

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

**1. PLEDGE OF ALLEGIANCE**

Mayor Eisinger called the meeting to order at 6:02 p.m. and led the assembly in the pledge of allegiance.

**2. ROLL CALL**

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

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

None

**4. ANNOUNCEMENTS/PRESENTATIONS**

Mayor Eisinger made the following announcements:

- Trick-or-Treat Shop-to-Shop will be hosted by and held at Countryside Shops beginning at 10:00 a.m. on Saturday, October 29<sup>th</sup>.
- The Daddy/Daughter Dinner will be held on Friday, November 18<sup>th</sup> from 6:30 p.m. to 9:00 p.m. at Pioneer Middle School.
- The upcoming Commission Meeting Schedule is as follows:
  - Thursday, October 27<sup>th</sup> at 6:00 p.m. GAB Presentation
  - Tuesday, November 8<sup>th</sup> at 6:00 p.m. Commission Meeting
- Mayor Eisinger will appear on NBC6 at 11:00 a.m. on November 8<sup>th</sup> to speak about the BLOC Student Ambassador Program and Scholarship Program.
- Students in 11<sup>th</sup> Grade, interested in government studies may become a Student Ambassador.
- Students in 12<sup>th</sup> Grade, interested in government studies may apply for BLOC scholarships.

Commissioner Sims advised that he would not be available for the scheduled GAB Presentation Workshop, but would support the Commission on any direction that may arise from the workshop.

Recreation Employee Carol Boyle, was presented with a commemorative acrylic tree in honor of her 20 years of dedicated service to the City.

Judge Gisele Pollack appeared in order to advocate on behalf of House Bill 183 and companion Senate Bill 186.

**MOTION:** To remove Item 6C3 from the Consent Agenda and put it to a vote at this time.

**Moved by Mayor Eisinger. Seconded by Commissioner Mallozzi. Unanimous consensus was signified.**

**Item 6C1**

Supporting House Bill 183 Expanding the Class of Nonviolent Offenders who may be Eligible for Pretrial Substance Abuse Diversion Programs – **Res. No. 11-10-10**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, TO THE FLORIDA LEGISLATURE EXPRESSING SUPPORT OF HOUSE BILL 183 EXPANDING THE CLASS OF NONVIOLENT OFFENDERS WHO MAY BE ELIGIBLE FOR PRETRIAL SUBSTANCE ABUSE DIVERSION PROGRAMS; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Resolution supporting House Bill 183.

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

## **5. AGENDA CONCERNS**

Susan Kerns, 12105 Paseo Way, asked for Commission support of the request that the City provide a barrier wall for residents as described under Item 11, citing traffic safety concerns.

Resident with protected identity, additionally addressed Item 11, requesting Commission support and describing a specific traffic event as representative of traffic safety concerns.

William Lockard, 12301 Paseo Way, expressed support of the Item 11 request, citing safety concerns regarding the bus stop located behind his home and the inefficiency of shadow-box fencing to provide privacy.

Debbie Falestra, 12201 Paseo Way, cited specific traffic safety concerns in reference to Item 11 and expressed displeasure with the City Manager's memo provided as backup to the item.

David McKennan, 12205 Paseo Way, echoed the sentiments of his neighbors regarding Item 11 and disputed the City Manager's recommendation contending that circumstances in this area are unique to Cooper City and therefore could not create a precedence.

Ed Wooley, 11038 Nashville Drive, commented regarding an upcoming scheduled Commission Workshop and asked to have five additional paramedics contracted and one additional emergency vehicle purchased.

Gladys Wilson, 5155 SW 90<sup>th</sup> Avenue, commented regard upcoming workshops and also requested the purchase of an additional emergency vehicle.

## **6. CONSENT AGENDA**

### **A. Minutes**

October 11, 2011 – Regular Commission Meeting

### **B. Home Local Business Tax Receipts**

1. Andrew Steinfeld, Sole Proprietor, 5532 SW 88 Terrace, Lawn Service
2. Nonnos Incorporated, Nestor H. Aznar, 4905 SW 90 Terrace, Repair Work

**C. Resolutions**

1. Authorizing the Mayor and City Clerk to execute the 36<sup>th</sup> Year Community Development Block Grant Agreement for the Residential Rehabilitation Program – Minor Home Repair - **Res. No. 11-10-5**
2. Authorizing the Mayor and City Clerk to execute the 36<sup>th</sup> Year Community Development Block Grant Agreement for the Senior Transportation Program - **Res. No. 11-10-6**

**D. Financial Matters**

Approval to Award RFP #2011-6 to G&G Industries, Inc. for the rehabilitation of the wastewater treatment unit #2.

- E.** Approval to schedule a Commission Workshop regarding the Ethics Ordinance for Tuesday, November 15, 2011 at 5:00 p.m. and a Commission Workshop regarding an additional EMS vehicle for Monday, December 19, 2011 at 5:00 p.m.

**MOTION:** To approve the balance of the Consent Agenda with the exception of Item 6C3, previously approved.

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

**7. FINANCIAL MATTER**

Public Hearing Amending Schedule A (Monthly Water Rates) and Schedule B (Monthly Waste Water Rates) of Chapter 19 of the Municipal Code of Ordinances – **Res. No. 11-10-7**

**Mayor Eisinger opened the public hearing.**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, AMENDING SCHEDULE (A), AND SCHEDULE (B) OF ORDINANCE NO. 85-10-1, RELATING TO (MONTHLY WATER RATES) AND (MONTHLY WASTE WATER RATES) WITHIN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Resolution amending the Monthly Water and Waste Water Rates.

**Moved by Commissioner Mallozzi. Seconded by Commissioner Green.**

**Roll Call Vote**

<b>Commissioner Green:</b>	<b>Yes</b>
<b>Commissioner Curran:</b>	<b>Yes</b>
<b>Commissioner Sims:</b>	<b>No</b>
<b>Commissioner Mallozzi:</b>	<b>Yes</b>
<b>Mayor Eisinger:</b>	<b>Yes</b>

**Request was granted to hear public commentary at this time, although**

**no speakers previously signed up to speak on this Item.**

Gladys Wilson, 5155 SW 90<sup>th</sup> Avenue, implored the Commission to avoid raising water rates.

Diane Sori, 3794 Bimini Avenue, expressed support for the passing of the ordinance.

**Roll Call Vote**

**Commissioner Green: Yes**

**Commissioner Curran: Yes**

**Commissioner Sims: No**

**Commissioner Mallozzi: Yes**

**Mayor Eisinger: Yes**

**Motion passed.**

**8. ORDINANCE FOR FIRST READING**

**Amending Section 21-8 and Article II of Chapter 25 of the Municipal Code of Ordinances relating to the regulations of temporary and permanent signs – Ord. No. P11-19**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21 "UNIFIED LAND DEVELOPMENT CODE" AT SECTION 21-8 "DEFINITIONS" CONCERNING DEFINITIONS OF TEMPORARY AND PERMANENT SIGNS; AMENDING ARTICLE II "SIGNS" OF CHAPTER 25 "DEVELOPMENT STANDARDS" TO AMEND REGULATIONS OF TEMPORARY AND PERMANENT SIGNS; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, PROVIDING FOR PENALTY, AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending Chapters 21 and 25 of the Municipal Code of Ordinances.

**Moved by Commissioner Green. Seconded by Commissioner Mallozzi.**

Matt Wood read a staff report relative to the amendments outlined within the ordinance, including recommendation for approval from the Planning & Zoning Board. He further listed the amendments to the code that the ordinance would create.

Atty. Lundgren, representative from the firm of Weiss, Serota, Helfman, Pastoriza, Cole and Boniske responded to questions from the Commission.

**MOTION:** To amend the proposed ordinance to require a \$250.00 bond for the placement of more than three signs on commercial or public property.

**Moved by Mayor Eisinger. Seconded by Commissioner Green.**

**FRIENDLY AMENDMENT:** To amend the proposed ordinance to require a \$250.00 bond for the placement of one sign.

**Moved by Commissioner Green with no objection by the Maker of the original motion.**

**MOTION:** To table this item and schedule a workshop to discuss the details of the amendments.

**Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.**

**Roll Call Vote**

<b>Commissioner Green:</b>	<b>Yes</b>
<b>Commissioner Curran:</b>	<b>Yes</b>
<b>Commissioner Sims:</b>	<b>Yes</b>
<b>Commissioner Mallozzi:</b>	<b>Yes</b>
<b>Mayor Eisinger:</b>	<b>No</b>
<b>Motion passed.</b>	<b>Motion passed.</b>

**9. ORDINANCES FOR FINAL READING AND PUBLIC HEARING**

**A. Amending Section 2-156, of the Municipal Code of Ordinances to Close the Current General Employees Pension Plan to New Members – Ord. No. P11-13**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY'S GENERAL EMPLOYEES RETIREMENT FUND (THE "PLAN") CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES TO CLOSE THE PLAN TO NEW MEMBERS; BY AMENDING ARTICLE I "RETIREMENT PLAN ESTABLISHED; NAME; OPERATIVE DATE" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; BY AMENDING ARTICLE II "DEFINITIONS" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**Mayor Eisinger opened the public hearing and asked those wishing to speak to come forward. Seeing none, she closed the public hearing.**

**MOTION:** To approve the Ordinance amending Section 2-156 of the Municipal Code of Ordinances.

Mr. Amrose of Gabriel, Roeder, Smith and Company briefed the Commission as to the actuarial impact of closing the current plan to new employees.

**MOTION:** To adopt paragraph four of the Actuarial Impact Statement, which recommends changing from a Frozen Entry Age funding method to an Aggregate funding method and to reduce the investment return assumption from 7.50% to 6.50%.

**Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.**

**As Mr. Amrose advised the Commission that the assumptions and funding methods would require pension board votes, the motion died and no vote was taken.**

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

**15. OPEN PUBLIC MEETING**

Ed Wooley, 11038 Nashville Drive, asked the Commission to immediately obtain an additional rescue vehicle and five additional firefighter/paramedics and to stop wasting time on less important subjects.

Bonnie Simpkin, 5022 SW 93<sup>rd</sup> Avenue, protested the increase in water rates, and suggested that the request of long-time residents should be honored.

**B. Amending the Firefighters Retirement Plan, Section 2-158 of the Municipal Code of Ordinances – Ord. No. P11-15**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY FIREFIGHTERS RETIREMENT PLAN CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES PROVIDING FOR A SELF-DIRECTED ALTERNATE INVESTMENT VEHICLE FOR DROP PARTICIPANTS BY AMENDING ARTICLE XVII "DEFERRED RETIREMENT OPTION PLAN," OF SECTION 2-158 "FIREFIGHTERS PENSION PLAN"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending Section 2-158 of the Municipal Code of Ordinances.

**Moved by Commissioner Curran. Seconded by Commissioner Green.**

**Mayor Eisinger opened the public hearing and asked those wishing to speak to come forward. Seeing none, she closed the public hearing.**

**All aye on roll call vote. Motion passed.**

**C. Amending Section 18-1 "Tree Canopy Trust Fund," of the Municipal Code of Ordinances – Ord. No. P11-16**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING SECTION 18-1 "TREE CANOPY TRUST FUND," CODIFIED IN CHAPTER 18 "TREE PRESERVATION CODE" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES TO PROVIDE FOR THE ADOPTION AND APPLICATION OF GENERAL CITY PURCHASING POLICIES FOR TRUST FUND EXPENDITURES; PROVIDING FOR REPEAL;

PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**Mayor Eisinger opened the public hearing and asked those wishing to speak to come forward. Seeing none, she closed the public hearing.**

**MOTION:** To approve the Ordinance amending Section 18-1 of the Municipal Code of Ordinances.

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

**D. Creating Article XVII, "Florida Retirement System," of Section 2-156, "General Employees Pension Plan" of the Municipal Code of Ordinance – Ord. No. P11-17**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY GENERAL EMPLOYEES RETIREMENT PLAN (THE "PLAN") CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES TO JOIN THE FLORIDA RETIREMENT SYSTEM (FRS) AND ALLOWING MEMBERS OF THE PLAN ON THE EFFECTIVE DATE OF THE CITY'S PARTICIPATION IN FRS TO ELECT TO CONTINUE PARTICIPATING IN THE PLAN OR TRANSFER TO FRS; BY AMENDING ARTICLE III "MEMBERSHIP" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; BY CREATING ARTICLE XVII "FLORIDA RETIREMENT SYSTEM (FRS)" OF SECTION 2-156 "GENERAL EMPLOYEES PENSION PLAN"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, by title only.

**Mayor Eisinger opened the public hearing and asked those wishing to speak to come forward. Seeing none, she closed the public hearing.**

**MOTION:** To approve the Ordinance creating Article XVII of Section 2-156 of the Municipal Code of Ordinances.

**Moved by Commissioner Curran. Seconded by Commissioner Green.**

**Roll Call Vote**

<b>Commissioner Green:</b>	<b>Yes</b>
<b>Commissioner Curran:</b>	<b>Yes</b>
<b>Commissioner Sims:</b>	<b>No</b>
<b>Commissioner Mallozzi:</b>	<b>No</b>
<b>Mayor Eisinger:</b>	<b>Yes</b>

**Motion passed.**

**10. LAND DEVELOPMENT MATTERS**

**A. Monterra/CC Broward Property, LLC**

**1.** Public Hearing on Final Reading of Ordinance Rezoning the Monterra Development (South of Stirling Road, North of Sheridan

Street, and West of University Drive), Parcel B, Pods 2F-1 and 2F-2, to Amend the PMUD Master Plan and Design Guidelines - Petition #Z6-1-11 – **Ord. No. P11-18**

City Attorney Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING A REZONING TO AMEND THE MONTERRA PMUD MASTER PLAN AND DESIGN GUIDELINES OF PARCEL B (PODS 2F-1 AND 2F-2) OF THE MONTERRA DEVELOPMENT, AS APPROVED BY ORDINANCE 2006-03-01 AND AMENDED BY ORDINANCES 2010-1-1 AND 2011-7-1; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**EX-PARTE' DISCLOSURE**

Commissioner Mallozzi	Jeff Suitor
Commissioner Curran	None
Commissioner Green	None
Commissioner Sims	None
Mayor Eisinger	Craig Konhauser

**Mayor Eisinger opened the public hearing to include Items A1, A2 and A3. She administered an oath to the following participants.**

Matt Wood	City Staff
Hope Calhoun	Attorney for the applicant
James Wright	Applicant
John Carter	V.P. of Minto for the applicant
Jose Acosta	Applicant
Jill Cohen	Applicant
Scott Leman	Applicant
Jeff Suitor	Applicant

**With no members of the public wishing to speak on the subject, Mayor Eisinger closed the public hearing.**

Matt Wood read an abbreviated staff report relative to the petition, including a recommendation for approval from the Planning & Zoning Board.

**Mayor Eisinger closed the quasi-judicial portion and entertained a motion for approval.**

**MOTION:** To approve the Ordinance rezoning the Monterra Development to amend the PMUD Master Plan and Design Guidelines.

**Moved by Commissioner Curran. Seconded by Commissioner Green.**

**All aye on roll call vote. Motion passed.**

**2. Quasi-Judicial Hearing for Plat Note Amendment Petition #PA 6-1-11 – Res. No. 11-10-8**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 11-10R TO MONTERRA/CC BROWARD PROPERTY, LLC, FOR PLAT NOTE AMENDMENT #PA 6-1-11, SUBJECT OT THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**There was no additional ex-parte' disclosure necessary.**

Matt Wood read the staff report relative to the petition, including recommendations for approval by both the DRC and Planning & Zoning Board.

**MOTION:** To approve the Resolution granting Development Order No. 11-10R to Monterra/CC Broward Property, LLC, pursuant to the stipulations contained in the staff report.

**Moved by Commissioner Curran. Seconded by Commissioner Green.**

**All aye on roll call vote. Motion passed.**

**3. Quasi-Judicial Hearing for Preliminary/Final Site Plan Petition #SP 7-1-11 – Res. No. 11-10-9**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 11-11 TO MONTERRA/CC BROWARD PROPERTY, LLC, FOR SITE PLAN PETITION #SP7-1-11, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**There was no additional ex-parte' disclosure necessary.**

Matt Wood read the staff report relative to the petition, including recommendations for approval by both the DRC and Planning & Zoning Board.

**MOTION:** To approve the Resolution granting Development Order No. 11-11 to Monterra/CC Broward Property, LLC, 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. Sunshine Storage, 9881 Sheridan Street – Petition for Sign Waiver #SW8-1-11**

**Mayor Eisinger opened the public hearing and administered an oath to the following additional participant.**

Michael Cabak                      Petitioner

**EX-PARTE' DISCLOSURE**

Commissioner Mallozzi	Michelle Kiernan, David Nall
Commissioner Curran	None
Commissioner Green	None
Commissioner Sims	David Nall, Michael Cabak
Mayor Eisinger	Craig Konhauser

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

**Open Deliberation**

**Mayor Eisinger closed the quasi-judicial portion and entertained a motion for approval.**

**MOTION:** To approve Sign Waiver Petition #SW8-1-11 to Sunshine Storage, pursuant to the stipulations contained in the staff report.

**Moved by Commissioner Curran. Seconded by Commissioner Green.**

**All aye on roll call vote. Motion passed.**

**MOTION:** To extend the Commission Meeting time to include the next Item on the Agenda.

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

**11. DISCUSSION AND DIRECTION REGARDING A SOUND BARRIER WALL FOR PASEO WAY RESIDENTS**

Mr. Loucks briefed the Commission regarding conversations he had with Mr. Mc Kennan of the petitioning residents as well as options for consideration. He advised that he recommends not building a wall on City property at City expense.

**MOTION:** To eliminate the left-hand turning option out of Countryside Shops on to Stirling Road.

**Moved by Commissioner Sims. Seconded by Commissioner Mallozzi. Motion removed by maker.**

**Unanimous consensus was reached to direct staff to research and develop criteria for a traffic safety guardrail program to be implemented throughout the city.**

**12. POLICE CHIEF'S REPORT**

Lieutenant Cates briefed the Commission on the status of the department's recently established OPS plan for combating the rash of home burglaries the City has been experiencing. He explained that 27 individuals have been caught and that there were no home burglaries this past month. He additionally stressed the need for awareness through the Halloween weekend.

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

Chief Sievers reminded everyone that hurricane season is not over and to remain prepared in the event of severe weather conditions. He additionally cautioned awareness during the Halloween weekend.

### **14. CITY MANAGER REPORT**

Mr. Loucks shared the events of "United Way's Day of Caring" in which 13 Cooper City employees participated. He additionally shared a synopsis of HB4025 which attempts to abolish the Local Business Tax program. He received confirmation from the Commission to engage Ron Book to lobby against this bill.

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

### **17. ADJOURNMENT**

**Mayor Eisinger adjourned the meeting at 10:25 p.m.**