



# MEMORANDUM

FROM: Tina Hudson

TO: Mayor Eisinger  
Commissioner Mallozzi  
Commissioner Sims  
Commissioner Green  
Commissioner Curran

DATE: January 31, 2011

SUBJECT: Commission Meeting Minutes

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Attached for your review are the minutes from the following Commission Meetings:

January 25, 2011          Regular Commission Meeting

Thanks!

*Tina*

**CITY OF COOPER CITY  
CITY COMMISSION MEETING AGENDA  
JANUARY 25, 2011  
6:00 PM**

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. CHANGES TO AGENDA/EMERGENCY MATTERS**

**4. ANNOUNCEMENTS/PRESENTATIONS**

- A. Cathy Fitzgerald, BSO – Retirement
- B. Education Advisory Board - Leadership in Government Program
- C. Proclamation - Starlight Children's Foundation – Elliot Kleiman
- D. Water Shortage Outreach – "Dry Season 2011" - Elbert L. Waters, J.D.

**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.)

**6. CONSENT AGENDA**

**A. Minutes**

- 1. January 11, 2011 – Workshop Meeting
- 2. January 11, 2011 – Commission Meeting

**B Proclamation**

Starlight Children's Foundation

**C. Resolutions**

- 1. Authorizing the Mayor and City Clerk to execute the 36 Year CDBG Agreement for Residential Rehabilitation – Res. No. 11-1-5

2. Authorizing the Mayor and City Clerk to execute the 36 Year CDBG Agreement for Senior Transportation – Res. No. 11-1-6
3. Authorizing the Mayor and City Clerk to execute a Joint Partnership Agreement with Broward County for Replacement of Water Utilities on Palm Avenue – Res. No. 11-1-7

## **7. LAND DEVELOPMENT MATTERS**

(Florida court rulings now require all land development matters to be considered by the City Commission in a quasi-judicial process. All persons who wish to give testimony or present evidence must be sworn in. Copies of the complete procedure are available in the Office of the City Clerk).

### **A. Quasi-Judicial Hearing for Site Plan Amendment #SPA 9-1-10 – The Spot, Outdoor Seating - Located at 2721 North Hiatus Road – Res. No. 11-1-8**

**MOTION:** To approve/reject the Resolution granting Development Order No. 11-2R to The Spot Sports Bar, pursuant to the stipulations contained in the staff report.

### **B. Quasi-Judicial Hearing for Site Plan Amendment #SPA 10-1-10 and Plat Amendment Petition #PA 10-1-10 – St. Nicholas Ukrainian Orthodox Church - Located at 5041 Southwest 100<sup>th</sup> Avenue – Res. No. 11-1-9**

**MOTION:** To approve/reject the Resolution granting Development Order No. 11-3R to St. Nicholas Ukrainian Church, pursuant to the stipulations contained in the staff report.

### **C. Quasi-Judicial Hearing for Site Plan Amendment #SPA 3-2-08 – Tijuana Flats - Located at 8703 Stirling Road – Res. No. 11-1-10**

**MOTION:** To approve/reject the Resolution granting Development Order No. 11-4R to Tijuana Flats, pursuant to the stipulations contained in the staff report.

## **8. DISCUSSION AND DIRECTION**

Solid Waste Interlocal Agreement (ILA) – City Manager

## **9. POLICE CHIEF'S REPORT**

## **10. FIRE CHIEF'S REPORT**

## **11. CITY MANAGER REPORT**

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

## **13. COMMISSIONERS' CONCERNS/REPORTS**

## **14. ADJOURNMENT**

**CITY OF COOPER CITY  
CITY COMMISSION MEETING  
JANUARY 25, 2011**

**1. PLEDGE OF ALLEGIANCE**

Mayor Eisinger opened the meeting at 6:03 p.m. and led the assembly in the Pledge of Allegiance.

**2. ROLL CALL**

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

A moment of silence was held in remembrance of those recently killed in the line of duty; Miami-Dade Police Deputies, Det. Roger Castillo and Det. Amanda Hayworth and St. Petersburg Police Officers, Tom Baitinger and Jeffrey Yaslowitz, and for the victims of the attempted assassination of Representative Gabrielle Giffords.

**3. CHANGES TO AGENDA/EMERGENCY MATTERS**

None

**4. ANNOUNCEMENTS/PRESENTATIONS**

Mayor Eisinger made the following announcements:

- The Broward League of Cities is accepting scholarship applications from Broward County public school seniors who are pursuing majors in government related fields. The deadline is February 11<sup>th</sup>.
- The Commission is accepting Citizen Resource Sheets for those wishing to be appointed to the Senior Citizen Advisory Board.
- Advisory board meeting dates are posted on the City's website as well as on the City marquee outside of the Community Center.
- Regular Board meeting dates are as follows:
  - Business Advisory Board: 1<sup>st</sup> Wednesday of the month @ 7:15 p.m. at City Hall
  - Green Advisory Board: 1<sup>st</sup> Thursday of the month @ 6:00 p.m. in the Community Center
  - Education Advisory Board: 3<sup>rd</sup> Thursday of the month @6:00 p.m.
  - Recreation Committee: 1<sup>st</sup> Monday of the month @ 7:00 p.m. in the Community Center
  - Planning and Zoning Board: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month @ 7:00 p.m. at City Hall
- 'Say "I do" Again' will take place on Monday, February 14<sup>th</sup> @ 6:30 p.m. at City Hall.
- The BSO Fraud Awareness Presentation will be held on Wednesday, March 9<sup>th</sup> at 7:00 p.m. at 10580 Stirling Road. Call 954-434-2000.

- Operation Medicine Cabinet and Shred-a-thon will be conducted on Saturday, March 12<sup>th</sup> from 9:00 a.m. to noon.
- Annual Household Hazardous Waste Drop-off will be held on March 27<sup>th</sup> at the Cooper City Sports Complex from 8:00 a.m. to 3:00 p.m.
- The next City Commission Meeting will take place on Tuesday, February 8<sup>th</sup> at 6:00 p.m. in the City Hall auditorium.

**A. Cathy Fitzgerald, BSO – Retirement**

Cathy Fitzgerald, who began her career with Cooper City Police Department 32 years ago, was presented with a Certificate of Recognition for her years of dedicated service upon her retirement from BSO District 16.

**C. Proclamation - Starlight Children’s Foundation**

Former Commissioner, Elliot Kleiman accepted a proclamation on behalf of the organization.

**B. Education Advisory Board - Leadership in Government Program**

- A video presentation was played showing highlights of the experiences that the students participated in through the *Leadership in Government* program sponsored by the Education Advisory Board.
- Lisa Conlon Dodge, President of the Education Advisory Board, presented outgoing President Donna King with a Certificate of Recognition for her six years of dedicated service to the Board.
- Students who completed the *Leadership in Government* program were presented with Certificates of Congratulations.

**D. Water Shortage Outreach – “Dry Season 2011”**

Director Elbert L. Waters, J.D. of the Broward Service Center for the Water Management District demonstrated some proactive measures the community can take to help protect local water resources during the dry season.

**5. AGENDA CONCERNS**

None.

**6. CONSENT AGENDA**

**A. Minutes**

1. January 11, 2011 – Workshop Meeting
2. January 11, 2011 – Commission Meeting

**B. Proclamation**

Starlight Children’s Foundation

**C. Resolutions**

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2. Authorizing the Mayor and City Clerk to execute the 36 Year CDBG Agreement for Senior Transportation – Res. No. 11-1-6
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**MOTION:** To approve the Consent Agenda.

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

## **7. LAND DEVELOPMENT MATTERS**

### **A. Quasi-Judicial Hearing for Site Plan Amendment #SPA 9-1-10 – The Spot, Outdoor Seating - Located at 2721 North Hiatus Road – Res. No. 11-1-8**

Mayor Eisinger opened the quasi-judicial hearing.

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA ISSUING DEVELOPMENT ORDER NO. 11-2R TO THE SPOT SPORTS BAR, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

#### **Ex Parte' Communication**

Commissioner Curran:	Establishment Owners
Commissioner Green:	Establishment Owners
Commissioner Sims:	Establishment Owners
Mayor Eisinger:	Establishment Owners

**Mayor Eisinger administered oath to the following intended speakers:**

**Matt Wood Sasson Darwish Mayer Damouny**

Matt Wood read the staff report relative to the petition, including recommendations for approval from both the Development Review Committee and the Planning and Zoning Board.

The petitioner provided a brief description of his request with visual accompaniment and requested that the pipe bollard stipulation contained within the staff report be waived.

**Mayor Eisinger closed the quasi-judicial portion of the public hearing to begin deliberation and entertained a motion to approve.**

**MOTION:** To approve the Resolution granting Development Order No. 11-2R to The Spot Sports Bar, pursuant to the stipulations contained in the staff report.

**Moved by Commissioner Mallozzi. Seconded by Commissioner Curran.**

**MOTION:** To remove the bollard and the railing stipulation as contained within the staff report.

**Moved by Commissioner Curran. Seconded by Commissioner Sims.**

**Roll Call Vote**

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

**Motion failed.**

**MOTION:** To approve the resolution to include 14 tables in the area not requiring bollards and with no requirement for railings.

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

**MOTION:** To refer to the DRC, Planning and Zoning Board, and Business Advisory Board the matter of whether a uniform policy should be adopted by ordinance concerning the installation of bollards for outdoor restaurants and alcoholic beverage seating areas.

**Moved by Commissioner Mallozzi.**

**MOTION:** To table the previous motion until the next Commission Meeting for further consideration.

**Moved by Commissioner Sims.**

**Previous motion seconded by Commissioner Curran.**

**Motion to table died for lack of a second.**

**All aye on roll call vote to previous motion.**

**12. OPEN PUBLIC MEETING**

Diane Sori, 3794 Bimini Avenue, shared the following details of the upcoming Davie/Cooper City Relay for Life:

- The theme will be "TV Shows"
- A mini kick-off event and team registration will be held on Wednesday, January 27<sup>th</sup> at 7:00 p.m. at Bob Roth's New River Groves.
- The relay will be held on March 26<sup>th</sup> through the 27<sup>th</sup> at the Cooper City High School football field.
- For more information contact: David Roth, Chair at [davidroth@keyes.com](mailto:davidroth@keyes.com) or Lydia Kruger, Co-Chair at

[sru625@aol.com](mailto:sru625@aol.com) or Diane Sori, Publicity Chair at [gabootica@aol.or](mailto:gabootica@aol.or)  
or [www.relayforlife.org/daviecoopercityfl](http://www.relayforlife.org/daviecoopercityfl).

**B. Quasi-Judicial Hearing for Site Plan Amendment #SPA 10-1-10 and Plat Amendment Petition #PA 10-1-10 – St. Nicholas Ukrainian Orthodox Church - Located at 5041 Southwest 100<sup>th</sup> Avenue – Res. No. 11-1-9**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA ISSUING DEVELOPMENT ORDER NO. 11-3R TO ST. NICHOLAS UKRAINIAN ORTHODOX CHURCH, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**Mayor Eisinger opened the quasi-judicial hearing and requested ex-parte communication disclosure. There was none.**

**Mayor Eisinger administered an oath to the following additional participants:**

<b>Xavier Aguirre</b>	<b>Agent for Petitioner</b>
<b>Frank Aguirre</b>	<b>Project Engineer</b>

Matt wood read the staff report relative to the petitions, including recommendations for approval from DRC as well as the Planning and Zoning Board.

The petitioner voiced their acceptance of the stipulations issued to them through the application process.

**Mayor Eisinger closed the open public deliberation and asked for a motion.**

**MOTION:** To approve the Resolution granting Development Order No. 11-3R to St. Nicholas Ukrainian Church, pursuant to the stipulations contained in the staff report.

**Moved by Commissioner Mallozzi, seconded by Commissioner Sims.**

**MOTION:** To amend the previous motion by adding a restrictive covenant guaranteeing that the property will not be used as a rental home in the future.

**Moved by Commissioner Mallozzi. Motion died for lack of a second.**

**All aye on roll call vote as to original motion.**



**Unanimous consensus was reached to support Mr. Loucks' recommendation and continue to explore all other options.**

#### **9. POLICE CHIEF'S REPORT**

Chief Hale announced the following upcoming events:

- RAD Women (self defense awareness and training) – March 15<sup>th</sup> 16<sup>th</sup> and 18<sup>th</sup> from 6:00 p.m. to 10:00 p.m. each night.
- RAD Kids (self defense awareness and training for children 7-12 years of age) – March 14<sup>th</sup> through the 18<sup>th</sup> from 4:00 p.m. to 6:00 p.m.

Call the BSO District 16 station to register at (954)441-8330.

#### **10. FIRE CHIEF'S REPORT**

Chief Sievers expressed his appreciation to Pam Gorman, Public Safety Educator for her work with the Leadership Academy and the City employee training classes for evacuation plans and fire safety.

#### **11. CITY MANAGER REPORT**

Mr. Loucks explained that a bid would be forthcoming regarding the leasing of City fleet vehicles and that an initial analysis shows that this would be a money-saving method as opposed to purchasing replacement vehicles.

#### **13. COMMISSIONERS' CONCERNS/REPORTS**

Commissioner Curran requested that the Commission consider local businesses and the economic impact that future City regulation will have on them. He additionally explained that the level of respect for public safety workers is in jeopardy and that workshops may be necessary to educate students and parents regarding the contributions of public safety to the community.

Commissioner Sims questioned the necessity of aerial photographs and plans with the submission of certain variance petitions when no structural changes to the site are proposed. He expressed his condolences to the police officers recently wounded and killed while on duty and agreed that more education may be in order. Additionally, he questioned whether it is necessary for any City employees to take home their work vehicles.

Mayor Eisinger echoed condolences to those who have lost their lives while in the line of duty and the need for civility while conducting business in the public eye. Additionally, she expressed her regret that she will have to miss her first Commission Meeting in nine (9) years on February 8<sup>th</sup> due to another commitment to be in Washington, D.C. on the same day in her capacity as a member of the Federal Action Strike Team through the Florida League of Cities. She also explained that she was recently interviewed by Spero Canton for Comcast Newsmakers on behalf of the Broward League of Cities regarding municipal issues for the

upcoming Legislative Session. She announced the BLOC Scholarship Fund and welcomed donations.

**14. ADJOURNMENT**

Mayor Eisinger adjourned the meeting at 9:42 p.m.