

**CITY OF COOPER CITY
CITY COMMISSION MEETING
OCTOBER 11, 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:

- The Community Book Swap will be held in the Community Center on Friday, October 14th from 6:00 p.m. – 7:30 p.m.
- The Broward County Property Appraiser's Office will host a community outreach event in the Community Center on Tuesday, October 18th from 10:00 a.m. – 11:30 a.m.
- Broward County has an Energy-Sense Appliance Rebate Program for residents and small to medium-sized businesses – visit www.broward.org/gogreen or call 954-357-REB8
- The Daddy/Daughter Dance will take place on Friday, November 19th at Pioneer Middle School.
- The upcoming Commission Meeting Schedule is as follows:

Tuesday, October 25 th at 6:00 p.m.	Commission Meeting
Thursday, October 27 th at 6:00 p.m.	GAB Presentation
Tuesday, November 8 th at 6:00 p.m.	Commission Meeting

Commissioner Mallozzi made the following announcements:

- She encouraged swimming lessons for every resident.
- Girl Scout Troop #10765 is collecting items for the Humane Society of Broward County. Call Collette at (305)970-8284.
- The Forgotten Soldiers Outreach seeks letters and care packages for soldiers without families. Visit www.forgottensoldiers.org

Commissioner Curran made the following announcement:

- Cooper City High School will host their homecoming football game on Friday October 14th at 6:30 p.m.

The following presentation was made:

The National School Lunch Week Proclamation was presented to Broward

County School District Food and Nutrition Manager, Debbie Curran.

Mayor Eisinger further announced the Trick-or-Treat – Shop-to-Shop at Countryside Shops on Saturday, October 30th.

5. AGENDA CONCERNS

Gladys Wilson, 5155 SW 90th Avenue, stated that the Agenda Concerns portion of the meeting does not allow ample time for residents to express their concerns.

Broward County Fire Chief Neal de Jesus addressed City residents regarding BSO participation in Breast Cancer Awareness Month and advised that the cost of their participation in various events during the month of October was not a taxpayers' expense.

6. CONSENT AGENDA

A. Minutes

September 26, 2011 – Final Budget Hearing/Commission Meeting

B. Proclamations

National School Lunch Week

C. Resolutions

1. Approving the Amendment to the Memorial Program – **Res. No. 11-10-1**
2. Designating and appointing a member to the Planning and Zoning Board – **Res. No. 11-10-2**
3. Authorizing the Mayor and City Clerk to execute a Water & Sewer Developer's Agreement with Charter BC Cooper City, LLC – **Res. No. 11-10-3**

D. Financial Matters

1. Approving a Task Order from AECOM to perform additional soil and ground water monitoring at Bill Lips Sports Complex.
2. Approving the purchase and installation of new playground equipment for Pine Lake Park and Poinciana Park.

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

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

Item 6C1

Approving the Amendment to the Memorial Program – **Res. No. 11-10-1**
City Atty. Wolpin read, "RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE COOPER CITY MEMORIAL PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

MOTION: To approve replacing the current "tree and marker" Memorial Program with a "brick paver" Memorial Program.

MOTION: To amend the program to allow memorial trees currently in place to be replaced if damaged or destroyed utilizing funds from the "Tree Canopy Trust Fund."

Moved by Commissioner Sims. Seconded by Commissioner Green.

FRIENDLY AMENDMENT: To ensure that purchasers of current "tree & marker" memorials are notified if their tree becomes damaged or needs replacement and given the opportunity to replace it with an appropriate tree species as recommended by the City Arborist. Additionally, if the purchaser cannot be contacted or replacement of the tree is cost prohibitive, the City shall place a 4x4 memorial paver in a memorial walkway at no cost to the purchaser.

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

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

7. ORDINANCES FOR FIRST READING

A. 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 the Firefighters Retirement Plan.

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

B. 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.

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

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

C. Creating Article XVII, "Florida Retirement System (FRS)," 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.

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

Moved by Commissioner Sims. Seconded by Commissioner Green.

Roll Call Vote

Commissioner Green: Yes

Commissioner Curran: Yes

Commissioner Sims: No

Commissioner Mallozzi: No

Mayor Eisinger: Yes

Motion passed.

8. LAND DEVELOPMENT MATTERS

Monterra/CC Broward Property, LLC

A. Quasi-Judicial Hearing on First 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	Hope Calhoun
Commissioner Curran	None
Commissioner Green	Hope Calhoun
Commissioner Sims	Hope Calhoun
Mayor Eisinger	Hope Calhoun

Mayor Eisinger opened the public hearing and administered an oath to the following participants.

Matt Wood	City Staff
Hope Calhoun	Attorney for the applicant
James Wright	Applicant
Jeff Suitor	Applicant
Jose Acosta	Applicant

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

Open Deliberation

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

- B.** Quasi-Judicial Hearing for Variance Petition #V 6-1-11 – Monterra Pod 2F - Located along Solano Avenue between Sheridan Street and Northwest 33rd Street – **Res. No. 11-10-4**
City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING THE REQUEST FOR VARIANCE FROM CC BROWARD, LLC REGARDING THE BERM REQUIREMENTS FOR MONTERRA POD 2F/SOLANA AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

EX-PARTE' DISCLOSURE

None in addition to that which was previously stated.

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

Open Deliberation

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

MOTION: To approve the Resolution granting the Variance 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.

9. POLICE CHIEF'S REPORT

Chief Hale introduced Lieutenant Lisa Baker, Operations Lieutenant newly assigned to Cooper City. He reported that the department is focusing heavily on residential burglary investigations and that there is an ongoing investigation into bomb threats at the high school by both BSO and the FBI.

10. FIRE CHIEF'S REPORT

Chief Sievers reported that the public safety educators have been visiting schools throughout the month in recognition of October as "Fire Prevention Month." He invited the Commission to join them at Griffin Elementary School for the Fire Marshall's Poster Contest on Thursday at 10:20 a.m. in the media room.

11. CITY MANAGER REPORT

City Manager Loucks announced that staff is continuing to pursue vendors and processes for upgrading the City's payment acceptance capabilities for all fee-generating activities. He explained that staff will be exploring various methods of applying or absorbing the service charges associated with credit card acceptance and bringing those options back to the Commission.

12. OPEN PUBLIC MEETING

Ed Wooley, 11038 Nashville Drive, commented regarding ethics ordinances.

Gladys Wilson, 5155 SW 90th Avenue, expressed her concern for the way her tax dollars are spent and that she is entitled to articulate that concern.

Ryan Shrouder, 4030 Fern Forest Road, addressed FRS concerns previously expressed by the Commission.

13. COMMISSIONERS' CONCERNS/REPORTS

Commissioner Curran asked for an explanation of the solicitation permitting process and asked for a three-month moratorium to be placed on the

issuance of such permits. He additionally asked for staff to research implementing a program to issue automobile decal to residents that would be placed on their cars identifying the vehicles as Cooper City residential vehicles.

Commissioner Green questioned the practicality of a vehicle decal program. He complimented the Tree and Plant Care Workshop and thanked staff for their efforts. He additionally commented on the Commission conduct at the last Commission Meeting and stressed the importance of exercising decorum while representing the residents of Cooper City.

Commissioner Sims addressed comments made during Open Public Concerns, and expressed concerns that the state government may raid local pension funds to fund the FRS. He articulated concerns about the security of a sticker program and commented regarding procedures and conduct at the previous Commission Meeting. He addressed Commissioner Green regarding his concerns and opined that recent Commission Meetings are far more temperate than those in past years.

Commissioner Mallozzi expressed her appreciation to Chief Hale for utilizing the mobile, digital sign for public awareness messages and addressed the maintenance of abandoned properties.

Mayor Eisinger addressed comments made during Open Public Concerns, and clarified her position on the ethics task force for the Broward League of Cities. She additionally clarified some of the details regarding personal financial remuneration of outside concurrent employment disclosures by all municipal elected officials. She requested a Commission Workshop to ensure that all of the Commission is familiar with the new Ethics laws.

14. ADJOURNMENT

Mayor Eisinger adjourned the meeting at 8:41 p.m.