISSION MEETING
NOVEMBER 19, 2013**

1. PLEDGE OF ALLEGIANCE

Mayor Ross called the meeting to order at 6:30 p.m. and Riley Edmunds 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:

- Cooper City and the Town of Davie will host an Autism Awareness Day event at the BSO Fire Station on Sunday, November 24th from 2:00 p.m. to 4:00 p.m.
- Light Up Cooper City will take place on December 6th from 6:00 p.m. to 9:00 p.m.
- Breakfast or Lunch with Santa at the Community Center will be held on Saturday, December 14th. Reservations are limited.
- The BSO Fire Rescue Santa Program will make visits on Saturday, December 14th and Sunday, December 15th beginning at 4:00 p.m. each day. Call (954)432-8905 for reservations.
- The upcoming Commission Schedule will be as follows:
 - City Hall will be closed on Thursday, November 28th and Friday, November 29th in observance of Thanksgiving.
 - The Flamingo Road Park Workshop will be held on Tuesday, December 3rd at 6:30 p.m.
 - The next Regular Commission Meeting will be on Tuesday, December 17th at 6:30 p.m.

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
- Compliments to Lynda Good and the Recreation Department for the execution of the Daddy/Daughter Dance.

The following presentations were made:

1. Chief Cates joined the Mayor and Commission as they presented Detective Darren Rush with a Certificate of Commendation in recognition of his recent nomination for Broward County Crime Commission Detective of the Year.

2. Mayor Ross and the City Commission presented the Proclamation Supporting the Military Heroes Support Foundation to Karla Smiley, Tom Kelaher, Carol Sain, Debbie Farmer, Beverly Swasey, Robert Tompson and Tammy Cintron of MHSF.

5. AGENDA CONCERNS

Marian Edwards, 5631 SW 116th Avenue, spoke regarding Item 10D, and asked that the storage lot rents be lowered to their previous rates.

Helen Graham, 5747 SW 89th Way, spoke against the recent increase to the storage lot fees and asked for an explanation as to where the funds collected from rent are used throughout the City's budget.

Mitch Gordon, 3330 Dockside Drive, spoke against the storage lot fee increases and the proposed security upgrades. He thanked Commissioner Sims for responding to his email.

Kandy Fillyaw, 9473 SW 51st Place, spoke against the rate increase for the storage lots and questioned the sidewalk repair schedule and the replacement of streetlight bulbs.

Michael Whiteman, 8932 SW 57th Street, spoke regarding the security at the storage lots and opined that the amount of the increase was too severe, lacked notice to the stakeholders and resulted in no improvements to security to date.

Dale Katz, 4771 Sunkist Way, spoke against the steep increase in the rates for the storage lots and the lack of security upgrades.

6. CONSENT AGENDA

A. Minutes

1. October 17, 2013 – Workshop on Palm Avenue Construction
2. October 22, 2013 – Regular Commission Meeting Minutes

B. Home Local Business Tax Receipts

1. Clawson Field Services, LLC, Patricia E. Clawson, 11549 SW 51 Court, Internet-based Residential Mortgage
2. Shot Marketing, Juliane M. Brayton, 4119 Lansing Avenue, Marketing Consultant
3. Burns, Maria Ines Real Estate Broker, Maria I. Burns, 9445 SW 52 Place, Real Estate Agent
4. William A. Wessels, 5141 SW 93 Avenue, Gunsmithing
5. Floodtech, Inc., Carrie Braganca, 4100 SW 95 Avenue, Restoration

C. Proclamations

1. Nova Southeastern University's 50th Anniversary Day – 12/4/13
2. Supporting the Military Heroes Support Foundation – 11/24/13
3. Honoring the Life and Legacy of John F. Kennedy – 11/22/13

D. Resolutions

1. Designating and Reappointing C. Reginald Esiobu to the Cooper City Firefighters Pension Board – **Res. No. 13-11-1**
2. Approval of a Water & Sewer Developer's Agreement with First Baptist Church of Southwest Broward – **Res. No. 13-11-2**
3. Designating and Reappointing Barry Schinder and Robert King to the General Employees Pension Board – **Res. No. 13-11-3**
4. Approving the Year 40 Community Development Block Grant Application for the Residential Rehabilitation Program – **Res. No. 13-11-5**
5. Approving the Year 40 Community Development Block Grant Application for the Senior Transportation Program – **Res. No. 13-11-6**
6. Approving a Tri-Party Agreement with Broward County and Standard Pacific of Florida, Inc. for the Mill Creek development to issue model home building permits prior to plat recordation – **Res. No. 13-11-7**

E. Financial Matters

1. Approval of Task Order #2013-08 to Calvin, Giordano & Associates Inc. for engineering analysis and recommendations of the Natalie's Cove Storm Drainage System.
2. Approval of Task Order #2013-09 to Calvin, Giordano & Associates Inc. for the design of storm drainage improvements to SW 53 Court between 103 Avenue and 102 Avenue.
3. Approval of a purchase order to USSI, LLC for remediation of gravity sewer inflow.
4. Approving additional travel funds to be allocated for the Mayor's upcoming trip with the Florida League of Mayors.

F. Meeting Schedule

Approval to schedule a workshop meeting for Thursday, January 9, 2014 at 6:30 p.m. to discuss concrete sidewalks/driveway aprons.

MOTION: To approve the Consent Agenda with the exception of Item 6E4.

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

- E. 4.** Approving additional travel funds to be allocated for the Mayor's upcoming trip with the Florida League of Mayors.

MOTION: To approve additional travel funds to be allocated for the Mayor's upcoming trip with the Florida League of Mayors.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green.

Amended Motion accepted by Commissioner Mallozzi: To approve the transfer of Commission Travel between the Mayor and Commissioners.

Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.

Motion failed 2-3 with Commissioners Green and Curran and Mayor Ross voting no.

ORIGINAL MOTION: To permit an additional \$1400.00 for the Mayor to travel to Washington, DC for the U.S. Conference of Mayors.

Motion passed 3-2 with Commissioners Sims and Mallozzi dissenting.

7. RESOLUTION

Amending Schedule D of the Code of Ordinances to revise the 6% monthly late fee to be the lesser of \$20 or 6% of the past due account balance – **Res. No. 13-11-4**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, AMENDING SCHEDULE (D) OF ORDINANCE NO. 85-10-1, RELATING TO WATER AND WASTE WATER MISCELLANEOUS CHARGES WITHIN THE CITY; REVISING THE SIX PERCENT (6%) MONTHLY LATE FEE TO BE THE LESSER OF TWENTY (\$20.00) DOLLARS OR SIX PERCENT (6%) OF THE PAST DUE ACCOUNT BALANCE; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Resolution amending Schedule D of the Code of Ordinances.

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

8. ORDINANCE FOR FIRST READING AND PUBLIC HEARING

CC Broward Property, Monterra Commercial Property, Public Hearing

An Ordinance approving a First Amendment to the Pre-Annexation and Development Agreement of the Commercial Property in the Monterra Development – Ord. No. P13-7

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING A FIRST AMENDMENT TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BY AND BETWEEN CC BROWARD PROPERTY IV LLC, CC BROWARD PROPERTY V LLC, CC BROWARD PROPERTY VI LLC AND THE CITY OF COOPER CITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

Steve Wherry, Attorney from Greenspoon Marder for CC Broward Property, summarized the First Amendment to the Pre-Annexation and Development Agreement.

Growth Management Director Matt Wood explained that the new Annexation Agreement subjects each development to the new permit fees in place at the time of each application.

MOTION: To approve the Ordinance amending the Pre-Annexation and Development Agreement for Monterra Commercial Property.

Motion passed 4-1 with Commissioner Curran dissenting.

9. ORDINANCE FOR FINAL READING AND PUBLIC HEARING

Amending Section 12-44 of the Municipal Code of Ordinances, the City's Park Regulations regarding the presence and use of animals within City parks – Ord. No. P13-6

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 12-44 "RECREATIONAL ACTIVITIES" OF ARTICLE III "PARK REGULATIONS" OF CHAPTER 12 "PARKS AND RECREATION", IN ORDER TO AMEND THE CITY'S PARK REGULATIONS, REGARDING THE PRESENCE AND USE OF ANIMALS WITHIN CITY PARKS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve the Ordinance amending the City's Park Regulations.

Moved by Commissioner Sims. Seconded by Commissioner Green. All aye on roll call vote. Motion passed with the consensus that there will be an editorial comment in the Code of Ordinances that clarifies the admittance of animals will be restricted to service animals.

10. DISCUSSION/DIRECTION AND/OR APPROVAL

Consensus was reached to move Item 10D to the top of the order.

D. Discussion regarding the storage/parking facilities –
Commissioner Green

Finance Director Horacio Montes de Oca clarified for the Commission and concerned parties that all funds collected from parking facility rents remain in the enterprise fund to be used specifically for parking facility operations, maintenance and upgrades to the facilities. The recent increase in rates was discussed, as well as the upgrade schedule and the estimated expenses.

MOTION: To reduce the current rates at the storage facilities to 50% of the recent increase and refund the difference to those who have already paid the greater amount.

Moved by Commissioner Green. Seconded by Commissioner Mallozzi.

FRIENDLY AMENDMENT: To credit accounts rather than refund overpayments, unless requested by the lot renter.

Moved by Commissioner Sims. Accepted by Commissioner Green. All aye on roll call vote to the motion as amended.

14. OPEN PUBLIC MEETING

Marian Edwards, 5631 SW 116th Avenue, inquired as to whether the lessees of parking spaces would receive an increased reduction to their rates, as it has been decided that much less expensive fencing would be installed in lieu of a concrete wall. She requested a detailed breakdown of each upgrade and each expense for maintaining and upgrading the facilities.

Helen Graham, 5747 SW 89th Way, suggested that the implication is that lessees of spaces have been overcharged for the past ten years and questioned whether that money would be refunded.

Michael Whiteman, 8932 SW 57th Street, referred to the available balance in the parking lot fund as overages and suggested that this balance plus cash reserves can be used to upgrade security at the facilities.

10.

- A. Discussion regarding an independent audit of the BSO/Cooper City contract – **Mayor Ross**

Mayor Ross passed the gavel to Commissioner Mallozzi to introduce the discussion item as he requested it be placed on the Agenda.

Mayor Ross explained that the Broward County audit of their BSO contract was recently released, prompting discussion as to whether the City should follow suit with an independent performance audit. He explained that performance or operational reviews are conducted by the City Manager on a regular basis and that the information provided to him by the Chief is accurate and conclusive.

- He questioned whether a compliance audit would be necessary based on the ongoing status reporting that currently takes place and ultimately contended that it would be an unnecessary expense.
- Commissioner Sims agreed that the current status reporting may supersede outside oversight at additional cost, but should perhaps contain specific line item reporting.
- Commissioner Green submitted that all contracts, large or small, have compliance oversight and checks and balances for accountability and this one should be handled in a similar manner for consistency.

- Commissioner Curran suggested that a contract manager, working under the City Manager with no direct BSO contact, should oversee contract compliance.
- Commissioner Mallozzi agreed that audits are valuable with all accounts, budgets and contracts, but expressed concerns as to whether it is necessary and what the cost would be. She agreed that more conclusive reporting would be beneficial.

MOTION: To extend the meeting passed the current time of 9:30 p.m.

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

Consensus was reached to allow the City Manager to work with Chiefs Cates and Sievers to create a specific, conclusive compliance report to be submitted on a monthly basis.

10.

- B. In the event that a quorum of the City Commission members cannot attend the joint elected officials' meeting on the RRB Litigation matter on **January 17, 2014 from 2:00 p.m. to 5:00 p.m.**, please designate one or more Commission member to appear as the City's authorized representative(s) – **Administration**

MOTION: To appoint Mayor Ross as the City's designee in the event that a quorum of City representatives cannot be present.

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

10.

- C. Discussion regarding possible code change relative to the fence/wall height on Palm Avenue – **Administration**

City Manager Loucks expressed the need for residents of this corridor to be allowed to raise their privacy fences/walls due to the raised height of the road after the widening project.

MOTION: To direct the Growth Management Director to introduce a code amendment specific to this area with regard to fence/wall height.

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

11. POLICE CHIEF'S REPORT

Chief Cates thanked the Commission for their recognition of Detective

Rush and praised Detective Rush for his loyalty and dedication to the district. He commended all of the members of the district for the high performance standards they have demonstrated throughout the year. He asked for community diligence with protecting their valuables by locking car doors and explained the "Safety Net" program. He reported on two recent BSO vehicle accidents which occurred as a result D.U.I. perpetrators, explained that additional BSO equipment will be in Cooper City throughout the holiday shopping period and D.U.I. units will be in the City this weekend and next weekend.

12. FIRE CHIEF'S REPORT

Chief Sievers reported that the Autism Awareness Day will be held at the District 28 station this weekend and explained that the Santa Program registration will close on Friday and the hotline number is (954) 436-7310.

13. CITY MANAGER REPORT

City Manager Loucks reported that the two playgrounds that were approved in the budget will be installed at Chase Clark Park and Forest Lake Park within the next month. He explained the various stages of several land development projects throughout the City such as Mill Creek, the Farm Stores on Griffin Road, Jefferson Apartments, the PNC Bank and an upcoming adult living facility.

15. COMMISSIONERS' CONCERNS/REPORTS

None.

16. ADJOURNMENT

The meeting was adjourned at 9:51 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.