

**CITY OF COOPER CITY  
CITY COMMISSION MEETING  
AUGUST 16, 2011**

**1. PLEDGE OF ALLEGIANCE**

Mayor Eisinger called the meeting to order at 6:04 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:

- Local Boy Scout and Girl Scout troops will demonstrate proper flag etiquette in a respectful flag ceremony on September 10<sup>th</sup> from 5:00 to 8:00 p.m. at the Community Center in honor of the 10<sup>th</sup> Anniversary of 9/11. Flags will be collected on site for future retirement.
- The Pool & Tennis Center will host an old fashioned ice cream party on Sunday, September 11<sup>th</sup> in honor of Grandparents Day.
- Mom & Son Night of Fun will take place on Friday, September 16<sup>th</sup>, from 6:30 p.m. – 9:00 p.m. at the Community Center.
- The Annual Tree & Plant Care Workshop is scheduled for Saturday, September 17<sup>th</sup> from 8:00 a.m. – 3:00 p.m.
- BSO Fire/Rescue #28 will host an old fashioned "Open House" on Saturday, September 17<sup>th</sup> from 11:00 a.m. – 2:00 p.m.
- The next Community Garage Sale will be held on Saturday, October 1<sup>st</sup> at 7:00 a.m.
- The Community Book Swap will be held in the Community Center on Friday, October 14<sup>th</sup> from 6:00 p.m. – 7:30 p.m.
- Cooper City Utilities Department is the recipient of the 2011 Florida Municipal Achievement Award for the "You Win – We All Win" Water Conservation Program.
- The upcoming City Commission schedule is as follows:

Tuesday, August 25 <sup>th</sup> at 6:00 p.m.	GAB "Green Plan" Presentation
Wednesday, September 14 <sup>th</sup> at 6:00 p.m.	Budget Hearing
Monday, September 26 <sup>th</sup> at 6:00 p.m.	Final Budget Hearing

**5. AGENDA CONCERNS**

Ed Wooley, 11038 Nashville Drive, referenced Item 7H and opined that there is no justification for such an increase, unless the revenue will be funding a new EMS vehicle or several additional paramedics.

## **6. CONSENT AGENDA**

### **A. Minutes**

1. July 19, 2011 – Regular Meeting
2. July 20, 2011 – Fire Rescue Workshop
3. July 25, 2011 – Budget Workshop
4. July 26, 2011 – Budget Workshop
5. July 28, 2011 – Special Meeting

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

John Vadakkan, 2887 NW 84<sup>th</sup> Way, Physical Therapy

### **C. Resolutions**

1. Approving a Resolution Expressing Support for Business Friendly Permitting Process of the Greater Fort Lauderdale Broward Alliance – **Res. 11-8-1**
2. Reappointing Greg Ross as Special Magistrate and M. Scott Kleiman as Alternate Special Magistrate – **Res. 11-8-2**

### **D. Financial Matters**

Approval for the purchase and installation of sports field lighting control equipment from Musco Lighting – per Public Works Director

### **E. Proclamation**

Honoring Edward Pinkowski

**MOTION:** To approve the Consent Agenda.

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

## **7. ORDINANCES FOR FIRST READING AND PUBLIC HEARING**

### **A. Amending the Police Officers Pension Plan, Section 2-157 of the Municipal Code of Ordinances – Ord. No. P11-7**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY POLICE OFFICERS RETIREMENT PLAN (THE "PLAN") CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES; BY AMENDING ARTICLE IV "ADMINISTRATION OF THE RETIREMENT PLAN" OF SECTION 2-157 "POLICE OFFICERS PENSION PLAN," TO PROVIDE THAT DROP AND RETIREE PARTICIPANTS MAY SERVE AS TRUSTEES DUE TO THE PLAN BEING CLOSED TO NEW PARTICIPANTS AND REVISING TRUSTEE SELECTION PROCESS; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending the Police Officers Pension Plan.

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

**B. Amending Section 23-46, of the Municipal Code of Ordinances Relative B-1 Zoning District Acreage – Ord. No. P11-8**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 23 "ZONING DISTRICTS", SECTION 23-46 "B-1 PLANNED NEIGHBORHOOD BUSINESS DISTRICT" TO AMEND THE MINIMUM SITE SIZE FOR APPLICATION OF THIS ZONING DISTRICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending Section 23-46 of the Municipal Code.

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

Matt Wood explained, per the staff report, that both the P&Z and the Business Advisory Board recommend approval of this ordinance.

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

**Mayor Eisinger passed the gavel to Commissioner Mallozzi as she recused herself from Items 7C and 7E.**

**C. Amending Section 23-48, of the Municipal Code of Ordinances Relative B-2 Zoning District Acreage – Ord. No. P11-9**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 23 "ZONING DISTRICTS", SECTION 23-48 "B-2, PLANNED COMMUNITY BUSINESS CENTER DISTRICT" TO AMEND THE MINIMUM SIZE FOR APPLICATION OF THIS ZONING DISTRICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending Section 23-48 of the Municipal Code.

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

**D. Rezoning the Timberlake Plaza (located at 8600-8698 Griffin Road) from B-1 to B-2 Zoning District - Petition #Z5-1-11 – Ord. No. P11-10**

**Mayor Eisinger opened the quasi-judicial hearing.**



**MOTION:** To approve the Ordinance rezoning the Stirling Town Center.  
**Moved by Commissioner Curran. Seconded by Commissioner Green. All aye on roll call vote with Mayor Eisinger abstaining. Motion passed.**

**F. Amending Chapter 11 and Chapter 12, of the Municipal Code of Ordinances Relative Firearm Regulations Preempted by State Law – Ord. No. P11-12**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 11 "OFFENSES," AND CHAPTER 12 "PARKS AND RECREATION," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending Chapter 11 and Chapter 12 of the Municipal Code.

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

**G. 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"; 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.

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

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

**H. Amending Chapter 7 and Chapter 9 of the Municipal Code of Ordinance to Include Broward County Fire Prevention Fee Schedule and a Revised EMS Transport Fee Schedule – Ord. No. P11-14**

City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CITY CODE CHAPTER 7 "FIRE PREVENTION AND PROTECTION", BY AMENDING ARTICLE III "IN GENERAL" AT SECTION 7-9

"COMMERCIAL PROPERTY – MANDATORY FIRE SAFETY" TO REVISE SECTION TITLE AND INCORPORATE FIRE RESCUE AND SAFETY SERVICE FEES; CREATING ARTICLE V "EMS TRANSPORT FEES" OF CHAPTER 7 TO REVISE AND CODIFY EMERGENCY MEDICAL SERVICE TRANSPORT FEES; AMENDING CHAPTER 9 "BUSINESS TAXES" AT ARTICLE II "FIRE INSPECTIONS" BY AMENDING SECTION 9-26 "FIRE INSPECTIONS" TO PROVIDE CONFORMING REFERENCE TO AMENDED SECTION 7-9; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS; PROVIDING FOR PENALTY; PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Ordinance amending Chapter 7 and Chapter 9 of the Municipal Code.

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

**MOTION:** To allow a third round of Commission discussion on this item.

**Moved by Commissioner Green. Seconded by Commissioner Sims. Consensus reached. Motion passed.**

**Roll call vote on motion to approve the ordinance**

Commissioner Green	Yes
Commissioner Curran	Yes
Commissioner Sims	No
Commissioner Mallozzi	Yes
Mayor Eisinger	Yes
Motion passed.	

**8. ORDINANCE FOR FINAL READING AND PUBLIC HEARING**

**Amending Chapter 21, Section 8 and Chapter 23, Section 117 of the Municipal Code of Ordinances Relative Restaurant Aspects – Ord. No. P11-6**

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", SECTION 21-8 "DEFINITIONS"; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS" OF CHAPTER 23 "ZONING DISTRICTS", SECTION 23-117 "RESTAURANTS, OUTDOOR SEATING" AND SECTION 23-117.1 "RESTAURANTS, ALCOHOL SERVICE"; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**Mayor Eisinger opened the public hearing and invited participants wishing to speak to be sworn in. Seeing none, she closed the public hearing to entertain a motion for approval.**

**MOTION:** To approve the Ordinance amending Chapter 21, Section 8 and Chapter 23, Section 117, of the Municipal Code of Ordinances.

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

#### **9. RESOLUTION**

**Supporting a Municipal Qualifying Period Local Bill to Provide for Uniform Filing and Election Dates for Municipal Elections – Res. No. 11-8-3**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA SUPPORTING THE PROPOSED MUNICIPAL QUALIFYING PERIOD BILL BEING PRESENTED BY THE BROWARD LEAGUE OF CITIES, WHICH PROVIDES FOR UNIFORM FILING AND ELECTION DATES FOR MUNICIPAL ELECTIONS IN BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE," by title only.

**MOTION:** To approve the Resolution supporting the proposed bill.

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

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

Chief Hale reported on the following:

- The National Night Out on Crime event on August 2<sup>nd</sup>
- Recent residential burglary activity
- The Bicycle Patrol program
- Traffic Enforcement Blitz and speeding throughout the City
- The start of the school year, school traffic and School Resource Deputy training
- A recent bank robbery at the Bank of America in Countryside Shops

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

Chief Sievers reported on the following:

- The upcoming Open House on September 17<sup>th</sup>
- The Fire Reserve Program
- CERT Team registration
- The Child Safety Seat program
- The CPR program

#### **12. CITY MANAGER REPORT**

Mr. Loucks provided an update on the Palm Avenue project and clarified that this is a Broward County project which is now on a brief hold while the county resolves a bid dispute regarding the construction portion of the project.

#### **13. OPEN PUBLIC MEETING**

Ed Wooley, 11038 Nashville Drive, commented regarding the BSO contract with the City, the cost of emergency transport, budget reserves, fees and taxes.

Gladys Wilson, 5155 SW 90<sup>th</sup> Avenue, commented on the decisions of the Commission regarding taxes, fees, programs, transportation and the dissemination of community service information.

Patty Fentner, 5383 SW 120<sup>th</sup> Avenue, asked that her contact information be available to community members who need assistance with their hurricane shutters.

Walt Jolliff, 11095 Bismarck Place, commented on the CAFR and BSO records.

Luis Padilla, 11202 SW 59<sup>th</sup> Place, commented regarding the traffic light at the intersection of Hiatus Road and Stirling Road and asked that a turning signal be added as well as a traffic barrier at the NW corner.

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

Commissioner Curran announced that public schools will reopen for the 2011/2012 school year on August 22<sup>nd</sup> and cautioned drivers to beware of increased school bus and pedestrian traffic; he asked that the hurricane assistance program be publicized to the community and cautioned safe driving awareness for young drivers and their families.

Commissioner Green explained that his position is to represent the best interests of the citizenry of Cooper City and that he carefully educates himself on all of the subject matter that is brought before the Commission as his decisions affect all of the community, including his own family.

Commissioner Sims agreed with the statements of Commissioner Green for his own part, cautioned the Commission against the passing of new laws and commented regarding speeding through the residential streets. He advised that the Commission should find ways to reduce discretionary expenditures.

Commissioner Mallozzi advised that there are many swimming pool and water safety programs available to families with children and suggested that parents ensure that their children learn to swim. She further suggested parents walk their children to school and referenced the "Million Father March" for the first day of school.

Mayor Eisinger addressed the concerns of the residents of Forest Lakes regarding the traffic light at Hiatus and Stirling Roads, the transfer of students to Cooper City schools, and the increased student traffic as school begins on Monday.

#### **15. ADJOURNMENT**

**Mayor Eisinger adjourned the meeting at 8:25 p.m.**