

**CITY OF COOPER CITY
CITY COMMISSION MEETING
JANUARY 14, 2014**

1. PLEDGE OF ALLEGIANCE

Commissioner Mallozzi 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 made the following announcements:

- The Father/Son Adventure Night will be held on Friday, January 24th at the Community Center from 6:30 p.m. to 9:00 p.m.
- The annual Valentine's group ceremony event, "Say I Do, Again" will be held on Friday, February 14th at 6:30 p.m. at City Hall. Call for reservations by February 11th.
- The upcoming notable dates are as follows:
 - City Hall will be closed on Monday, January 20th in observance of the Martin Luther King, Jr. holiday.
 - The next Regular Commission Meeting will be on Tuesday, January 28th at 6:30 p.m.
 - February's Commission Meetings will be held on Tuesday, the 11th and Tuesday, the 25th 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
 - The Davie/Cooper City Relay for Life will take place on April 4th and 5th at Cooper City High School. Contact Mike D'Miranda at cqcop23@gmail.com
- A. by Jonathan Munro, District Manager of Southwest Broward, Wells Fargo Bank presented the City with a mural, depicting a nostalgic Cooper City.
- B. Monica Diaz, PIO and Paul Lampley, FDOT Program Manager presented a timeline and overview of FDOT's upcoming 75 Express Lanes Construction from North of Griffin Road to I-595.

5. AGENDA CONCERNS

Gladys Wilson, 5155 SW 90th Avenue, advised the Commission that they do not have the right to vote on a Fire Chief.

6. CONSENT AGENDA

A. Minutes

December 17, 2013 – Regular Commission Meeting

B. Proclamations

Broward County Diversity Community Month – January, 2014

C. Resolutions

1. Approving a Water & Sewer Developer's Agreement for Ralph Fernandez, 10620 SW 57 Place, Davie, FL – **Res. No. 14-1-1**
2. Reappointing Code Enforcement Special Magistrates for an additional one-year term – **Res. No. 14-1-2**

D. Financial Matters

Approving the award of Bid #2014-1-REC to Boca Pool Service & Consulting d/b/a Beach-O-Rama for resurfacing of the swimming pool at the Pool and Tennis Center.

MOTION: To approve the Consent Agenda with the exception of Item 6C1.

Moved by Commissioner Green. Seconded by Commissioner Mallozzi.

All aye on roll call vote. Motion passed.

C. Resolution

1. Approving a Water & Sewer Developer's Agreement for Ralph Fernandez, 10620 SW 57 Place, Davie, FL – **Res. No. 14-1-1**

MOTION: To approve the Consent Agenda with the exception of Item 6 C 1.

Moved by Commissioner Mallozzi. Seconded by Commissioner Green.

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A WATER AND SEWER DEVELOPER'S AGREEMENT WITH RALPH FERNANDEZ, LOCATED AT 10620 SOUTHWEST 57 PLACE, DAVIE, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

All aye on roll call vote. Motion passed.

7. APPROVING APPOINTMENT OF DISTRICT FIRE CHIEF

City Manager Loucks recommended the appointment of David Donzella to the position of Cooper City District Fire Chief.

MOTION: To table the item.

**Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.
Motion failed 3-2 with Commissioners Green, Curran and Mayor Ross**

voting no.

Commissioner Sims expressed an objection to the consideration of the item.

Mayor Ross overruled the objection and called for the Commission to vote on whether to uphold the ruling.

The ruling was upheld by a vote of 3-2 with Commissioners Sims and Mallozzi voting no.

MOTION: To reject the appointment of Chief David Donzella to Cooper City District Fire Chief.

Moved by Commissioner Curran. Seconded by Commissioner Green.

MOTION: To return our current Cooper City District Fire Chief, Rusty Sievers to his Cooper City office until such time as a suitable replacement has been appointed to take his place.

Moved by Commissioner Curran. Seconded by Commissioner Mallozzi.

Amended Motion: In the event that the Commission fails to approve a replacement for Chief Sievers as Full-Time Cooper City District Fire Chief this evening, he be returned to Cooper City tomorrow morning and remain in his position until a replacement is named.

Moved by Commissioner Curran. Seconded by Commissioner Mallozzi.

Motion passed 3-2 with Commissioner Sims and Mayor Ross dissenting.

Roll Call Vote on Motion to Reject the Appointment of David Donzella to the position of Cooper City District Fire Chief

Commissioner Green: Yes

Commissioner Curran: Yes

Commissioner Sims: No

Commissioner Mallozzi: Yes

Mayor Ross: No

Motion passed.

City Manager Loucks recommended the appointment of Juan Mestas to the position of Cooper City District Fire Chief.

MOTION: To table the recommendation until the next regular Commission Meeting.

Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.

Motion passed 3-2 with Commissioners Green and Curran dissenting.

MOTION: To request a detailed legal opinion from the firm of Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L. as to the specifics of the BSO Contract and whether either side is in breach of the contract.

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

MOTION: To support the second recommendation by the City Manager to appoint Juan Mestas to the position of Cooper City District Fire Chief.

Moved by Commissioner Curran. Seconded by Commissioner Green. Motion failed 2-3 with Commissioners Sims, Mallozzi and Mayor Ross voting no.

MOTION: To confirm Phyllis Ann Williams to the position of Cooper City District Fire Chief.

Moved by Commissioner Mallozzi. Seconded by Commissioner Sims. Motion withdrawn upon advisement of the City Attorney for the lack of a recommendation by the City Manager.

The City Manager expressed that due to the previous action to table the appointment of a District Fire Chief, he would withhold his recommendation until the Commission Meeting of January 28, 2014.

8. ORDINANCE FOR FIRST READING

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 9 "BUSINESS TAXES", TO REASSIGN BUSINESS TAX DUTIES PREVIOUSLY ASSIGNED TO THE CITY CLERK TO THE CITY MANAGER'S DESIGNEE, AND REVISING ALL REFERENCES IN THAT CHAPTER TO THE TERM "CLERK" OR "CITY CLERK", TO THE "CITY MANAGER'S DESIGNEE", IN ORDER TO PROVIDE FOR CONFORMITY TO THE ASSIGNMENT OF DUTIES; DELETING OBSOLETE PROVISIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. – Ord. No. P14-1

City Atty. Wolpin read the ordinance by title only.

MOTION: To approve the Ordinance amending the Chapter 9 of the Municipal Code of Ordinances.

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

9. POLICE CHIEF'S REPORT

Chief Cates reported that the Holiday Operation Plan, which was in effect from November 25, 2013 through January 3, 2014, was highly successful in reducing holiday crime by 25% from the previous year. He reported that Detective Bracke has been nominated for a "Life Saving Award" by BSO for his heroic efforts in saving the life of a person who was attempting to commit suicide.

10. FIRE CHIEF'S REPORT

No department representative was present to provide a report to the Commission.

11. CITY MANAGER REPORT

Mr. Loucks reported that the Resource Recovery Board Mediation is scheduled for Friday, January 17th at 2:00 p.m. in the Sunrise Civic Center.

12. OPEN PUBLIC MEETING

Noreen Gilman, 11771 SW 52nd Court, advised that the Davie Senior Citizens' Advisory Board is very successful due to the support of the Town Manager and suggested that City programs should focus on all adults as opposed to senior citizens.

David Nall, 3620 NW 89th Way, commended Chief Cates and expressed distrust in the City Attorney and submitted a letter expressing this sentiment to be admitted for the record.

Walt Jolliff, 11093 Bismarck Place, suggested that the Commission focus on the specific needs of Cooper City when selecting a Fire Chief.

13. COMMISSIONERS' CONCERNS/REPORTS

Commissioner Green sent his best wishes to Chief Sievers.

Commissioner Curran suggested that the kitchen in the Community Center be opened to provide meals to senior citizens, asked for additional input from the Senior Citizens' Advisory Board for implementing new programs geared toward all adults and requested a confirmation in the morning as to whether or not Chief Sievers returned to his Cooper City post.

Commissioner Sims thanked City Manager Loucks for his professionalism and explained that he will be asking for a resolution to be repealed at the next Commission Meeting.

Commissioner Mallozzi explained that she will be meeting with the Senior Citizens' Advisory Board in September, agreed with the sentiments expressed by Noreen Gilman, extended well-wishes to Chief Sievers and advised that the City Attorney may wish to publicly address the letter from Mr. Nall to put an end to the criticisms.

Mayor Ross explained that any person has the right to contact the Office of the Inspector General, or the Florida Bar to address any concerns they have with an attorney and suggested that public accusations are unprofessional and frivolous.

14. ADJOURNMENT

The meeting was adjourned at 8:45 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.