



**CITY OF COOPER CITY  
CITY COMMISSION MEETING MINUTES  
APRIL 28, 2020 at 6:30 PM**

**1. PLEDGE OF ALLEGIANCE**

Mayor Ross opened the meeting at 6:30 PM and led the assembly in the Pledge of Allegiance.

**2. ROLL CALL**

Present were Commissioners Pulcini, Meltzer, Green, Curran and Mayor Ross.

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

**None.**

**4. ANNOUNCEMENTS**

Commissioner Pulcini stated Cooper City is currently number one for the highest census response rate. Statewide we are number two; please submit your Census response.

Commissioner Meltzer advised lets join together with residents all across Cooper City to flicker your lights in solidarity for our first responders, healthcare professionals, and essential service providers every Friday. Flicker your porch lights, home lights, or parked car lights for three minutes, from 8:08 PM to 8:11 PM.

Commissioner Green advised the Feeding South Florida Drive Thru Food Drive will take place on May 5, 2020 from 10:00 AM to 12:00 PM at Suellen Fardelmann Sports Complex.

Commissioner Curran urged residents to visit [www.coopercityfl.org](http://www.coopercityfl.org) to sign up for emails and code red alerts.

Mayor Ross advised select passive parks will begin reopening tomorrow and will be open from 8 a.m. to 6 p.m. Previous restrictions will remain in place and be enforced. Guidelines are as follows: Only passive activities are permitted – walking, jogging, biking, and individual exercises. No organized activities or sports. No groups of more than ten people shall

congregate in any area of any park within Cooper City, and a minimum of 50 feet shall be maintained between all groups of up to ten people. Playgrounds, pools, outdoor exercise equipment, and other exercise courts, including basketball courts, shall remain closed to the public. All Centers for Disease Control and Prevention (CDC) guidelines regarding social distancing must be observed at all times by all persons using Cooper City Parks. Facial coverings must be worn at all times if CDC social distancing cannot be maintained. The parks that will be open are Ted Ferone, Jerry Morgan, Forest Lake, Christie Schafale, Tamarin and Flamingo Park (smaller park).

## **5. PUBLIC SPEAKING**

### **a. Open Public Meeting**

Jennifer Goldfarb, said she is very proud of the staff, Commission and the City Manager during these times. Communication has been great.

Mike Bufalo, thanked the City Manager for a job well done with communication. He then spoke on item 11-d and his opposition of removing districts. He believes district representation is important and keeps diversity.

Mayor Ross remind the public on how to dial in.

### **b. Agenda Concerns**

## **6. BOARD AND ADMINISTRATIVE REPORTS**

### **a. Monthly Financial Report – Finance**

Finance Director Walker spoke on the March monthly financials we received \$1.7 million from FEMA from Hurricane Dorian and are pending \$1.4 million and Finance is working closely with the Florida Department of Emergency. We have also received an \$800,000 grant for Flamingo West Park. We are currently looking into Covid 19 financial impacts on the budget and will bring forth the results soon.

Commissioner Meltzer thanked Mrs. Walker and her staff for working diligently on the FEMA money. He also asked about the general fund budget to actuals as expenses are running under 50% is that due to timing or other impacts.

Mrs. Walker advised it is a timing issue it could be a result of a delay in AP, she will look into capital items and accruals.

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

Chief Cates advised we have four vacancies. All employees are healthy and they continue to scan employees via the CDC guidelines. One hundred employees agency wide have tested positive, please keep them in your thoughts. Safer at home parades continue, operation needs come first but these are great events

and will continue to phase two. Feeding South Florida went well with cars lined up at 2:00 AM. Twenty deputies helped the City feed over 700 vehicles. Shop for Seniors is continuing. If you know a senior that needs assistance with shopping call 954-432-9000 and ask for Linda Victor or Deputy Don Reynolds. BSO is currently working with the City with opening passive parks. So far, citizens have been compliant and he thanked them for that. Brian Piccolo Park will be open from 8:00 AM to 6:00 PM and he will send deputies by to monitor the park. Crime rates are currently down especially Baker acts which are down 42% compared to March 1 2019 to April 28, 2019. We have had an increase in domestic disturbances, but a decrease in domestic violence.

Commissioner Pulcini thanked Chief Cates and asked if we have information on Phase 1 and has that information been posted online?

City Manager Napoli advised we did not post any information online we have a city plan but we are waiting on the Governors remarks tomorrow.

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

Chief Caruso thanked the residents for support and food donations. There has been 35 safer at home parades to date. From March 9, 2020 to April 26, 2020 Fire has transported 26 influenza like illnesses and there has been one confirmed Covid 19 case at the Cooper City ALF. He reminded residents that they are prepared for treating all patients safely. There has been an increase in cardiac arrests with six since March 1, 2020. Please call 911 if you have stroke like symptoms or trouble breathing. They are also continuing to test all firefighters at the station daily.

## **9. CONSENT AGENDA**

### **a. Minutes**

- 1.** Regular City Commission Meeting Minutes of April 14, 2020

### **b. Resolutions**

#### **1. Resolution 20-4-1 – Mayor Ross**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, RENEWING AND EXTENDING THE EFFECTIVENESS OF THE LIST OF CHARITIES AND FUNDRAISING EVENTS FORMALLY APPROVED BY THE CITY OF COOPER CITY AS AUTHORIZED BY THE BROWARD COUNTY CODE OF ETHICS FOR ELECTED OFFICIALS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** To approve Consent agenda. **Moved by Commissioner Green. Seconded by Commissioner Pulcini. All aye on roll call vote. Motion passed.**

## **10. REGULAR AGENDA**

**a. Discussion and possible direction on Charter Review Board recommendation on Section 7.02 – Administration/Charter Review Board**

City Attorney Horowitz advised this item was deferred at the previous meeting and brought back tonight. The recommendation of the Board proposes extending the frequency that the Charter Review Board meets from every 4<sup>th</sup> year to 6<sup>th</sup> year. Second, it adds a vacancy mechanism that states any vacant appointment after 45 days would be appointed by the Mayor. Third, the Charter Review Board recommends any item passed by a unanimous vote be placed on the ballot without going to the Commission.

Commissioner Meltzer asked about the previous Motion made at the last meeting striking any charter recommendation with unanimous vote going directly to the ballot.

City Attorney Horowitz advised that motion died with the original Motion.

Commissioner Meltzer made a motion to strike the City Commission shall present any recommended charter amendment receiving a unanimous vote of all members of the Charter Review Board directly to the electors for consideration.

Mayor Ross said he does not see an issue with leaving that section in as recommended. As the commission appointed members to the Board and if all members decided it is important let us leave it up to the voters.

Commissioner Curran said we passed all items last week that were passed by the Charter Board unanimously. He spoke to his appointments and they believed they were making recommendations not thinking all items would move further.

Commissioner Green agrees with Commissioner Meltzer. This is not a good policy to follow if the next Board has unanimously voted on every item it bypasses the Commission and this could lead to issues. He believes the residents would expect the Commission to hear all items.

Commissioner Pulcini agrees with Commissioners Green and Meltzer. He's glad all items are on tonight's agenda so he had time to talk to constituents. When we put these items on the ballot, residents see it as the Commission endorses those items. He looked at these items in depth and spoke to anyone he could to gather thoughts.

Chair Sands said he wanted to clarify that not all items were voted on unanimously the first time they were brought forward.

Commissioner Curran said this item did not pass and was brought back. The voters do count on us to have opinions. He thanked Commissioner Pulcini because the residents do count on the commission to make decisions.

Commissioner Meltzer said at the end of the day we were elected to accept responsibility and that you do not delegate and the it is incumbent on the Commission to not relinquish responsibility.

Mayor Ross said it is not about us it is about the residents and it is up to them.

**MOTION:** To strike the City Commission shall present any recommended charter amendment receiving a unanimous vote of all members of the Charter Review Board directly to the electors for consideration. **Moved by Commissioner Meltzer. Seconded by Mayor Ross. Commissioner Pulcini, Meltzer, Green and Curran, Yes. Mayor Ross, No. Motion passed.**

Commissioner Meltzer spoke on compromising to every 5 years. He does support the 6-year recommendation but the Commission can reconvene at any time or they can add an item to the ballot at any time.

City Attorney Horowitz answered that is correct.

Commissioner Meltzer said if we leave the Charter Board at reconvening at 4 years, they must reconvene every 4 years.

Commissioner Curran said moving it to six years does not make sense. Let us condense these recommendations as to importance. He believes that 4 years can allow more time for the Commissioners to add items.

Commissioner Pulcini said term limits are effective at 4 years as well. The charter should not be changed on a whim.

Commissioner Meltzer said we can convene the Charter Review Board at any time even if we move to six years.

Commissioner Green said he has no issue with the 4 or 6 year convene time. His issue is with the vacancy vote by the Mayor. He asked what if the Mayor does not appoint two individuals what is the remedy. He would like to add language to say if any elected does not appoint members the Commission can appoint.

The City Attorney said in the proposal it does not contemplate mayor non-appointments.

Commissioner Green said if the Mayor did not appoint after the 45-day period the item can be placed on the agenda and the Mayor would have to vote.

Mayor Ross asked if we have time to add this Ordinance for both readings.

City Attorney Horowitz said yes this item will come back on first reading at the next meeting.

**MOTION:** Friendly amendment to add the language if any member of the Commission does not make an appointment to the Charter Review Board after 45 days the Commission appoints members by majority vote. **Moved by Commissioner Green. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.**

**MOTION:** To have the City Attorney draft the Ordinance with the 2 amendments included. **Moved by Commissioner Meltzer. Seconded by Mayor Ross. All aye on roll call vote. Motion passed.**

**b.** Motion to approve task order with Calvin, Giordano & Associates (CGA) for the Natalie's Cove / Flamingo Townhomes Drainage Improvement Project – **Utilities**

Commissioner Meltzer thanked Utilities Director Mike Bailey for the breakdown of the invoice from CGA. He asked Mr. Bailey and the City Manager if they comfortable with this item.

City Manager Napoli said in the future these will be brought forth beforehand not after the fact.

**MOTION:** To approve task order with Calvin, Giordano & Associates (CGA) for the Natalie's Cove / Flamingo Townhomes Drainage Improvement Project. **Moved by Commissioner Green. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.**

**c.** Motion to approve release O'Reilly Auto Parts Subdivision Bond – **Utilities**

**MOTION:** To approve the release of O'Reilly Auto Parts Subdivision Bond. **Moved by Commissioner Green. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.**

## **11. ORDINANCES ON FIRST READING**

### **a. Ordinance 20-4-1 – Growth Management**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 25, ENTITLED "DEVELOPMENT STANDARDS," BY AMENDING ARTICLE I ENTITLED "OFF-STREET PARKING AND LOADING," BY AMENDING SECTION 25-5 ENTITLED "DESIGN OF OFF-STREET PARKING," AND ARTICLE VII ENTITLED "DRIVEWAYS AND SIDEWALKS," SECTION 25-100 ENTITLED "DRIVEWAY STANDARDS," TO PROVIDE FOR SECONDARY DRIVEWAYS AND DRIVEWAY STANDARDS FOR SINGLE-FAMILY AND DUPLEX USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE" by title.

Commissioner Meltzer asked do the secondary driveways have to be contiguous to the primary driveway.

Growth Management Director Matt Wood answered no.

Commissioner Meltzer asked if we could place the driveways that are allowed in the Ordinance. He said if we are descriptive on what is allowed it can eliminate concerns.

Commissioner Green asked about a previous item that passed with a 10 foot driveway would that be impacted.

Mr. Wood answered no.

Commissioner Meltzer wants language written in on second reading stating what is allowed.

Commissioner Curran asked if the residents can turn a single driveway to a double.

Mr. Wood answered yes.

Mayor Ross said you can widen the driveway from a primary to a double then do your boat driveway on the side.

Mr. Wood said the secondary is limited to 12 feet.

Commissioner Pulcini said this Ordinance is a result of code giving violations for parking illegally because residents had no other options, as they were not allowed to build secondary driveways. Now they can park legally.

Commissioner Meltzer's appreciates these code friendly changes for residents.

**MOTION:** To include language in Ordinance 20-4-1 to state the secondary driveway does not need to be contiguous to the primary driveway. **Moved by Commissioner Meltzer. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.**

**MOTION:** To approve Ordinance 20-4-1 with the amendment **Moved by Commissioner Pulcini. Seconded by Meltzer. All aye on roll call vote. Motion passed.**

**b. Ordinance 20-4-2 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE I, ENTITLED "POWERS OF THE CITY," AND IN PARTICULAR AMENDING SECTION 1.05 ENTITLED "BOARDS AND AGENCIES"; ELIMINATING THE DISTINCTION BETWEEN PERMANENT BOARDS AND ADVISORY BOARDS; AUTHORIZING THE CITY COMMISSION TO ESTABLISH ADVISORY BOARDS, AS NECESSARY TO PROVIDE ADVICE AND RECOMMENDATIONS TO THE CITY COMMISSION; PROVIDING THAT NO INDIVIDUAL SHALL SERVE

SIMULTANEOUSLY ON MORE THAN TWO (2) ADVISORY BOARDS, SUBJECT TO ARTICLE II, SECTION 5(a) OF THE FLORIDA CONSTITUTION; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

Commissioner Pulcini advised he wished the issues in this item were separate, as he does not agree with all points.

**MOTION:** To approve Ordinance 20-4-2. **Moved by Commissioner Meltzer. Seconded by Commissioner Green. Commissioners Pulcini and Curran, No. Commissioners Green, Meltzer and Mayor Ross, Yes. Motion passed.**

**c. Ordinance 20-4-3 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE I, ENTITLED "POWERS OF THE CITY," AND, IN PARTICULAR, CREATING SECTION 1.07 ENTITLED "REMEDIES FOR VIOLATION OF CHARTER"; PROVIDING THAT RESIDENTS SHALL HAVE STANDING TO BRING LEGAL ACTION TO ENFORCE PROVISIONS OF THE CITY CHARTER; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

Commissioner Green said this affects board members and potentially this can lead to issues with the members. He does not support the item.

Commissioner Pulcini asked if this increase liability for board members.

City Attorney Horowitz said it depends the sunshine law always applies. If a member does violate the charter, the city can be sued. If the violation occurs in the Board members capacity, the member is covered by the City.

Commissioner Pulcini asked if this does increase city liability.

City Attorney Horowitz said this does make it easier to sue the city.

Mayor Ross said ethically we have to look at who do we represent the city or the residents. He does not like the idea of making a suit easier but the residents are entitled to do so.

Commissioner Curran asked Chair Sands opinion.

Mr. Sands said the question the board had was what is best for the residents.

Ryan Shrouder, said the bill of rights makes it easier for residents to sue the government. This allows residents standing and a little bit of power.

**MOTION:** To approve Ordinance 20-4-3. **Moved by Commissioner Pulcini. Seconded by Commissioner Meltzer. Commissioners Pulcini, Meltzer and Mayor Ross, Yes. Commissioners Green and Curran, No. Motion passed.**

**d. Ordinance 20-4-4 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE III, ENTITLED "LEGISLATIVE;" AND IN PARTICULAR AMENDING SECTION 3.01 ENTITLED "CITY COMMISSION, POWERS AND COMPOSITION"; AMENDING SECTION 3.02, ENTITLED "QUALIFICATIONS, ELECTIONS AND TERMS;" DELETING SECTION 3.03, ENTITLED "ELECTION DISTRICTS;" AMENDING SECTION 3.07, ENTITLED "FILING FEES AND NOTICE OF CANDIDACY;" ELIMINATING ELECTION DISTRICTS IN THE CITY OF COOPER CITY; PROVIDING THAT, COMMENCING WITH THE ELECTION IN NOVEMBER 2022, CANDIDATES SHALL QUALIFY AND RUN AT-LARGE FOR EITHER OF TWO (2) DESIGNATED SEATS ON THE CITY COMMISSION; PROVIDING THAT, COMMENCING THAT WITH THE ELECTION IN NOVEMBER 2024, CANDIDATES SHALL QUALIFY AND RUN AT-LARGE FOR MAYOR OR FOR EITHER OF TWO (2) DESIGNATED SEATS ON THE CITY COMMISSION; REQUIRING ALL CANDIDATES FOR MAYOR AND COMMISSIONER TO RESIDE CONTINUOUSLY IN THE CITY FOR ONE (1) YEAR PRIOR TO QUALIFYING AS A CANDIDATE; REQUIRING CANDIDATES TO IDENTIFY WHICH SEAT ON THE CITY COMMISSION THEY ARE SEEKING AT THE TIME THEY FILE THEIR NOTICE OF CANDIDACY; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

Commissioner Pulcini said the constituents he spoke to want to maintain districts. He does not see benefits of removing districts. He wants to keep the districts.

Commissioner Green agrees with Commissioners Pulcini after speaking to residents in District 3 they want to maintain districts. The issue of concern was not having elected officials spread out. Residents want the districts that represent them.

Commissioner Curran said the residents he spoke to where from all districts and they do want to keep the districts in tact.

Mayor Ross spoke to people and with districts; you limit people who can run by 25% of the entire population. Without districts, 100% of Cooper City can run for office and vote. This offers opportunity.

Mayor Ross read a letter from Michael Stam who has concerns with the amendment. He believes the amendment will hinder representation in the City. Mr. Stam said in April 2021 the districts will be restudied and he was a part of the consulting team from FAU that drew the current districts prior to relocating to Cooper City. He has also presented the Broward County Charter Board in regard to districts. He does not support the amendment.

Commissioner Meltzer asked Commissioner Pulcini what about the amendment makes it harder for people to run for office.

Commissioner Pulcini said increasing residency requirements.

Commissioner Meltzer said Commissioner Pulcini had a different opinion at the previous meeting and said some residents do not know who their representative is. So why have districts. It is easier with no districts as anyone can run. He also has issues with candidates running unopposed.

Commissioner Pulcini asked if we have data on how many mayors ran unopposed. In 2016, Mayor Ross ran unopposed. So opening a seat at large does not necessarily open it up for more competition.

Commissioner Meltzer said many commissioners run unopposed.

Commissioner Pulcini said incumbents tend to run unopposed not first timers. We do not know the trend.

Commissioner Meltzer said he knows the trend as it has been happening in the past years.

Mayor Ross said Mayor Fardelmann ran unopposed for 22 years.

Commissioner Meltzer said you can quadruple the amount of residents that can run with at large seats.

Mayor Ross said historically districts are proposed for economically inferior areas to be represented. That is not an issue for Cooper City. All members of the Commission help all residents from every district so what is the issue competition.

Commissioner Green said the Mayor seat at large may have a disadvantage because the Mayor is familiar with the City. People may not run because they feel that official is doing a great job and people do not run against them. He thanked the Charter Review Board and said he is here to serve and at the end of the day people want to know they have an elected official in their district.

Mayor Ross said you could not justify that argument because we vote city wide for districts.

Commissioner Green said at the Charter Review Board meeting discussing

this issue they mentioned allowing districts to vote only for their districts. That was not supported. People like to have district representations. Where is the equity to ensure all elected officials will reside in all areas of the city.

Commissioner Pulcini said we have an email from an expert that says we will have more data in 2021 we should wait. He is not looking for an easy ride for when he runs again. We should talk to the expert who is willing to help.

Bob Sands said this item was a contentious issue. When this item was discussed initially, it was heavily debated.

Commissioner Meltzer asked Commissioner Pulcini if the requirement of living in Cooper City for one year is his whole issue.

Commissioner Pulcini answered no.

Commissioner Meltzer said all 23,000 residents could run for Mayor lets allow them to run for all seats.

Commissioner Green said the Mayor could live anywhere. Districts allow representation in all parts of the City.

Mayor Ross said districts are inequitable. Advantages can occur with the Mayor and another Commissioner living in the same district.

Commissioner Green said if we do not have districts one particular area can be represented more than others do. Districts keep representation in more than one area. In 2008/2009 when the East side had issues with representation that part of the City was addressed by that Commissioner Representative.

Mayor Ross made a motion for voters in certain districts to vote within their districts. He does not believe that will be supported.

Commissioner Curran said was an incumbent seat is up more potential candidates run. This is not about people running district specifically. He does not support the item. He said since 2013 there have been many unopposed candidates. He also spoke on how taking away benefits can affect potential candidates.

Commissioner Meltzer said taking away benefits does not affect the candidates from running as they were taken away in the past. He said since 2013 there have been Commissioners who ran unopposed.

Commissioner Green said there was an opportunity for Commissioner Meltzer to run against Lisa Mallozzi and for the most part the incumbent has the advantage. He is a firm believer in districts to have representation throughout the City. He does not have an issue with the Mayors motion as the districts are intact.

Commissioner Pulcini said something this controversial should have workshops, data, expert opinions and compromise. The commission can place this item on the ballot at any time. As a compromise, we can have a workshop.

Mayor Ross said that not a compromise. He said there is error in what he said when he said term limited seats have a lot of competition.

Commissioner Meltzer said this current method limits candidates, let the residents decide. Residents he spoke to want to make sure whoever they call respond and help them.

Commissioner Pulcini asked what do other cities have compared to us.

Commissioner Meltzer said we all serve without borders so why have boundaries.

Commissioner Green said he does not know why he ran unopposed previously and he ran against an incumbent in 2005 and lost as it was an uphill battle. What is the harm in waiting 2 years? If we have an opportunity to speak to experts let us speak to them. He also does not agree after the fact of open public speaking to allow individuals to call in and speak at any time.

Commissioner Curran said he agrees we have a meeting to run and every time a resident wants to speak, we allow them to speak at any time. He said he was not allowed to speak at the Charter Review Board meeting besides during open comment.

Mayor Ross said we need to hear resident opinion.

Darla, Cooper City resident said she lives on 118<sup>th</sup> avenue and does not know who her Commissioner is. She calls the Commission in regards to her swales. She said she does not hear from anyone until it is time for elections. She agrees with the Mayor let everyone vote for who they want.

Ryan Shrouder, said he understands the philosophy of districts but he said there is not one area who represents more than 10% of voters. He also believes the districts are gerrymandered. This amendment allows the residents to make the decisions.

David Nall, said when his name was mentioned Commissioner Curran made a hand gesture. He said residents need to be the ones to decide. He said as a member of the Charter Review Board he was at every meeting and each commissioner appointed two representatives to make recommendations. District only voting was something he supported but he was overruled. Leave it to the voters.

Chair Sands clarified he did not let anyone speak who did not speak during open public comment. He said this item initially went back and forth.

Commissioner Meltzer said he would vote to support this because he believes in the context as presented and he wants to give the residents the chance to decide. He said Commissioner Pulcini echoed the same sentiments last meeting.

Commissioner Pulcini said his principals are conflicting after speaking to his constituents. He changed his mind through debate. He said the only reason he would pass this is to give time for him to speak to the expert. He said residents believe what the Commission places on the ballot is what they believe in.

Commissioner Meltzer said the residents should decide and the residents did not support the bond that was previously placed on the ballot.

Commissioner Green said the discussion was debated with the Charter Review Board fully knowing the Commission would debate the issues. Previously we voted that the Charter Review Board items should not go straight to the ballot. The Commission made changes and the Board expected that. Things in place currently are working as Cooper City is one of top cities to live in Florida.

**MOTION:** To have districts vote only within their districts. **Moved by Mayor Ross. Seconded by Commissioner Pulcini. Commissioners Pulcini, Meltzer, Green and Curran, Yes. Mayor Ross, No. Motion passed.**

**MOTION:** To approve Ordinance 20-4-4 as amended. **Moved by Commissioner Meltzer. Seconded by Commissioner Pulcini. Commissioners Meltzer, Pulcini, and Mayor Ross, Yes. Commissioners Green and Curran, No. Motion passed.**

**e. Ordinance 20-4-5 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE III, ENTITLED "LEGISLATIVE;" AND IN PARTICULAR AMENDING SECTION 3.06 ENTITLED "COMPENSATION; EXPENSES;" REQUIRING ALL INCREASES TO THE SALARY OF THE MEMBERS OF THE CITY COMMISSION BE SUBJECT TO APPROVAL OF THE ELECTORATE BY REFERENDUM; PROVIDING THAT, EFFECTIVE JANUARY 1, 2021, ANY NEWLY ELECTED OR APPOINTED MEMBER OF THE CITY COMMISSION SHALL NOT BE ENTITLED TO RECEIVE ANY BENEFITS OTHER THAN THE MONTHLY SALARY; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

Commissioner Pulcini advised he does not support taking away benefits from future individuals who may need benefits due to health issues.

Commissioner Meltzer said this has been done already when lifetime benefits were taken away. He asked if part-time employees are eligible for insurance.

City Clerk Sims answered no.

Commissioner Meltzer said we should be treated the same as part timers.

Commissioner Green he will not support this as it can affect future elected bodies.

Mayor Ross said 8 years ago that commission changed lifetime benefits and he was the first one affected but he did not see fit that he receive benefits when he is not a full time employee. He said the bigger picture is we do not want commissioners running for insurance benefits only. This job is not part time.

David Nall said if you cut the benefits, everyone knows what they are signing up for. If you do not want to run because benefits are cut, he does not believe that you should run. Tonight is about the residents.

Ryan Shrouder said everyone has valid points. If not passed by the charter process let's look at this issue by Ordinance to have standardization.

Mike Bufalo, said no one works for free. If you want your commission to work they need compensation.

Commissioner Pulcini said there is a pandemic now and what if this happens in the future.

Commissioner Meltzer said the electors would know that beforehand.

Commissioner Pulcini said the City should protect the people when they work here.

**MOTION:** To approve Ordinance 20-4-5. **Moved by Commissioner Pulcini. Seconded by Commissioner Meltzer. Commissioners Pulcini, Green and Curran, No. Commissioners Meltzer and Mayor Ross, Yes. Motion Failed.**

**f. Ordinance 20-4-6 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE III, ENTITLED "LEGISLATIVE," AND IN PARTICULAR AMENDING SECTION 3.12 ENTITLED "PROCEDURE AND MEETINGS"; PROVIDING FOR AN ORGANIZATIONAL MEETING TO SWEAR-IN NEWLY ELECTED CITY COMMISSIONERS TO BE HELD AT 6:30 P.M. ON THE THIRD BUSINESS DAY FOLLOWING THE RECEIPT OF CERTIFIED ELECTION RESULTS FROM THE BROWARD COUNTY SUPERVISOR OF ELECTIONS; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE

ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

**MOTION:** To approve Ordinance 20-4-6. **Moved by Commissioner Meltzer. Seconded by Curran. All aye on roll call vote. Motion passed.**

**g. Ordinance 20-4-7 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE IV, ENTITLED "ADMINISTRATION;" AND IN PARTICULAR AMENDING SECTION 4.01 ENTITLED "CITY MANAGER"; PROVIDING FOR THE APPOINTMENT AND REMOVAL OF THE CITY MANAGER BY MOTION OR RESOLUTION ADOPTED BY A MAJORITY OF THE CITY COMMISSION; CLARIFYING THE NECESSARY CREDENTIALS AND QUALIFICATIONS FOR THE CITY MANAGER; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

Commissioner Curran said the City Manager should be hired by a 4/5 vote. One thing we should agree on is the person who runs the city.

Commissioner Meltzer is supporting the item.

Commissioner Green said he will not support the item and believes a 4/5 vote is more efficient than a 3/5 vote.

Commissioner Pulcini said the weakness is with firing not hiring. Many cities have a 3/5 vote to hire a City Manager.

Mayor Ross said it is not about the current City Manager it is about the position and let us not forget the past 18 months as of February 2020.

Bob Sands said if there is a 3/5 vote it does not mean the City Manager will not take the job, it's his/her decision.

Commissioner Green said it did not work out for us in the past months but we did have a 3/5 vote in the past. He does see a weakness in having a 3/5 vote.

Mayor Ross said this is about process.

Commissioner Curran said convincing three individuals rather than four or five is easier. He does not believe candidates will step up for three votes.

Mayor Ross said this is a challenge to do better.

**Motion:** To approve Ordinance 20-4-7. **Moved by Commissioner Curran. Seconded by Commissioner Meltzer. Commissioners Pulcini, Meltzer, and Mayor Ross, Yes. Commissioners Green and Curran, No. Motion passed.**

**h. Ordinance 20-4-8 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE IV, ENTITLED "ADMINISTRATION;" AND IN PARTICULAR AMENDING SECTION 4.01 ENTITLED "CITY MANAGER;" AUTHORIZING THE CITY MANAGER TO APPOINT AND TO REMOVE DEPARTMENT HEADS AND ASSISTANT DEPARTMENT HEADS, INCLUDING THE CITY CLERK, WITHOUT CITY COMMISSION APPROVAL; AMENDING SECTION 4.02, ENTITLED "CITY CLERK; APPOINTMENT AND DUTIES"; PROVIDING FOR CONSISTENCY BETWEEN SECTION 4.02 OF THE CITY CHARTER AND SECTION 4.01 OF THE CITY CHARTER RELATED TO THE APPOINTMENT AND REMOVAL OF THE CITY CLERK; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

**MOTION:** To approve Ordinance 20-4-8. **Moved by Commissioner Pulcini. Seconded by Commissioner Meltzer. All aye on roll call vote. Motion passed.**

**i. Ordinance 20-4-9 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE IV, ENTITLED "ADMINISTRATION;" AND IN PARTICULAR AMENDING SECTION 4.03 ENTITLED "ADMINISTRATIVE ASSISTANT;" ELIMINATING THE ADMINISTRATIVE ASSISTANT FROM THE CITY CHARTER AS A POSITION THAT REPORTS TO THE CITY COMMISSION; AMENDING SECTION 4.01 OF THE CITY CHARTER, ENTITLED, "CITY MANAGER;" PROVIDING FOR CONSISTENCY IN THE CITY CHARTER REGARDING THE ADMINISTRATIVE ASSISTANT POSITION; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

**MOTION:** To approve Ordinance 20-4-9. **Moved by Commissioner Meltzer. Seconded by Commissioner Pulcini. All aye on roll call vote. Motion passed.**

**j. Ordinance 20-4-10 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE V, ENTITLED "FINANCIAL PROCEDURES;" AND IN PARTICULAR AMENDING SECTION 5.02 ENTITLED "SUBMISSION OF BUDGET

AND MESSAGE;" REQUIRING THE CITY MANAGER TO SUBMIT A BUDGET TO THE CITY COMMISSION ON OR BEFORE AUGUST 15 OF EACH YEAR; REQUIRING THE CITY MANAGER TO CONDUCT AT LEAST ONE (1) PUBLIC MEETING PRIOR TO SUBMITTAL OF THE BUDGET AND REQUIRING THE CITY MANAGER TO CONDUCT AT LEAST ONE (1) PUBLIC MEETING WITH THE CITY COMMISSION FOR PURPOSES OF REVIEWING THE BUDGET, IN ADDITION TO THE PUBLIC BUDGET HEARINGS REQUIRED BY STATE LAW; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

**MOTION:** To approve Ordinance 20-4-10. **Moved by Commissioner Pulcini. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.**

**k. Ordinance 20-4-11 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE V, ENTITLED "FINANCIAL PROCEDURES;" AND IN PARTICULAR AMENDING SECTION 5.10 ENTITLED "INDEPENDENT AUDIT OF CITY ACCOUNTS;" PROVIDING THAT NO CERTIFIED PUBLIC ACCOUNTANT OR PARTNER AT A FIRM OF SUCH ACCOUNTANTS WHO IS RESPONSIBLE FOR THE CITY'S AUDIT SHALL PARTICIPATE IN THE CITY'S AUDIT IF THAT INDIVIDUAL HAS PERFORMED AUDIT SERVICES FOR THE CITY IN EACH OF THE FIVE (5) PREVIOUS FISCAL YEARS; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

**MOTION:** To approve Ordinance 20-4-11. **Moved by Commissioner Pulcini. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.**

**l. Ordinance 20-4-12 - Administration/Charter Review Board**

City Attorney Horowitz read "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF COOPER CITY AT ARTICLE V, ENTITLED "FINANCIAL PROCEDURES;" AND IN PARTICULAR AMENDING SECTION 5.15 TO BE ENTITLED "REQUIREMENTS FOR REFERENDUM AND EXPENDITURE OF PUBLIC FUNDS;" PROVIDING THAT, UNLESS INCLUDED IN THE ADOPTED BUDGET FOR A PARTICULAR FISCAL YEAR, NO CAPITAL PROJECT SHALL EXCEED FIVE PERCENT (5%) OF THE CITY OPERATING BUDGET OF THE GENERAL FUND, AS ADOPTED AT THE BEGINNING OF THE MOST RECENT FISCAL YEAR, UNLESS APPROVED BY A VOTE OF THE ELECTORS AT A REFERENDUM ELECTION; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE

SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF COOPER CITY, ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" by title.

Commissioner Pulcini does not understand how the limit would apply.

David Nall, said the Charter Review Board discussed this thoroughly then they had concerns and gave the recommendation to the City Attorney and the City Finance department to comb over. Their recommendation came back and the board rewrote their recommendation so it would not hamper them in their operations. If a project exceeds 5% of the adopted budget passed it goes would need to go to the voters. This is general fund operating. It limits a commission from exceeding 5% for a capital project.

Commissioner Pulcini asked the budget for city or the project.

David Nall said this limits piggybacking. A singular project cannot exceed 5% as adopted.

Commissioner Pulcini asked how much is the city's operating budget.

Ms. Walker said 55 million but this is the general fund.

Commissioner Pulcini said within one year it couldn't exceed 5%.

**MOTION:** To extend. **Moved by Commissioner Pulcini. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.**

Commissioner Curran asked happens if a project runs short prior to the end of the year is it frozen.

Mr. Nall answered no because it was preapproved in a previous budget. A project cannot exceed 5% of the adopted budget of the current fiscal year.

Mrs. Walker said that's correct.

Commissioner Green asked if we have a project and a change order comes in with changes that we did not budget for what is the process.

Mrs. Walker said if it exceeds 5% of the general fund budget, we have to wait and add that to the new years budget.

Commissioner Green said that project would be on hold.

Mrs. Walker said you could also put it out to the electorate.

Commissioner Pulcini said we currently have that problem.

Commissioner Green asked Mrs. Walker if she has any experience with similar language in a previous city that has had negative effects on a project.

Mrs. Walker answered she has not seen this language before.

Commissioner Green asked her if she comfortable with this amendment.

Mrs. Walker answered there is a way to work around it. This may cause some difficulties if a major project is considered mid-year.

Commissioner Pulcini said we have no major projects soon and this will cause more planning.

City Manager Napoli said he does not see having a significant impact because capital projects will be planned in years advance.

Ryan Shrouder, said if this is a big item it should be planned in the budget.

Commissioner Curran said Flamingo West Park was started in 2010. There was not one year were we spent 10 million on the park.

**MOTION:** To approve Ordinance 20-4-12. **Moved by Commissioner Pulcini. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.**

Mayor Ross thanked Chair Sands and the Charter Review Board for all their work.

## **12. CITY MANAGER REPORT**

City Manager Napoli advised the City is starting to transition in a new way of operating. He believes a lot will change when the Governor speaks tomorrow. The County relaxed its emergency order to allow for passive parks, golf courses and pools in communities to open. We will not allow courts to open at the parks but passive activities will be allowed. We will start with six and the majority will continue to open. Staff is working on a transition plan for reopening City Hall. PPE is abundant for staff that will be necessary for social distancing. More activity opening will be based on the private sector.

Mayor Ross wants to make sure we open correctly based on data and science.

Mr. Napoli answered absolutely.

## **13. CITY ATTORNEY REPORT**

None.

## **14. ITEMS TO BE PLACED ON NEXT AGENDA**

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

Commissioner Pulcini thanked the City Manager, all departments and BSO for a job well done.

Commissioner Meltzer echoed Commissioner Pulcini sentiments and said communication has been great getting information to residents. He wished everyone a safe evening and remember to wear a face mask and stay feet from your neighbors.

Commissioner Green echoed the sentiments of both the Commissioners and offered condolences to the family of Rosanne Bianco. There is a Go Fund Me account set up for her family.

Commissioner Curran thanked staff and the permitting department for a great job. He thanked the City manager and staff for the great work put in for the food distributions.

Mayor Ross read a letter from a resident Maxine who thanked BSO and the City for her birthday celebration. He also asked residents to adhere to social distancing guidelines.

David Nall, spoke on the importance of allowing the residents to have the chance to vote on Charter changes.

#### **16. ADJOURNMENT**

The meeting adjourned at 10:22 PM.